

# **INTERNATIONAL LABOUR CONFERENCE**

**FORTY-THIRD SESSION  
GENEVA, 1959**

**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, 1959**



# CONTENTS

	Page		Page	Page
			Art. 22	Arts. 22 and 35
Introduction . . . . .	1	16th Session (Geneva, 1932) :		
Application of Conventions in Metro- politan Countries . . . . .	3	32. Protection against Accidents (Dockers) (Revised) . . . . .	53	185
1st Session (Washington, 1919) :	Art. 22 and 35	33. Minimum Age (Non-Industrial Employment) . . . . .	55	185
1. Hours of Work (Industry) . .	3 153	17th Session (Geneva, 1933) :		
2. Unemployment . . . . .	7 155	34. Fee-Charging Employment Agencies . . . . .	56	—
3. Maternity Protection . . . . .	8 156	35. Old-Age Insurance (Industry, etc.) . . . . .	56	186
4. Night Work (Women) . . . . .	10 157	36. Old-Age Insurance (Agriculture) Invalidity Insurance (Industry, etc.) . . . . .	57	187
5. Minimum Age (Industry) . . .	11 159	37. Invalidity Insurance (Agriculture) Survivors' Insurance (Industry, etc.) . . . . .	57	187
6. Night Work of Young Persons (Industry) . . . . .	13 160	38. Invalidity Insurance (Agriculture) Survivors' Insurance (Industry, etc.) . . . . .	58	188
2nd Session (Genoa, 1920) :		39. Survivors' Insurance (Industry, etc.) . . . . .	58	188
7. Minimum Age (Sea) . . . . .	14 162	40. Survivors' Insurance (Agriculture) Survivors' Insurance (Agriculture) etc.) . . . . .	59	188
8. Unemployment Indemnity (Shipwreck) . . . . .	15 162	18th Session (Geneva, 1934) :		
9. Placing of Seamen . . . . .	16 163	41. Night Work (Women) (Revised) Workmen's Compensation (Oc- cupational Diseases) (Revised) Sheet-Glass Works . . . . .	59	189
3rd Session (Geneva, 1921) :		42. Workmen's Compensation (Oc- cupational Diseases) (Revised) Sheet-Glass Works . . . . .	60	189
10. Minimum Age (Agriculture) . .	17 164	43. Sheet-Glass Works . . . . .	62	190
11. Right of Association (Agriculture) Workmen's Compensation (Agriculture) etc.) . . . . .	18 164	44. Unemployment Provision . . .	63	191
12. Workmen's Compensation (Agriculture) White Lead (Painting) . . . . .	21 165	19th Session (Geneva, 1935) :		
13. White Lead (Painting) . . . . .	22 166	45. Underground Work (Women) . .	63	192
14. Weekly Rest (Industry) . . . .	23 167	47. Forty-Hour Week . . . . .	65	193
15. Minimum Age (Trimmers and Stokers) . . . . .	26 169	48. Maintenance of Migrants' Pen- sion Rights . . . . .	68	193
16. Medical Examination of Young Persons (Sea) . . . . .	28 170	49. Reduction of Hours of Work (Glass-Bottle Works) . . . . .	68	194
7th Session (Geneva, 1925) :		20th Session (Geneva, 1936) :		
17. Workmen's Compensation (Acci- dents) . . . . .	29 170	50. Recruiting of Indigenous Work- ers . . . . .	69	194
18. Workmen's Compensation (Oc- cupational Diseases) . . . . .	31 173	52. Holidays with Pay . . . . .	69	195
19. Equality of Treatment (Acci- dent Compensation) . . . . .	33 175	21st Session (Geneva, 1936) :		
20. Night Work (Bakeries) . . . .	36 —	53. Officers' Competency Certific- ates . . . . .	73	196
8th Session (Geneva, 1926) :		54. Holidays with Pay (Sea) . . .	74	—
21. Inspection of Emigrants . . .	37 177	55. Shipowners' Liability (Sick and Injured Seamen) . . . . .	74	197
9th Session (Geneva, 1926) :		56. Sickness Insurance (Sea) . . .	75	198
22. Seamen's Articles of Agreement .	38 178	57. Hours of Work and Manning (Sea) . . . . .	76	—
23. Repatriation of Seamen . . .	40 179	22nd Session (Geneva, 1936) :		
10th Session (Geneva, 1927) :		58. Minimum Age (Sea) (Revised) .	76	198
24. Sickness Insurance (Industry) .	41 179	23rd Session (Geneva, 1937) :		
25. Sickness Insurance (Agriculture)	42 180	59. Minimum Age (Industry) (Re- vised) . . . . .	78	199
11th Session (Geneva, 1928) :		60. Minimum Age (Non-Industrial Employment) (Revised) . . . .	79	199
26. Minimum Wage-Fixing Machin- ery . . . . .	43 180	61. Reduction of Hours of Work (Textiles) . . . . .	80	—
12th Session (Geneva, 1929) :		62. Safety Provisions (Building) . .	80	199
27. Marking of Weight (Packages Transported by Vessels) . . . .	45 181	24th Session (Geneva, 1938) :		
28. Protection against Accidents (Dockers) . . . . .	46 —	63. Convention concerning Statistics of Wages and Hours of Work . .	81	201
14th Session (Geneva, 1930) :				
29. Forced Labour . . . . .	47 182			
30. Hours of Work (Commerce and Offices) . . . . .	52 185			

	Page			Page	
	<i>Art. 22</i>	<i>Arts. 22 and 35</i>		<i>Art. 22</i>	<i>Arts. 22 and 35</i>
25th Session (Geneva, 1939) :			89. Night Work (Women) (Revised)	113	243
64. Contracts of Employment (Indigenous Workers) . . . . .	83	202	90. Night Work of Young Persons (Industry) (Revised) . . . . .	114	244
65. Penal Sanctions (Indigenous Workers) . . . . .	83	204	32nd Session (Geneva, 1949) :		
67. Hours of Work and Rest Periods (Road Transport) . . . . .	83	—	92. Accommodation of Crews (Revised) . . . . .	115	244
28th Session (Seattle, 1946) :			94. Labour Clauses (Public Contracts) . . . . .	116	245
68. Food and Catering (Ships' Crews) . . . . .	84	204	95. Protection of Wages . . . . .	118	252
69. Certification of Ships' Cooks . . . . .	90	206	96. Fee-Charging Employment Agencies (Revised) . . . . .	120	260
73. Medical Examination (Seafarers) . . . . .	91	207	97. Migration for Employment (Revised) . . . . .	121	260
74. Certification of Able Seamen . . . . .	93	207	98. Right to Organise and Collective Bargaining . . . . .	122	261
29th Session (Montreal, 1946) :			34th Session (Geneva, 1951) :		
77. Medical Examination of Young Persons (Industry) . . . . .	94	208	99. Minimum Wage Fixing Machinery (Agriculture) . . . . .	129	262
78. Medical Examination of Young Persons (Non-Industrial Occupations) . . . . .	95	209	100. Equal Remuneration . . . . .	130	263
79. Night Work of Young Persons (Non-Industrial Occupations) . . . . .	95	209	35th Session (Geneva, 1952) :		
30th Session (Geneva, 1947) :			101. Holidays with Pay (Agriculture) . . . . .	134	264
81. Labour Inspection . . . . .	96	209	102. Social Security (Minimum Standards) . . . . .	138	265
82. Social Policy (Non-Metropolitan Territories) . . . . .	102	221	103. Maternity Protection (Revised) . . . . .	150	—
84. Right of Association (Non-Metropolitan Territories) . . . . .	102	227	38th Session (Geneva, 1955) :		
85. Labour Inspectorates (Non-Metropolitan Territories) . . . . .	103	231	104. Abolition of Penal Sanctions (Indigenous Workers) . . . . .	151	265
86. Contracts of Employment (Indigenous Workers) . . . . .	103	232	Communication of Copies of Reports to the Representative Organisations . . . . .	152	266
31st Session (San Francisco, 1948) :			Application of Conventions in Non-Metropolitan Territories . . . . .	153	
87. Freedom of Association and Protection of the Right to Organise . . . . .	103	233			
88. Employment Service . . . . .	111	234			



## 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 1957 to 30 June 1958, contains information on the 87 Conventions in force at that time. Information covering the preceding reporting period (1 July 1956 to 30 June 1957) 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.

Information supplied in the first reports received from *Ghana* and the *Federation of Malaya* since these countries became Members of the I.L.O. is summarised only in so far as it has not already previously appeared in the non-metropolitan territories section of this Summary under United Kingdom : Gold Coast and Federation of Malaya.

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 1959. 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 1959.

---

*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, 42nd Session, Geneva, 1958 : *Record of Proceedings* (Geneva, I.L.O., 1959)).



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 <sup>1</sup> . . . . .	12. 6.1924
Belgium . . . . .	6. 9.1926
Bulgaria . . . . .	14. 2.1922
Burma <sup>2</sup> . . . . .	14. 7.1921
Canada . . . . .	21. 3.1935
Chile . . . . .	15. 9.1925
Colombia . . . . .	20. 6.1933
Cuba . . . . .	20. 9.1934
Czechoslovakia . . . . .	24. 8.1921
Dominican Republic. . . . .	4. 2.1933
France <sup>1</sup> . . . . .	2. 6.1927
Greece . . . . .	19.11.1920
Haiti . . . . .	31. 3.1952
India . . . . .	14. 7.1921
Israel . . . . .	26. 6.1951
Italy <sup>1</sup> . . . . .	6.10.1924
Luxembourg . . . . .	16. 4.1928
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>3</sup> . . . . .	14. 7.1921
Peru . . . . .	8.11.1945
Portugal . . . . .	3. 7.1928
Rumania . . . . .	13. 6.1921
Spain . . . . .	22. 2.1929
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944

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

*Belgium.*

Royal Order of 27 August 1957 laying down special employment regulations for persons employed in the manufacture of macaroni, spaghetti, etc. (*Moniteur belge*, 2 Oct. 1957).  
Royal Order of 27 August 1957 respecting working hours in cleaning and dyeing establishments (*Moniteur belge*, 26 Sep. 1957).  
Royal Order of 2 June 1958 to fix working hours in certain garment manufacturing establishments (*Moniteur belge*, 11 July 1958).

Under certain conditions, and subject to the basic Act of 1921, the Royal Orders listed above authorise the prolongation of working hours. During the period under review eight decisions were taken by joint committees and rendered compulsory by Royal Decree reducing working hours.

In an additional report sent in March 1958 the Government gave a description of the functions referred to in the Royal Order of 27 June 1955 and stated they were of a confidential nature, and also supplied a copy of the administrative regulations governing the employment conditions of postal employees.

*Canada.*

In *Alberta* the Board of Industrial Relations issued four special orders exempting the employees concerned from the limits of eight hours a day and 48 hours a week set out in the Alberta Labour Act, and fixing a limit after which overtime must be paid; these orders affect geophysical exploration, the oil-well service industry, highway construction and the taxicab industry.

In *British Columbia* regulations were issued in 1958 approving exemptions regarding pipeline construction, the fresh fruit and vegetable industry and bus operators.

In *Nova Scotia* overtime pay requirements regarding female workers have been extended and consequently the requirements now apply in the smaller centres as well as in the larger cities and towns.

In *Saskatchewan* the Hours of Work Act has been amended to authorise the Lieutenant-Governor in Council to make regulations applicable to any class of employment limiting working time in any one day to 12 hours.

*Colombia.*

The Government submitted to the National Congress on 4 August 1958 a "Bill to Adapt Labour Legislation to the International Labour Conventions Ratified by Colombia". This Bill is now being examined by the two Houses but pending its enactment the position as regards the application of Conventions remains unchanged. A copy of the Bill was supplied by the Government.

*Cuba.*

Act No. 59 of 5 August 1958 (*Gaceta Oficial*, Ext. 34, 6 Aug. 1958).

The above Act, while confirming the principle of an eight-hour day laid down in the Constitution, empowers the Minister of Labour to authorise overtime to be worked by specialised technical personnel in cases of emergency.

*Czechoslovakia (1956-58).*

Act of 24 September 1956 to reduce hours of work (L.S. 1956—Cz. 2) (*Sbirka Zákonů*, 29 Sep. 1956, No. 24, Text 45).

The above-mentioned Act reduces normal hours of work to 46 a week wherever the maximum has hitherto been 48 a week; the reduction does not affect the wages.

In reply to a direct request from the Committee of Experts the Government states that the maximum number of additional hours permitted is that prescribed by Act No. 91/1918. Within this limit the competent Ministries may authorise overtime when this is requested, for good reasons, by the undertakings. The supervision of the number of additional hours is ensured in connection with the control of the wage funds, which is carried out regularly in the undertakings by the higher organs.

*Dominican Republic.*

Act No. 4933 of 6 June 1958 to amend the Labour Code.

Order No. 4/58 of 30 April 1958 to repeal Order No. 4/1956 of 28 August 1956.

Act No. 4933 repeals sections 149 and 150 of the Labour Code, under which the Department of Labour could authorise the extension of the hours of work up to a maximum of 12 a day in undertakings that were essential to the national economy and operated continuously or on a seasonal basis, if it were shown that there were not sufficient workers to carry out the work.

Order No. 4/1956, which included workers in urban transport among persons who were deemed to be engaged on intermittent work and who might consequently have a working day not exceeding ten hours in length, was amended by Order No. 4/1958 which excludes such services from this category of work; the hours worked on urban transport services are now subject to the normal limit of eight a day and 48 a week.

The Government has taken note of the measures suggested by the Committee of Experts concerning work in undertakings that operate continuously and is making a careful study of them.

The workers employed on transport vehicles operating between two or more municipalities to whom section 269 of the Labour Code refers and who have been regarded until now as providing an intermittent service, are bus and lorry drivers and attendants engaged in the transport of passengers and goods. It is obvious from the nature of the work done by these workers that they cannot be subject to the eight-hour limit, but a Bill is now under consideration which provides that if it should be necessary to prolong the length of the working day beyond eight hours there must be a redistribution of the weekly hours of work, which may not exceed 48.

The term "overseers" used in the repealed Order No. 4/1956, to which the Committee of Experts refers, relates to workers who supervise or direct a certain number of operatives. The Government considers that, apart from the fact that such workers are classified as doing intermittent work or work requiring no more

than their presence at their place of employment, they are excluded from the coverage of the provisions concerning normal hours of work under Article 2 (a), of the Convention.

*Greece.*

The partial application of this Convention to the railways is at present being discussed by the appropriate tripartite committee of the National Advisory Council on Social Policy, which includes a representative of the Ministry of Transport.

*Haiti.*

Act of 25 September 1958 respecting conditions of work (*Le Moniteur*, 2 Oct. 1958, No. 110).

Section 2 of the Act of 25 September 1958 states that in all public or private industrial or commercial establishments, of whatever nature, normal hours of work shall be eight a day and 48 a week. Without exceeding nine hours a day in the case of industrial establishments and ten hours a day in the case of commercial establishments and offices, the parties may agree between themselves to divide up the 48 hours on a basis other than the eight-hour day.

Section 3 of the Act states that the maximum number of working hours prescribed in section 2 may be exceeded if an accident has occurred or is imminent, if urgent repairs have to be carried out to machinery or tools, or in the event of *force majeure*, but only in so far as this is necessary to avoid serious disruption of the smooth running of the undertaking; alternatively, the maximum may be exceeded to allow undertakings to cope with exceptional pressure of work due to special circumstances, provided that the employer could not reasonably be expected to take any other steps. Overtime in excess of normal hours of work must be paid for at the rate of time-and-a-half; in order to enable the authorities to maintain a proper check, details must be entered in the personnel records showing the wages paid to employees who have worked overtime and the reasons for which overtime has been worked.

Section 4 of the Act stipulates that overtime may be worked up to a maximum of 20 hours a week; permission is given by the labour inspector after consultation with the trade unions, if any.

Section 7 stipulates, *inter alia*, that during the holiday season at the end of the year undertakings may remain open longer than usual, on condition that they pay their employees for any overtime thus worked.

Section 8 states that the restrictions on hours of work imposed by sections 2 and 4 of the Act do not apply in particular to air, land or sea transport undertakings, laundries, bakeries and continuous process plants.

Section 9 allows the maximum number of hours of work prescribed by section 2 to be exceeded in continuous processes which by their nature must be carried on by shifts working in relays; nevertheless maximum hours of work may not exceed 56 a week on the average.

Under section 10 of the Act any permanent or temporary exceptions must be specified in

regulations issued after consultation with the employers' and workers' organisations. Section 11 authorises exceptions in the case of family businesses, managerial staff and persons holding posts of special responsibility.

Section 13 requires each employer to post up details of (a) hours of work and (b) the rest periods to which the employees are entitled. This section also makes it illegal to employ any person outside the hours laid down under subsection (a).

In practice, the undertakings which are allowed to work continuously are sugar mills (during the sugarcane harvesting season), factories engaged in stripping and manufacturing sisal, power stations and cement works.

Section 1 defines industrial establishments as comprising (a) mines, etc.; (b) industries in which products are manufactured, processed, etc.; (c) the construction or reconstruction of buildings, roads, technical installations, etc.; and (d) the transport of passengers or goods by road, rail, sea or inland waterway, including the handling of merchandise. The Act also gives definitions of commercial and agricultural establishments.

#### India.

In reply to a request from the Committee of Experts the Government supplies further information in its report on the position in several states regarding the maximum number of hours permitted in necessarily continuous processes and in the loading and unloading of wagons. Information is also given respecting exemptions permitted in certain states under section 5 of the Factories Act, by reason of public emergency.

#### Israel.

Hours of Work and Rest Regulations (Amendment), 1958 (*Kovetz hatakanot*, 788, 24 Apr. 1958).  
Hours of Work and Rest Regulations (Amendment No. 2), 1958 (*Kovetz hatakanot*, 814, 31 July 1958).

#### New Zealand.

According to statistics of industrial production for the year 1956-57, the average weekly overtime work calculated in respect of the total number of persons employed was 2.3 hours a week, making a total working week of 42.3 hours. According to the Department of Labour's survey as at 15 April 1958, the estimated average weekly overtime in respect of full-time employees in all industries and occupations was 2.5 hours a week; the highest weekly average hours, inclusive of overtime work, in any industry were 44.5 in dairy factories and 44.4 in rail transport.

#### Nicaragua.

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

A Bill to amend the labour legislation is being prepared with a view to bringing the law into conformity with the Conventions ratified by Nicaragua; the Bill will be tabled in due course.

*Article 1 of the Convention.* The Government has taken note of the observation made by the Committee and will ensure that the necessary modifications are made in the legislation in order to bring it into conformity with the Convention.

*Article 2, clause (b).* As regards the redistribution of hours of work with a view to granting a rest on Saturday afternoons (section 52 of the Labour Code) the General Labour Inspectorate approves the timetables drawn up in this connection by the Legal Department. The working day never exceeds nine hours and as a rule consists of eight-and-a-half hours per day during the first five days of the week and five-and-a-half on Saturday morning. Thus the Convention is strictly applied and the Government does not consider that a modification of the legislation in this connection is urgent.

*Article 3 and Article 6, paragraph 1 (b).* As regards section 56 of the Labour Code the cases in which overtime may be worked are subject to the authorisation of the competent labour inspector and are permitted only in special cases, as indicated by the legislation. Nevertheless, the Government is considering measures with a view to modifying the legislation and thus giving satisfaction to the Committee of Experts.

*Article 4.* The Government confirms the statement made in the previous report and states that the maximum working hours of eight per day and 48 per week are applied in all cases including processes which cannot be interrupted for technical reasons.

*Article 5.* As regards the cases referred to in sections 168 and 171 of the Labour Code which relate to workers in urban transport undertakings and railway workers, the legislation provides clearly for a maximum working day; the authorisations must be given by the competent labour inspector. Thus the working day is fixed by law and regulated by the labour inspector. When work is carried out on a Sunday the compensatory rest must be given within the same week in order that the working hours should not exceed 48 a week; this is clearly set out in sections 58 and 59 of the Labour Code.

*Article 6, paragraph 1.* The provisions of section 49 of the Labour Code apply to the categories of persons specifically mentioned in this provision, that is to persons who perform duties which owing to their nature cannot be kept within a fixed working day. The competent labour inspector gives the necessary authorisation after examining each separate case.

*Paragraph 2.* A restriction on the number of weeks in the year in which overtime may be worked would give rise to problems, as it might prove necessary, at any time, to carry out overtime and difficulties might be experienced in applying any limit. The Government would be glad if the Committee of Experts would indicate the manner in which such difficulties could be circumvented; moreover, Article 6, paragraph 2, of the Convention, does not appear to contain the provision to which the Committee refers.

*Article 7.* No list is at present available of the processes considered as necessarily continuous. The competent labour inspectors decide in each case the exceptions which may be made under Article 6 of the Convention. There are no regulations in this connection.

*Article 8.* The labour inspectors require employers to post up notices showing hours of work and rest periods.

#### Rumania.

Decree No. 102 of 28 February 1956 (*Buletinul Oficial*, 29 Feb. 1956).

In accordance with section 49 (last paragraph) of the Labour Code, each government department and agency has issued instructions specifying the categories of employees in supervisory posts whose working day may exceed eight hours. Such cases may not be a regular feature, but may only occur occasionally owing to pressure of business and only on working days. The foregoing instructions affect directors, departmental heads and their deputies. As their functions are the same in all central government agencies, the Government does not consider it necessary to append the actual text of these instructions.

Continuous processes are deemed to be carried on in hydro-electric and thermal power stations, blast furnaces, open-hearth furnaces, strip mills, coking plants, oil refineries, acid manufacturing plants, lime kilns, dolomite plants, pyrites smelters, carbon-black factories, rail transport and shipping.

For shift workers in the printing industry hours of work are calculated over the month.

Overtime needed to cope with emergencies must be approved by the Minister in agreement with the trade union concerned; this is only done if warranted by exceptional circumstances and the procedure constitutes the most effective safeguard that the law will be observed.

Section 39 of the Labour Code is the only provision regulating payment for overtime.

Sections 111 to 113 of the Labour Code have been repealed (Decree No. 102 of 28 February 1956).

#### Spain.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, p. 660.

#### Uruguay.

Decree of 29 October 1957 to make regulations under the labour laws respecting the limitation on hours of work in industry, commerce and offices (*Diario Oficial*, 11 Nov. 1957, No. 15258) (L.S. 1957—Ur. 1).

The new Decree, which consolidates and supersedes previously existing regulations on hours of work, is summarised below.

*Article 1 of the Convention.* The Decree applies, *inter alia*, to industrial undertakings, mines, construction works and transport, whether public or private (sections 18 and 19 of the Decree).

*Article 2.* Under section 19 working hours of persons employed in the undertakings covered are limited to eight per day and 48 per week. Under section 20, when weekly hours are not equally distributed over the days of the week, daily hours may be increased to nine. The daily and weekly limits of hours for persons employed in shifts may, under section 21, be averaged over a period of three weeks with the authorisation of the National Labour Institute. Family undertakings are exempted in virtue of section 1 (b).

*Article 3.* Section 11 permits the limits of hours of work to be exceeded in cases of accident, urgent work to plant or machinery and *force majeure*. Such cases must be notified without delay to the competent labour authority.

*Article 4.* In necessarily continuous processes section 22 permits an average of 56 hours' work per week, with the agreement of the workers concerned.

*Article 6.* Under section 15 the Ministry of Industry and Labour may, after consultation with the employers' and workers' organisations concerned, issue regulations to authorise permanent exceptions for preparatory or complementary work in a specified industry, trade or activity, or for essentially intermittent work, as well as temporary exceptions to deal with exceptional cases of pressure of work. Legally authorised overtime hours must be paid, in accordance with section 13, at time-and-a-half.

*Article 8.* Section 55 requires the posting of notices giving details of hours of work and rest periods. The maintenance of records of hours worked overtime is required under section 59.

\* \* \*

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

*Argentina, Burma, Canada, Chile, Cuba, Czechoslovakia, Haiti, India, Israel, Luxembourg, Nicaragua, New Zealand, Pakistan, Peru, Portugal.*

## 2. Unemployment Convention, 1919

*This Convention came into force on 14 July 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Austria . . . . .	12. 6.1924
Belgium . . . . .	25. 8.1930
Burma <sup>1</sup> . . . . .	14. 7.1921
Bulgaria . . . . .	14. 2.1922
Chile . . . . .	31. 5.1933
Colombia . . . . .	20. 6.1933
Denmark . . . . .	13.10.1921
Finland . . . . .	19.10.1921
France . . . . .	25. 8.1925
Federal Republic of Germany <sup>2</sup> . . . . .	6. 6.1925
Greece . . . . .	19.11.1920
Hungary . . . . .	1. 3.1928
Iceland . . . . .	17. 2.1958
India <sup>3</sup> . . . . .	14. 7.1921
Ireland . . . . .	4. 9.1925
Italy . . . . .	10. 4.1923
Japan . . . . .	23.11.1922
Luxembourg . . . . .	16. 4.1928
Netherlands . . . . .	6. 2.1932
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	23.11.1921
Poland . . . . .	21. 6.1924
Rumania . . . . .	13. 6.1921
Spain . . . . .	4. 7.1923
Sudan . . . . .	18. 6.1957
Sweden . . . . .	27. 9.1921
Switzerland . . . . .	9.10.1922
Turkey . . . . .	14. 7.1950
Union of South Africa . . . . .	20. 2.1924
United Arab Republic (Egypt) . . . . .	3. 7.1954
United Kingdom . . . . .	14. 7.1921
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

<sup>2</sup> The Government of the Federal Republic of Germany informed the Office on 16 December 1951 that it remained bound by the 17 Conventions (Nos. 2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 35, 26 and 27) which were ratified in the first place by the German Reich.

<sup>3</sup> Has denounced this Convention.

### Chile.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 661.

### Colombia.

See under Convention No. 1.

### Federal Republic of Germany.

Fifth Ordinance of 22 May 1958 to apply the Employment Exchanges and Unemployment Insurance Act.

The above-mentioned Ordinance lays down the conditions under which foreign nationals and stateless persons are placed on the same footing as German nationals in respect of unemployment relief.

An agreement on unemployment insurance was concluded with Belgium on 7 December 1957.

### Ireland.

*Article 2 of the Convention.* Employment service advisory committees are concerned only with the application of the service to juveniles; if consultation with employers' or workers' representatives is required for any other purpose special arrangements can be made.

### Italy.

A Convention to guarantee equality of treatment concerning, *inter alia*, unemployment benefits was signed with Yugoslavia on 14 November 1957.

### Nicaragua.

Placement offices are established under section 12 of the Labour Code, and the Government intends to provide for the setting-up of advisory boards, as required under Article 2 of the Convention, by means of a Bill which is now under review and which will include additional provisions to bring the present legislation into conformity with the Conventions ratified by Nicaragua.

### Norway.

Social Security Convention between Norway and the United Kingdom (came into force on 1 April 1958).

### Poland.

Decision No. 42 of 26 February 1958 of the Council of Ministers respecting employment policy in nationalised undertakings.

Ordinance of 18 April 1958 of the Council of Ministers respecting the organisation of departments run by the people's councils.

The employment departments of the people's councils have been merged with the pensions and social welfare departments. These organs (which are subject to supervision by the public authorities) will henceforth be known as the "employment and social affairs departments" of the people's councils. Their duties have not changed.

In reply to the observation made by the Committee of Experts the Government states that the representatives of management in the nationalised industries who exercise the functions of employers, together with workers' representatives, form part of the labour and social welfare committees and that these committees perform the tasks mentioned in Article 2 of the Convention.

### Rumania.

In order to ensure more efficient distribution of skilled workers and administrative technical staff, a committee has been set up for each district and region, comprising a representative of the appropriate people's council, a representative of the regional trade union council and a representative of the placement office.

Sudan (First Report).

Employment Exchanges Ordinance No. 6 of 1955 (*Sudan Government Gazette*, 15 May 1955, No. 881, Legislative Supplement No. 1, p. 25) (L.S. 1955—A.E.S. 1).

*Article 1 of the Convention.* The only statistical information concerning unemployment at present available relates to residents of Khartoum province registered at the Khartoum employment exchange. This does not give a true picture of unemployment in Sudan. There is a constant influx into the towns of unskilled workers from rural areas. In the coming months the Government will be ready to submit fuller information in accordance with this Article.

*Article 2.* The Ordinance provides for the establishment and maintenance of employment exchanges in such places as the Minister of Social Affairs may think fit; so far, Khartoum is the only place where an exchange has been established. The Ordinance provides for the appointment of an advisory board including representatives of employers' and workers' organisations, the former being nominated by, or on behalf of, the employers covered by the Ordinance, and the latter being appointed from a panel nominated by the workers' organisations.

*Article 3.* Insurance against unemployment has not yet been introduced.

Yugoslavia.

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663; *errata*: *ibid.*, 15 Jan. 1958, No. 2, p. 31, 12 Feb. 1958, No. 6, p. 107, and 5 Mar. 1958, No. 9, p. 173) (L.S. 1957—Yug. 2).  
Instruction of 1 February 1958 respecting the application of the Employment Relationships Act (*Službeni List* No. 7/58).

\* \* \*

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, Burma, Chile, Denmark, Federal Republic of Germany, France, Greece, Hungary, Ireland, Luxembourg, Norway, New Zealand, Netherlands, Poland, Spain, Sudan, Sweden, Turkey, Union of South Africa, United Arab Republic (Egypt), United Kingdom, Uruguay, Yugoslavia.*

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

*Finland, Japan, Switzerland.*

3. Maternity Protection Convention, 1919

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Brazil . . . . .	26. 4.1934
Bulgaria . . . . .	14. 2.1922
Chile . . . . .	15. 9.1925
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
France . . . . .	16.12.1950
Federal Republic of Germany <sup>1</sup> . . . . .	31.10.1927
Greece . . . . .	19.11.1920
Hungary . . . . .	19. 4.1928
Italy . . . . .	22.10.1952
Luxembourg . . . . .	16. 4.1928
Nicaragua . . . . .	12. 4.1934
Panama . . . . .	3. 6.1958
Rumania . . . . .	13. 6.1921
Spain . . . . .	4. 7.1923
Uruguay <sup>2</sup> . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

Argentina.

Decree No. 4073 of 14 August 1958 to establish a National Directorate for the Security and Social Protection of Women Workers within the Ministry of Labour and Social Security.

Under section 3 of the aforementioned Decree the administration of the Maternity Fund established under Act No. 11933 of 15 August 1933 (L.S. 1934—Arg. 1) is entrusted to the National

Directorate for the Security and Social Protection of Women Workers. The duties of the Directorate shall include, among others, studying the problems of women workers and suggesting necessary legislative reforms to improve their working conditions.

Brazil.

Replying to the observations made by the Committee of Experts in past years, and confirming the information supplied to the Conference Committee in 1958, the Government in its report states as follows.

The Chamber of Deputies did not accept the provisions in the Organic Social Insurance Bill which would have placed responsibility for the payment of maternity benefits on social security institutions, in accordance with Article 3 of the Convention. It preferred instead to maintain the present system under which such benefits are paid exclusively by the employer, who is required to pay full wages to women on maternity leave, the women being further entitled to medical and other benefits under the general social security scheme. The Bill, as thus amended, is now before the Senate for adoption.

The maternity protection provisions which the Government included in the above-mentioned Bill are proof of its desire to meet the observations of the Committee concerning the elimination of discrepancies in connection with Article 3 of the Convention. The Govern-



ment therefore regrets that the Conference Committee was not willing to await the final decision of the legislative authorities before classifying Brazil as a case of "persistent non-compliance". The Brazilian Government has referred the matter to its Permanent Committee on Labour Legislation for the study of possible courses of action, including denunciation of the Convention, so as to preclude similar occurrences in the future.

#### *Chile.*

For the reply to the observations made by the Committee of Experts last year see *Report of the Committee*, p. 662.

#### *Colombia.*

See under Convention No. 1.

#### *Cuba.*

See under Convention No. 103.

#### *France.*

In reply to the direct request addressed to it, the Government states as follows.

Section 54 *d* of Book II of the Labour Code authorises the Labour Inspectorate to order heads of undertakings employing more than five women over 15 years of age to provide special rooms for nursing a child, either in the establishment or nearby. Only where such rooms are provided may the two 30-minute periods referred to by the Convention be reduced to 20 minutes. The French Government considers that these provisions, though not contained in the Convention, are of great benefit to women workers nursing their children.

However, the General Confederation of Labour points out that, owing to the scarcity of rooms for nursing at the workplace, not all women workers can avail themselves of the two daily 20-minute breaks provided for by law. This observation was communicated to the Conference Committee in 1958 in an additional report of the Government which points out that, where special nursing rooms are not provided, the 20-minute period may be extended to 30 minutes to enable the women to go home. Moreover, an inquiry carried out by the Labour Inspectorate following a previous observation of the Committee of Experts disclosed that the number of nursing rooms was far from inadequate and that, in fact, such rooms often went unused for a variety of reasons (extended maternity leave with daily allowance and development of non-breast-feeding methods).

#### *Federal Republic of Germany.*

In reply to the observations of the Committee of Experts the Government states that it will continue to endeavour to have the Maternity Protection Act amended, taking into account the views expressed by the Committee. It points out once again that the divergencies noted by the Committee are of very slight significance.

#### *Greece.*

In reply to requests made in 1957 and 1958 the Government states in its report that the Ministry of Labour sent a circular to various insurance bodies drawing their attention to the last phrase in Article 3 (*c*) of the Convention and inviting them, where necessary, to alter their regulations concerning maternity protection so as to bring them into line with this Article of the Convention.

#### *Italy.*

For the reply of the Government to the observations of the Committee of Experts see *Report of the Committee*, p. 662.

#### *Luxembourg.*

In reply to the direct request made in 1958 the Government has supplied the following information.

Whenever the qualifying period laid down under the insurance scheme for entitlement to benefit in accordance with Article 3 (*c*) of the Convention is not fulfilled, any woman covered by the Convention is paid maternity benefit by the Ministry of Social Security, which has a special fund for this purpose.

Section 18, Part IV, of the Grand Ducal Order of 30 March 1932 concerning the application of various international labour Conventions allows a period of 3 months' absence during which it is illegal for an employer to dismiss a woman who is absent from work on maternity leave or as a result of illness arising out of pregnancy.

#### *Nicaragua.*

In reply to the observations made by the Committee of Experts in 1958 the Government states that, as the scope of the social security scheme will be progressively extended to cover all parts of the country, it does not consider that there is any urgent need to amend section 129 of the Labour Code by specifically making maternity benefit the responsibility of the Social Security Institute. The Committee's observations on Articles 3 and 4 of the Convention will be passed on to the Social Security Institute for such action as it may consider appropriate.

#### *Rumania.*

Decision No. 231 of 21 February 1955 of the Council of Ministers.

Decree No. 246 of 29 May 1958 of the Grand National Assembly respecting the granting of medical care.

With respect to the observations made by the Committee of Experts in 1957 the Government confirms in its report that the provisions of section 89 of the Labour Code constitute a formal prohibition for all undertakings to employ women during their maternity leave, even if they are willing to work.

The labour legislation of Rumania does not provide the possibility of transferring to the postnatal leave the number of days of pre-natal leave of which the woman has not made use.

Pregnant women also receive maternity benefits on the basis of Decision No. 231 of 21 February 1955 of the Council of Ministers.

The labour legislation provides that maternity benefits are granted to women who have worked for a period of three months at least but the possibility of removing this provision is now being examined.

Under section 20 (i) of the Labour Code the contract of employment of a woman may not be terminated in case of illness arising out of pregnancy or confinement until after a period of three months following the expiry of her maternity leave.

Free medical attendance for women during pregnancy and confinement is granted by virtue of Decree No. 246 of 29 May 1958 of the Grand National Assembly.

*Spain.*

For the Government's reply to the observation made by the Committee of Experts in 1958 see *Report of the Committee*, p. 662.

*Yugoslavia.*

See under Convention No. 103.

\* \* \*

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

*Brazil, Chile, Cuba, France, Greece, Italy, 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 <sup>1</sup> . . . . .	12. 7.1924
Brazil <sup>1</sup> . . . . .	26. 4.1934
Bulgaria . . . . .	14. 2.1922
Burma <sup>2</sup> . . . . .	14. 7.1921
Ceylon <sup>3</sup> . . . . .	8.10.1951
Chile . . . . .	8.10.1931
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Czechoslovakia . . . . .	24. 8.1921
France <sup>1</sup> . . . . .	14. 5.1925
Greece <sup>3</sup> . . . . .	19.11.1920
Republic of Guinea <sup>4</sup> . . . . .	21. 1.1959
Hungary <sup>3</sup> . . . . .	19. 4.1928
India . . . . .	14. 7.1921
Ireland <sup>1</sup> . . . . .	4. 9.1925
Italy . . . . .	10. 4.1923
Luxembourg . . . . .	16. 4.1928
Morocco <sup>5</sup> . . . . .	13. 6.1956
Netherlands <sup>1</sup> . . . . .	4. 9.1922
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>6</sup> . . . . .	14. 7.1921
Peru . . . . .	8.11.1945
Portugal . . . . .	10. 5.1932
Rumania <sup>1</sup> . . . . .	13. 6.1921
Spain . . . . .	29. 9.1932
Switzerland <sup>1</sup> . . . . .	9.10.1922
Tunisia . . . . .	15. 5.1957
Union of South Africa <sup>1</sup> . . . . .	1.11.1921
United Kingdom <sup>7</sup> . . . . .	14. 7.1921
Uruguay <sup>1</sup> . . . . .	6. 6.1933
Venezuela <sup>3</sup> . . . . .	7. 3.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia <sup>1</sup> . . . . .	1. 4.1927

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

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

<sup>3</sup> Has denounced this Convention and has ratified Convention No. 41.

<sup>4</sup> Has confirmed its obligations under this Convention which France had previously declared applicable.

<sup>5</sup> Has confirmed its obligations under this Convention which France had previously accepted on behalf of Morocco.

<sup>6</sup> See footnote 3 to Convention No. 1.

<sup>7</sup> Has denounced Conventions Nos. 4 and 41.

*Afghanistan.*

The Labour Act, which is being revised with the assistance of the I.L.O., will embody the requirements of Conventions Nos. 4, 13, 14, 41 and 45. As soon as the I.L.O.'s suggestions on the final draft become available steps will be taken for the enactment of the revised Bill.

*Argentina.*

Legislative Decree No. 2406 of 28 February 1958 amending section 6 of Act No. 11317 of 30 September 1924 respecting the employment of women and children (*Boletín Oficial*, 19 Mar. 1958).

A new paragraph added to section 6 of Act No. 11317 stipulates that, in any establishments working three shifts around the clock, any work performed between 10 p.m. and 6 a.m. on the following day shall be deemed to be night work for any women over the age of 18 years.

*Chile.*

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 663.

*Colombia.*

See under Convention No. 1.

*Nicaragua.*

In reply to the observation made by the Committee of Experts in 1958 the Government states that the draft amendment to the law now being prepared will ensure closer conformity with the Convention.

*Rumania.*

See under Convention No. 89.

Spain.

In reply to the direct request made by the Committee of Experts the Government states that the Decree of 24 July 1947 on the half-hour break for women on shift work involves no departure from sections 1 and 2 of the Legislative Decree of 15 August 1927 forbidding night work by women during any period of 12 consecutive hours, including the interval between 9 p.m. and 5 a.m.

Tunisia (First Report).

Decree of 6 April 1950 (18 Jumada II 1369) respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (*Journal officiel*, 11 Apr. 1950, No. 29, p. 577; corrigenda: *ibid.*, 28 Apr. 1950, No. 34, p. 642) (L.S. 1950—Tun. 1).

*Article 1 of the Convention.* The Decree of 6 April 1950 consists of a general set of regulations covering industry, commerce and the professions.

*Article 2.* Under section 12 of the Decree the nightly rest for women must consist of not less than 12 consecutive hours and must include the period between 10 p.m. and 5 a.m.

*Article 3.* No exceptions are allowed to the ban on night work because of the nature of the work performed.

*Article 4.* Section 12 of the Decree allows

exceptions to be made to the general regulations governing the nightly rest for women by order of the Minister of Labour and Social Welfare, after consulting the Industrial Safety Board. In practice no such exception has been authorised so far.

*Articles 6 and 7.* The law does not allow the exceptions permitted under these Articles.

The Decree of 6 April 1950 is enforced by the Labour Inspectorate. Breaches of the law regulating the employment of women at night between 10 p.m. and 5 a.m. are punishable by a fine in respect of each woman thus irregularly employed.

\* \* \*

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

*Argentina, Burma, Chile, Cuba, Italy, Peru, Portugal, Tunisia.*

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

*Austria, Czechoslovakia, India, Luxembourg, Morocco, Pakistan, Viet-Nam.*

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
Republic of Guinea <sup>1</sup> . . . . .	21. 1.1959
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 <sup>2</sup> . . . . .	6. 6.1933

Countries	Date of registration of ratification
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	1. 4.1927

<sup>1</sup> See footnote 4 to Convention No. 4.  
<sup>2</sup> Has denounced this Convention and has ratified Convention No. 59.

*Belgium.*

Act of 15 July 1957 inserting a section 4bis in the Employment of Women and Children Act (*Moniteur belge*, 26 July 1957).  
Royal Order of 25 January 1958 respecting the employment and vocational training of boys between 16 and 18 years of age underground in mines and quarries (*Moniteur belge*, 15 Feb. 1958).  
Royal Order of 8 May 1958 prohibiting the employment of children under 16 years of age in any form of underground work (*Moniteur belge*, 29 May 1958).

*Ceylon.*

Employment of Women, Young Persons and Children Act No. 47 of 1956 (L.S. 1956—Cey. 2).

The Employment of Women, Young Persons and Children Ordinance No. 6 of 1923, which

formerly applied the Convention, has been repealed and the new Act mentioned above now gives effect to the provisions of Conventions Nos. 5 and 7.

#### *Colombia.*

See under Convention No. 1.

#### *Denmark.*

With reference to the observations of the Committee of Experts the Government states that the workbooks introduced under section 40 of Act No. 226 of 11 June 1954 respecting occupational safety and health may, in fact, be considered as registers in view of the fact that these workbooks must contain the names and dates of birth of the young persons, and must be made available to the labour inspectors at the workplace; and in view also of the fact that the employment of young persons is subject to supervision under the rules concerning medical certificates for such persons. It is ensured that employment of apprentices under the statutory minimum age does not occur because, under the Apprenticeship Act, No. 261 of 2 October 1956, the validity of an agreement on engagement of apprentices is subject to the conclusion of a written contract between employer and apprentice and to approval of the contract. Having regard to this, and to the fact that the supervision applies to young persons up to 18 years of age, the Government considers that, in fact, there is compliance with the requirements of Article 4 of the Convention.

#### *Haiti (First Report).*

Act of 6 August 1947 to make adequate provision for supervision of the employment conditions of minors of both sexes under the age of 18 years (*Le Moniteur*, 14 Aug. 1947, No. 68, p. 571) (L.S. 1947—Haiti 2A).

Act of 4 September 1947 to organise apprenticeship (*Le Moniteur*, 25 Sep. 1947, No. 84, p. 707) (L.S. 1947—Haiti 3).

*Articles 1 and 2 of the Convention.* The foregoing enactments apply equally to industry, commerce and agriculture.

In order to obtain an employment permit an individual must have reached the age of 12 years and be physically fit. Minors under 14 years of age must supply evidence that they are attending school for part of the day or that they have obtained their certificate of primary education. It is strictly forbidden to give them work beyond their strength.

No person may start an apprenticeship before reaching the age of 14 years.

*Article 3.* Juveniles under 18 years of age who are learning a trade in vocational schools controlled and supervised by the Departments of Education and Social Welfare are not subject to the provisions of sections 1 and 3 of the Act of 6 August 1947.

*Article 4.* An employer, before taking on any person over 12 and under 18 years of age,

must register him with the Employment Office (Women's and Children's Section). A minor's employment permit is then issued (stating, *inter alia*, the individual's age) and the employer is required to retain this permit until the worker reaches 18 years of age (section 4 of the Act of 6 August 1947).

The Department of Labour and Social Welfare is responsible for enforcing the legislation on the employment of minors, while the Women's and Children's Section of the Employment Office actually supervises their employment.

Any employer or manager who takes on a young worker without his certificate or employment permit may be sentenced by a justice of the peace to a fine ranging from 10 to 100 gourdes for each offence (section 6 of the Act of 6 August 1947).

#### *Israel.*

Youth Labour (Register of Juveniles) (Amendment) Regulations No. 5718 of 26 May 1958.

#### *Poland.*

Act of 2 July 1958 respecting vocational training, job training and the conditions of employment of young persons in places of work and during the trial period of employment (*Law Journal*, No. 45, Text No. 226).

This Act fixes a minimum age of 14 years for the admission of young persons to any establishments, irrespective of the nature of the work.

#### *Yugoslavia.*

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663; *errata*: *ibid.*, 15 Jan. 1958, No. 2, p. 31, 12 Feb. 1958, No. 6, p. 107, and 5 Mar. 1958, No. 9, p. 173) (L.S. 1957—Yug. 2).

The above-mentioned Act fixes the minimum age for admission to employment at 15 years (section 128) and provides that every economic organisation must keep records of its workers (section 148). Such registers must contain all essential data concerning the workers, including their age.

\* \* \*

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, Brazil, Chile, Cuba, Haiti, India, Netherlands, Switzerland, United Kingdom, Viet-Nam, Yugoslavia.*

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

*Czechoslovakia, Dominican Republic, France, Greece, Ireland, Japan, Luxembourg, Nicaragua, Norway, Spain.*

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

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Albania . . . . .	17. 3.1932
Argentina . . . . .	30.11.1933
Austria . . . . .	12. 6.1924
Belgium . . . . .	12. 7.1924
Brazil . . . . .	26. 4.1934
Bulgaria . . . . .	14. 2.1922
Burma <sup>1</sup> . . . . .	14. 7.1921
Ceylon <sup>2</sup> . . . . .	26.10.1950
Chile . . . . .	15. 9.1925
Cuba . . . . .	6. 8.1928
Denmark . . . . .	4. 1.1923
France . . . . .	25. 8.1925
Greece . . . . .	19.11.1920
Republic of Guinea <sup>3</sup> . . . . .	21. 1.1959
Hungary . . . . .	19. 4.1928
India . . . . .	14. 7.1921
Ireland . . . . .	4. 9.1925
Italy . . . . .	10. 4.1923
Luxembourg . . . . .	16. 4.1928
Mexico <sup>4</sup> . . . . .	20. 5.1937
Netherlands <sup>4</sup> . . . . .	17. 3.1924
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>5</sup> . . . . .	14. 7.1921
Poland . . . . .	21. 6.1924
Portugal . . . . .	10. 5.1932
Rumania . . . . .	13. 6.1921
Spain . . . . .	29. 9.1932
Switzerland . . . . .	9.10.1922
Tunisia . . . . .	12. 1.1959
United Kingdom <sup>2</sup> . . . . .	14. 7.1921
Uruguay <sup>4</sup> . . . . .	6. 6.1933
Venezuela . . . . .	7. 3.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia <sup>4</sup> . . . . .	1. 4.1927

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

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

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

<sup>4</sup> Has denounced this Convention and has ratified Convention No. 90.

<sup>5</sup> See footnote 3 to Convention No. 1.

#### Austria.

The validity of section 1 of the Federal Act of 9 July 1953, which amended Federal Act No. 146 of 1 July 1948 respecting the employment of children and young persons, lapsed on 31 December 1957. The amendments to the Act of 1953 respecting the employment of young persons in undertakings operating on a shift system have therefore lost their effect.

#### Denmark.

In reply to a direct request by the Committee of Experts concerning the prohibition of night work by young persons in building and civil engineering, the Government states that in fact no such work takes place and that therefore, in its opinion, there is no need to prohibit young workers from working during the night in building and construction activities.

#### Poland.

Act of 2 July 1958 respecting vocational training, job training and the conditions of employment of young persons in places of work and during the trial period of employment (Law Journal, No. 45, Text No. 226).

#### Rumania.

A committee of experts is at present reviewing the possibility of bringing the legislation into harmony with the Convention, i.e. in regard to section 85 of the Labour Code (permission for young persons over 16 years of age to work by night in certain officially specified branches of industry) and section 50 of the Code (definition of the term "night").

#### Spain.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 664.

#### Switzerland.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 664.

#### Viet-Nam.

Decree No. 294-LD of 6 June 1958 issued by the President of the Republic.

In reply to the request for information made by the Committee of Experts in 1958 the Government states that under the above-mentioned Decree the exception allowed by section 172 of Ordinance No. 15 of 8 July 1952 promulgating the Labour Code may only be authorised in the case of young persons over 16 years of age.

#### Yugoslavia.

For legislation see under Convention No. 5.

[Yugoslavia denounced Convention No. 6 on 20 February 1957 and on the same date ratified Convention No. 90, which came into force on 20 February 1958.]

\* \* \*

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, Burma, Brazil, Cuba, Ireland, Italy, Portugal, Switzerland, Yugoslavia.*

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

*Chile, France, Greece, India, Luxembourg, Nicaragua, Pakistan.*

7. Minimum Age (Sea) Convention, 1920

*This Convention came into force on 27 September 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30. 11. 1933
Australia . . . . .	28. 6. 1935
Belgium . . . . .	2. 2. 1925
Brazil . . . . .	8. 6. 1936
Bulgaria . . . . .	16. 3. 1923
Canada . . . . .	31. 3. 1926
Ceylon . . . . .	2. 9. 1950
Chile . . . . .	18. 10. 1935
China . . . . .	2. 12. 1936
Colombia . . . . .	20. 6. 1933
Cuba . . . . .	6. 8. 1928
Denmark . . . . .	12. 5. 1924
Dominican Republic . . . . .	4. 2. 1933
Finland . . . . .	10. 10. 1925
Federal Republic of Germany <sup>1</sup> . . . . .	11. 6. 1929
Greece . . . . .	16. 12. 1925
Hungary . . . . .	1. 3. 1928
Ireland . . . . .	4. 9. 1925
Italy . . . . .	14. 7. 1932
Japan . . . . .	7. 6. 1924
Luxembourg . . . . .	16. 4. 1928
Mexico <sup>2</sup> . . . . .	17. 8. 1948
Netherlands <sup>2</sup> . . . . .	26. 3. 1925
Nicaragua . . . . .	12. 4. 1934
Norway . . . . .	7. 10. 1927
Poland . . . . .	21. 6. 1924
Rumania . . . . .	8. 5. 1922
Spain . . . . .	20. 6. 1924
Sweden . . . . .	27. 9. 1921
United Kingdom . . . . .	14. 7. 1921
Uruguay <sup>2</sup> . . . . .	6. 6. 1933
Venezuela . . . . .	20. 11. 1944
Yugoslavia . . . . .	1. 4. 1927

<sup>1</sup> See footnote 2 to Convention No. 2.  
<sup>2</sup> Has denounced this Convention and has ratified Convention No. 58.

*Ceylon.*  
See under Convention No. 5.

*China.*  
Measures for the Control of Seamen during the Period of the Suppression of the Rebellion (issued by the Ministry of Communications on 16 June 1952 and amended on 3 March 1956).  
Rules for the Control of Seamen (issued by the Ministry of Communications on 1 September 1948 and amended on 10 July 1954).  
Section 7 of the above-mentioned Measures contains the same definition of " vessel " as that of the Convention, and lays down that a ship-owner shall employ seamen selected, as far as possible, through the General Seamen's Union from those who, among other qualifications, have attained the age of 18 years (16 years for fishing boats).  
Section 17 of the Rules lays down the pro-

cedure for signing and recording the articles of agreement.

*Colombia.*  
See under Convention No. 1.

*Federal Republic of Germany.*  
Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (*L.S.* 1957—Ger. F.R. 4).

The above-mentioned Act contains provisions which apply the Convention as from 1 April 1958.

*Article 1 of the Convention.* This Article is applied by section 1 of the Act in conjunction with the Act of 8 February 1951 respecting the law of the flag.

*Article 2.* This is applied by section 94, paragraph 1, of the Act. No use has been made of the right to exempt vessels upon which only members of the same family are employed.

*Article 3.* Boys under 14 years of age are not admitted to school-ships.

*Article 4.* The date of birth of every seaman engaged must be entered in the list of crew (section 14 of the Act).

*Yugoslavia.*  
For legislation see under Convention No. 5.

The provision of the Decree on sea service books, which allowed these books to be issued in certain circumstances to persons of 14 years of age, is no longer 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 :

*Belgium, China, Federal Republic of Germany, Japan, Rumania, Yugoslavia.*

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

*Argentina, Australia, Brazil, Canada, Chile, Cuba, Denmark, Dominican Republic, Finland, Greece, Hungary, Ireland, Italy, Luxembourg, Nicaragua, Norway, Poland, Spain, Sweden, United Kingdom.*

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

*This Convention came into force on 16 March 1923*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Australia . . . . .	28. 6.1935
Belgium . . . . .	2. 2.1925
Bulgaria . . . . .	16. 3.1923
Canada . . . . .	31. 3.1926
Ceylon . . . . .	25. 4.1951
Chile . . . . .	18.10.1935
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Denmark . . . . .	15. 2.1938
Finland . . . . .	20. 1.1950
France . . . . .	21. 3.1929
Federal Republic of Germany <sup>1</sup> . . . . .	4. 3.1930
Greece . . . . .	16.12.1925
Ireland . . . . .	5. 7.1930
Italy . . . . .	8. 9.1924
Japan . . . . .	22. 8.1955
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	20. 5.1937
Netherlands . . . . .	15.12.1937
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	21. 7.1936
Poland . . . . .	21. 6.1924
Rumania . . . . .	10.11.1930
Spain . . . . .	20. 6.1924
Sweden . . . . .	1. 1.1935
United Kingdom . . . . .	12. 3.1926
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	30. 9.1929

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

#### *Argentina.*

The Committee appointed to examine the question of bringing national legislation into harmony with the provisions of the Convention has continued its work, and has submitted some Bills to Parliament.

#### *Colombia.*

See under Convention No. 1.

#### *Federal Republic of Germany.*

Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (*L.S.* 1957—Ger. F.R. 4).

The above-mentioned Act, which repeals the Seamen's Code as amended and which contains provisions applying the Convention, came into force on 1 April 1958.

*Article 1 of the Convention.* This Article is applied by sections 1, 2 (1), 3 to 7, 10, 78 (1) and 79 of the Seamen's Act.

*Article 2.* According to section 66 of the said Act the shipowner may, within a reasonable period, terminate the engagement without notice if the ship is lost. In this case the seaman is entitled to basic wages for each day of actual unemployment up to two months. If repatriation to a port in the Federal Republic of Germany is deferred the basic wage must be paid until the date decided upon. If re-

patriation is postponed for reasons beyond the shipowner's control the basic wage must be paid up to a maximum of three months. If the seaman considers that the amounts which are paid to him are unreasonably low, having regard to the period of notice to which he would otherwise have been entitled, a higher indemnity may be claimed. According to section 30 (2) "basic wages" means the fixed remuneration to which the member of the crew is entitled.

*Article 3.* The payment of the indemnity has the same priority as the wages actually earned.

The shipping offices at home and abroad are entrusted with the enforcement of these provisions.

#### *Mexico.*

In reply to the observations of the Committee of Experts the Government supplies the following information in its report.

Under Mexican legislation payment of compensation equal to three months' wages to workers whose contracts are terminated because of fortuitous reasons or *force majeure* must be made immediately on the ending of the contract. This compensation is considered to be a "compulsory charge on the employer" and is not conditional upon the existence of an insurance policy. These regulations also apply in case of shipwreck. In order to ensure that the compensation is actually paid the law compels shipowners or their representatives to take out an "accident, employment and provident" insurance policy in respect of their crews covering all contingencies, including unemployment.

#### *Norway.*

Seafarers Act No. 12 of 4 July 1958.

This Act amends section 41 of the Seafarers Act of 1953 and has the effect of entitling any seafarer—irrespective of his nationality and residence—to compensation in case of unemployment due to shipwreck.

#### *Rumania.*

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

The loss of a vessel by shipwreck does not entail the winding-up of the undertaking within the meaning of section 20 (a) of the Labour Code. The seafarers continue to be employed by the shipping undertaking owning the vessel in question. Accordingly, the question of compensation does not arise since their contracts have not been terminated. The definitions of "seafarer" and "vessel" are given in Decree No. 40 of 1950 respecting the merchant marine

(sections 2 and 15 of Chapter I); these definitions correspond to those given in Article 1 of the Convention. Finally, in the event of delay in the payment of their wages, the seafarers, like any other workers, have, under the Labour Code, a prior claim on the employer's property.

Spain.

Order of 15 February 1958 to amend certain sections of the Labour Regulations for the Mercantile Marine of 23 December 1952 (*Boletín Oficial del Estado*, 19 Feb. 1958).

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

Sweden.

In reply to an observation made by the Committee of Experts in 1958 (payment of an indemnity to any seafarer irrespective of his nationality) the Government states that the Ministry of Commerce has consulted the competent authorities, as well as the organisations of shipowners and seafarers concerned, on a draft amendment to the Seamen's Act prepared by the Ministry. This amendment, if adopted, would bring Swedish legislation into harmony with the Convention. While the majority of the bodies consulted have supported the amendment proposed, two of them have expressed the opinion that the principle of reciprocity should be maintained in this connection, and are therefore opposed to the amendment. In these circumstances, the Swedish Government stated that it wished to reconsider what action should be taken.

Yugoslavia.  
For legislation see under Convention No. 5.

The question of unemployment compensation in the event of shipwreck is regulated by the Decree of 1949 respecting the crews of merchant vessels, as amended by Decree No. 11/56 of 1956. This latter Decree provides for the payment of compensation equal to two months' wages, as stipulated by the Convention. The Act of 12 December 1957, which grants wider protection to seafarers in such circumstances, may also be regarded as applicable. Under this Act shipwreck does not automatically entail termination of the contract of employment, which is normally valid for an unspecified period. Termination may take place if the undertaking is wound up, but only after expiry of the period of notice, which varies from one to five months.

\* \* \*

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, Cuba, Finland, France, Greece, Italy, Japan, Netherlands, Norway.*

The reports from the following countries merely reproduce or refer to the information previously supplied :  
*Australia, Canada, Ceylon, Colombia, Denmark, Ireland, Luxembourg, Nicaragua, Poland, United Kingdom, Uruguay.*

9. Placing of Seamen Convention, 1920

*This Convention came into force on 23 November 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30.11.1933
Australia. . . . .	3. 8.1925
Belgium . . . . .	4. 2.1925
Bulgaria . . . . .	16. 3.1923
Chile. . . . .	18.10.1935
Colombia. . . . .	20. 6.1933
Cuba. . . . .	6. 8.1928
Denmark. . . . .	23. 8.1938
Finland . . . . .	7.10.1922
France. . . . .	25. 1.1928
Federal Republic of Germany <sup>1</sup>	6. 6.1925
Greece . . . . .	16.12.1925
Italy. . . . .	8. 9.1924
Japan . . . . .	23.11.1922
Luxembourg . . . . .	16. 4.1928
Mexico. . . . .	1. 9.1939
Netherlands . . . . .	9. 1.1948
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	23.11.1921
Poland. . . . .	21. 6.1924
Rumania. . . . .	10.11.1930
Spain . . . . .	23. 2.1931
Sweden . . . . .	27. 9.1921
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	30. 9.1929

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

Colombia.  
See under Convention No. 1.

Spain.  
Order of 15 February 1958 to amend various provisions of the Labour Regulations for the Mercantile Marine of 23 December 1952 (*Boletín Oficial del Estado*, 19 Feb. 1958).  
For the Government's reply to the observations by the Committee of Experts see *Report of the Committee*, p. 665.

Yugoslavia.  
For legislation see under Convention No. 5.

\* \* \*

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, Chile, Cuba, Federal Republic of Germany, Italy, Japan, Netherlands, New Zealand, Sweden.*



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

*Australia, Colombia, Denmark, Finland, France, Greece, Luxembourg, Mexico, Nicaragua, Norway, Poland, Rumania, Uruguay.*

### 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

#### *France.*

In reply to a direct request the Government states that it has not found it practicable to prescribe the entering of all agricultural labour provisions in the provincial regulations governing agricultural labour made under Ordinance No. 45-1490 of 7 July 1945. However, these provisions are no less applicable, nor are those respecting compulsory school attendance by which the provisions of the Convention are applied.

As regards measures to ensure that employment outside school hours does not prejudice school attendance, supervision in this respect is assured by the fact that the teachers check the regularity of school attendance. In addition the majority of the provincial labour regulations provide that children must not be employed at work exceeding their strength.

School leave for children to engage in agricultural work is requested mainly in the stock-breeding and the wine-growing areas and is granted for light work consisting mainly of grape picking or guarding the cattle in order to relieve the adults of this task during busy seasons.

#### *Federal Republic of Germany (First Report).*

National Act of 6 July 1938 respecting compulsory school attendance (*Reichsgesetzblatt*, Part I, 1938, p. 799), as amended by the Act of 16 May 1941 (*Reichsgesetzblatt*, Part I, 1941, p. 282).

This Act is still in force, as amended by provincial legislation, in the following Länder : Baden-Württemberg, Hesse, North-Rhine Westphalia.

Compulsory school attendance is governed by provincial legislation in the following Länder : Bavaria, Berlin, Bremen, Hamburg, Lower Saxony, Rhineland-Palatinate and Schleswig-Holstein.

The administrative regulations respecting the periods and hours of school attendance contain the following provisions relative to the Convention.

*Article 1 of the Convention.* The obligation to attend primary school comes before all other activities. During school hours children are therefore not allowed to be employed on work of any kind. Any breach of this provision is subject to punishment and children may be taken forcibly to school. All the laws respecting compulsory school attendance prescribe that employers who engage children either as apprentices or in other ways must allow the children the necessary time to do their compulsory schooling and to see to it that they actually do so.

*Article 2.* The annual period of school attendance is at least eight months.

*Article 3.* Children below the age of 14 years are not admitted into the agricultural schools.

The provincial legislation entrusts the administrative authorities with the supervision of the application of provisions governing compulsory school attendance.

#### *Netherlands.*

In reply to the request made by the Committee of Experts in 1958 the Government indicates that the States General have passed an amendment rescinding sections 13 and 14 of the Compulsory Education Act. This amendment will be promulgated shortly.

#### *Norway (First Report).*

Temporary Act No. 4 of 3 December 1948 respecting the conditions of employment of agricultural workers (*Norsk Lovtidend*, Part I, 13 Dec. 1948, No. 47, p. 1044 ; Part II, p. 718) (*L.S.* 1948—Nor. 6). Act of 16 July 1936 respecting primary schools in rural areas (*Norsk Lovtidend*, Part II, No. 3, 1936, p. 503).

Section 4 of the Act of 3 December 1948 provides that children may not be employed in work for which they are unsuited on account of their age. The Education Acts in force provide that children may not be employed at such times and in such a manner as to prejudice their school attendance.

Poland.

For legislation see under Convention No. 5.

The Act already cited also applies to nationalised agricultural undertakings. The scope of the Act as it affects individual farm holdings and agricultural production co-operatives will be defined later in a decree. Meanwhile the provisions of the Decree of August 1951 remain in force.

Spain.

In reply to a direct request by the Committee of Experts the Government refers to section 1

of the Decree of 25 September 1934 respecting the employment of children in agriculture, and states that the harvest season as a rule coincides with the school vacations, which last for three months.

\* \* \*

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

Argentina, Cuba, France, Federal Republic of Germany, Ireland, Israel, Italy, Poland.

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

Austria, Belgium, Byelorussia, Chile, Czechoslovakia, Dominican Republic, Hungary, Japan, Luxembourg, New Zealand, Nicaragua, Rumania, Sweden, Ukraine, U.S.S.R., 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 <sup>1</sup> . . . . .	11. 5.1923
Byelorussia. . . . .	6.11.1956
Ceylon. . . . .	25. 8.1952
Chile. . . . .	15. 9.1925
China . . . . .	27. 4.1934
Colombia. . . . .	20. 6.1933
Cuba. . . . .	22. 8.1935
Czechoslovakia . . . . .	31. 8.1923
Denmark. . . . .	20. 6.1930
Finland . . . . .	19. 6.1923
France. . . . .	23. 3.1929
Federal Republic of Germany <sup>2</sup> . . . . .	6. 6.1925
Greece . . . . .	13. 6.1952
Republic of Guinea <sup>3</sup> . . . . .	21. 1.1959
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 <sup>4</sup> . . . . .	11. 5.1923
Peru. . . . .	8.11.1945
Poland. . . . .	21. 6.1924
Rumania. . . . .	10.11.1930
Spain . . . . .	29. 8.1932
Sweden . . . . .	27.11.1923
Switzerland. . . . .	23. 5.1940
Tunisia . . . . .	15. 5.1957
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
United Arab Republic (Egypt) . . . . .	3. 7.1954
United Kingdom . . . . .	6. 8.1923

Countries	Date of registration of ratification
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	30. 9.1929

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> See footnote 2 to Convention No. 2.  
<sup>3</sup> See footnote 4 to Convention No. 4.  
<sup>4</sup> See footnote 3 to Convention No. 1.

Austria.

The Carinthian Chamber of Agricultural Labour has stated that workers are often threatened with dismissal on account of their membership of the Austrian Trade Union Federation and that members of trade unions are accepted for work with reluctance. In this connection the Carinthian Chamber of Agriculture states that it does not know of any established case of expulsion. In any cases of derogatory remarks concerning membership of the Austrian Trade Union Federation the employer is reminded of the legal provisions and asked to settle the matter satisfactorily. Such requests have always been complied with. The Chamber of Agriculture is going to request the Employers' Federation, in its next bulletin, to draw the attention of its members once more to the legal provisions for the protection of freedom of association.

Brazil (First Report).

Constitution of 18 September 1946 (*Diário Oficial*, Vol. LXXXV, 15 Oct. 1946, No. 236) (United Nations: *Yearbook on Human Rights for 1946*) (L.S. 1946—Braz. 3 [Extracts]).

Legislative Decree No. 7038 of 10 November 1944 to issue regulations respecting the organisation of agricultural unions (L.S. 1944—Braz. 3).  
Ministerial Order No. 14 of March 1945.

The provisions of the Convention are applied by article 159 of the Constitution and by Legislative Decree No. 7038 of 1944. As a result of its approval by the National Congress the Convention became part of the national legislation. After it has come into force at the international level the Convention will become a part of Brazilian law and will thereby modify automatically any provisions to the contrary now in existence. Should the Convention be found to contain provisions which do not apply automatically, the Executive Power is bound to issue detailed regulations to ensure their proper application, under the authority conferred upon it by article 81 of the Constitution. The report points out that no special measures have proved necessary to give effect to the Convention since existing legislation was already in full conformity with its provisions. The coming into force of the Convention is laid down in Legislative Decree No. 7038 of November 1944 and in Ministerial Order No. 14 of March 1945 issued by the Minister of Labour, Industry and Commerce.

#### *Byelorussia.*

The report states that, besides the socialist system of economy, article 9 of the Constitution of Byelorussia permits the existence of small private establishments of independent peasants and craftsmen, based on their own work and excluding the exploitation of the work of others.

These peasants being citizens of Byelorussia the Constitution of the Republic applies fully to them without any condition or distinction, and guarantees to them all the rights of citizens of the Republic. Accordingly article 101 of the Constitution, which guarantees to all workers of the Republic the right to associate and combine in trade unions, fully extends to those workers who cultivate their own farms. There is no legislative provision placing any restriction on the rights of individual peasants to form their trade unions. It should be borne in mind that each such peasant is at the same time employer and worker. The number of such peasant farmers is very small and is decreasing year by year.

See also under Conventions Nos. 87 and 98.

See also *Report of the Committee*, p. 665.

#### *Chile.*

The report states that, in order to bring the legislation on trade union rights in agriculture into conformity with the Convention, the Director-General of Labour has suggested to the Minister of Labour, in a minute dated 1 September 1957, that legislation be drafted rescinding the changes introduced into the Labour Code by Act No. 8881.

#### *China.*

The report quotes the text of sections 1 and 13 of the Act of 30 December 1930, amended

on 28 December 1948, and states that under section 4 of this Act unions may take any steps needed to safeguard their members' rights and interests.

#### *Greece.*

Act No. 3239 of 18 May 1955 respecting collective bargaining (L.S. 1955—Gr. 2).  
Legislative Decree No. 3755 to amend Act No. 3239 (*Ephemeris tes Kyvernoeseos*, No. 182, 17 Sep. 1957).

The Government states that no new legislation on the subject matter of this Convention has been introduced during the period under review.

It appends to its report the text of a letter from the Greek General Confederation of Labour, which observes that, under section 10, subsection 12, of the above-mentioned Decree No. 3755, Act No. 3239 no longer applies to agricultural workers. In the Confederation's view agricultural workers consequently no longer enjoy the same rights of association and combination as industrial workers.

Commenting on this observation the Government states that in its view the provisions in question are not contrary to the Convention because Act No. 3239 does not deal with the right of association and combination of agricultural workers.

#### *Morocco (First Report).*

Dahir of 24 May 1914 (28 Joumada II 1332) respecting associations, as amended on 5 June 1933, 9 May 1936, 7 April 1949 and 30 October 1948.  
Dahir No. 1-57-119 of 16 July 1957 (18 Hija 1376) respecting industrial associations. (*Bulletin Officiel*, No. 2339, 23 Aug. 1952, p. 140) (L.S. 1957—Mor. 3).

Section 1 of the Dahir of 24 May 1914 provides that two or more persons may form an association for aims other than profit sharing. The Dahir of 16 July 1957 concerns industrial associations whose sole purpose is to "study and defend the economic, industrial, commercial and agricultural interests of their members" (section 1). Under these laws agricultural workers have the same rights as those in commerce, industry and the liberal professions.

The report states that agricultural workers are in fact organised in trade unions, whereas agricultural employers prefer to organise in associations.

No special inspection service is entrusted with the enforcement of the rights of association; however the labour inspectors and supervisors do in fact register all complaints with respect to restrictions on these rights, and it has always been possible, in the case of justified complaints, to settle such cases amicably. The principal reasons for complaints have been dismissal of trade union representatives, but their re-engagement has been easy to obtain if dismissal was caused by trade union activity.

No complaints relating to the rights of association have been lodged in the courts of law, and consequently no decisions relating to the application of the Convention have been given.

*Nicaragua.*

In response to observations made by the Committee of Experts in 1958 the report states that the Government is studying at present the possibility of amending the provisions of the Regulations of 1951 respecting industrial associations, in order that agricultural workers may enjoy the same rights of association and combination as industrial workers.

*Tunisia (First Report).*

Decree of 16 November 1932 respecting trade unions (*Journal officiel*, No. 93, 1932) (L.S. 1932—Tun. 1), as amended by Decrees of 4 December 1947 and 10 August 1950 (*Journal officiel*, 15 Aug. 1950).

In the Decree of 16 November 1932 express mention is made of agriculture as one of the main activities which may lead to the setting-up of a trade union. No modification of existing provisions has proved necessary in order to apply the Convention.

Agricultural workers' unions exist in all parts of the country, and are affiliated with the Central Federation of Trade Unions; they are placed on an equal footing with industrial and commercial unions.

Supervision of the application, in agriculture, of the above-mentioned Decree is entrusted to the divisional inspection service.

No attempt to obstruct the trade union rights of agricultural workers has been reported, and the courts of law have given no decisions on questions of principle relating to the application of the Convention.

*Ukraine.*

In reply to the request made by the Committee of Experts the Government states that the Labour Code is now being reprinted and that a copy will be forwarded to the I.L.O. as soon as the new edition appears. A copy of the rules of the Agricultural Workers' and Employees' Trade Union is appended to the report.

*United Arab Republic (Egypt).*

In reply to the request of the Committee of Experts the report states that in practice casual and seasonal workers belong to agricultural unions; however the deletion of the term "habitually" from the definition of worker in Legislative Decree No. 319 of 8 December 1952 will be considered in connection with the amend-

ment of this text. By definition, only those workers who work for remuneration are covered by the labour laws. Other persons are, however, entitled to form associations and trade unions.

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

*U.S.S.R.*

The report states that, besides the socialist system of economy, article 9 of the Constitution of the U.S.S.R. permits the existence of small private establishments of independent peasants and craftsmen, based on their own work and excluding the exploitation of the work of others.

These peasants being Soviet citizens they are protected by the Constitution and enjoy all the rights of citizens. Accordingly article 126 of the Soviet Constitution, which guarantees to all workers the right to associate and combine in trade unions, fully extends to those workers who cultivate their own farms. There is no legislative provision restricting in any way the right of these individual peasants to form their trade unions. It should be borne in mind that each such peasant is at the same time employer and worker.

In the Soviet Union, where agriculture is highly mechanised and is organised on socialist principles, the proportion of these individual establishments is very small and is decreasing year by year.

See also under Conventions Nos. 87 and 98. See also *Report of the Committee*, p. 666.

\* \* \*

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

*Ceylon, Peru, Yugoslavia.*

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

*Argentina, Belgium, Burma, Colombia, Cuba, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, India, Iceland, Ireland, Italy, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Poland, Rumania, 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 <sup>1</sup> . . . . .	6. 6.1925
Haiti . . . . .	19. 4.1955
Hungary . . . . .	8. 6.1956
Ireland . . . . .	17. 6.1924
Italy . . . . .	1. 9.1930
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	1.11.1937
Morocco . . . . .	20. 9.1956
Netherlands . . . . .	20. 8.1926
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Panama . . . . .	3. 6.1958
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

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

Argentina.

See under Convention No. 17.

Brazil (First Report).

Legislative Decree No. 7036 of 10 November 1944 to revise the legislation relating to industrial accidents (*Diário Oficial*, 13 Nov. 1944) (L.S. 1944—Braz. 2).  
Decree No. 18809 of 5 June 1945 to approve the regulations under the Industrial Accidents Act (*Diário Oficial*, 8 June 1945).  
Act No. 599 of 26 December 1948 to amend the Industrial Accidents Act (*Diário Oficial*, 5 Jan. 1949) (L.S. 1948—Braz. 1).  
Act No. 2873 of 18 September 1956 to amend the Industrial Accidents Act (*Diário Oficial*, 20 Sep. 1956).  
Decree No. 1361 of 12 June 1957 containing an enumeration of occupational diseases.  
Act No. 3245 of 19 August 1957 to amend the Industrial Accidents Act (*Diário Oficial*, 19 Aug. 1957).

*Article 1 of the Convention.* Sections 1, 2, 3, and 8 of Legislative Decree No. 7036 of 1944 give effect to the provisions of this Article. The first three sections of the said Legislative Decree define the expressions “industrial accident” and “occupational disease”, and section 8 defines the classes of persons entitled to benefit. Agricultural workers receive the benefits for which this section provides on the same terms as other workers.

The provisions of the Convention have been incorporated into Brazilian legislation because the Convention has been approved by Congress by means of a legislative decree and every such decree has the force of law (article 71 of the Constitution). Accordingly, this Convention, having been ratified and put into force, is now part of Brazilian law and modifies any contrary provision (section 2 of the Act introducing the Civil Code).

The supervision of the legislation with regard to employment injuries is the responsibility of the Ministry of Labour, Industry and Commerce.

Colombia.

See under Convention No. 1.

France.

Decree No. 57-1360 of 30 December 1957 to group the various funds established under the legislation relating to employment injuries in agriculture into two central funds (*Journal officiel*, 31 Dec. 1957).

Haiti.

See under Convention No. 17.

Hungary (First Report).

Legislative Decree No. 40 of 24 December 1958 respecting workers' social security pensions (*Magyar Közlöny*, No. 115, 24 Dec. 1958).  
Ordinance No. 67 of the Council of Ministers, dated 24 December 1958, respecting regulations under Legislative Decree No. 40 of 1958 (*Magyar Közlöny*, No. 115, 24 Dec. 1958).  
Legislative Decree No. 39 of 31 December 1955 respecting workers' sickness insurance (*Magyar Közlöny*, No. 132, 31 Dec. 1955) (L.S. 1955—Hun. 1).  
Ordinance No. 71 of the Council of Ministers, dated 31 December 1955, respecting regulations under Legislative Decree No. 39 of 1955 (*Magyar Közlöny*, 31 Dec. 1955).  
Ordinance No. 7 of the Minister of Finance, dated 20 March 1955, respecting regulations concerning workers' pensions (*Magyar Közlöny*, 20 Mar. 1955).  
Regulations No. 6 of the Central Council of Trade Unions, dated 31 December 1955, respecting questions relating to workers' sickness insurance (*Magyar Közlöny*, 31 Dec. 1955).

*Article 1 of the Convention.* Legislative Decree No. 39 of 1955 respecting workers' sickness insurance applies, under section 3, to every employed person party to a contract of employment and to certain other persons working without contracts. The Decree makes no distinction between agricultural and other workers as regards the sickness insurance scheme. The same applies to the Legislative Decree of 24 December 1958, which rescinded that of 23 September 1954. Lastly, section 40 of Ordinance No. 71 of 1955 of the Council of Ministers provides that in case of an employment injury an insured person employed in agriculture is entitled to social security benefits

even if his period of insurance coverage is shorter than that required by the Act for entitlement to such benefits.

Tunisia (First Report).

Act No. 57/73 of 11 December 1957 respecting compensation for employment injuries and occupational diseases (*Journal Officiel*, No. 43, 20 Dec. 1957).

This Act applies to all workers in agriculture, including those in stock-breeding and training establishments, and entitles them to the same benefits as workers in other sections of the economy.

However, as regards permanent disability, and owing to the difficulty of ascertaining annual earnings in agriculture with any accuracy, the average annual wage is fixed by order of the Secretary of State for Public Health and Social Affairs; since 1 January 1958 this wage may not be less than 100,000 francs.

The Act is enforced by the labour inspectors in co-operation with the police.

United Kingdom.

See under Convention No. 17.

\* \* \*

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

*Austria, Brazil, Chile, France, Federal Republic of Germany, Hungary, Ireland, Italy, Luxembourg, Morocco, Netherlands, New Zealand, Poland, El Salvador, Tunisia, United Kingdom.*

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

*Belgium, Bulgaria, Cuba, Czechoslovakia, Denmark, Finland, Mexico, Nicaragua, 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
Republic of Guinea <sup>1</sup> . . . . .	21. 1.1959
Hungary . . . . .	8. 6.1956
Italy . . . . .	22.10.1952
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	7. 1.1938
Morocco <sup>2</sup> . . . . .	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 <sup>3</sup> . . . . .	12. 6.1956
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	28. 4.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	30. 9.1929

<sup>1</sup> See footnote 4 to Convention No. 4.  
<sup>2</sup> See footnote 5 to Convention No. 4.  
<sup>3</sup> Has confirmed its obligations under this Convention which France had previously accepted on behalf of Tunisia.

Afghanistan.

See under Convention No. 4.

Colombia.

See under Convention No. 1.

Hungary (First Report).

Decree No. 53 of 28 November 1953 of the Council of Ministers to implement the Labour Code.

Decree No. 8300/9/1952 of the Minister of Health.  
Decree No. 8300/22/1952 of the Minister of Health.

The Government reports that white lead, lead sulphate and other products containing these pigments are not used in indoor painting work in Hungary.

In virtue of Decrees No. 53/1953/XI.28 and No. 8300/22/1952, the provisions of Article 3, paragraph 1, and Article 5, I (b) and (c), and II (a) and (c), of the Convention are applied.

In virtue of Decree No. 8300/9/1952, Article 5, III (a), of the Convention is applied.

Workers engaged in occupations which may be harmful to their health undergo compulsory periodical medical examinations at times fixed by the Minister of Health.

Provision is made for the regular distribution, among working painters, of instructions regarding special health rules for their occupation.

In virtue of Decree No. 8300/9/1952 of the Minister of Health statistics with regard to lead poisoning among working painters are compiled (Article 7 of the Convention).

Italy.

In reply to the direct request made by the Committee of Experts the Government states that, in consultation with the employers' and workers' organisations concerned, it has now finished drafting a Bill designed to put the Convention fully into effect. The Bill will be brought forward as soon as the departments affected have had an opportunity of making their views known.

Mexico.

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

The industrial hygiene regulations published

in the *Diario Oficial* of 13 February 1946 came into force on publication and are fully constitutional.

It is not considered that any useful purpose would be served by introducing regulations covering products which are not used in Mexico.

Schedule A appended to the regulations of 11 August 1934 prohibits the employment of young persons in the manufacture of, *inter alia*, white lead and chloride of lead, and schedule B prohibits their employment, *inter alia*, in accumulator factories (processing of lead) and in pottery decoration (dry powdering and dusting of colours). The minimum age of admission to these jobs has been 18 years since the date of ratification of the Convention by the Government.

It has not been thought necessary to issue regulations as provided under Article 5 of the Convention because white lead has been superseded by other products.

The statistics referred to in Article 7 of the Convention will be compiled in due course.

#### Nicaragua.

In reply to the direct request made by the Committee of Experts the Government states that a Bill dealing with the use of white lead in painting has already been drafted and will be submitted to the Chambers. The necessary regulations will be issued as soon as the Bill is passed.

#### Poland.

Act of 2 July 1958 respecting the vocational training and conditions of employment of young persons in work places (Law Journal, No. 45, 21 July 1958, Text 226).

Under the above-mentioned Act the Minister of Labour and Social Welfare, in agreement with the other Ministers concerned and the Central Council of Trade Unions, may by order

authorise young persons over the age of 16 years to enter certain prohibited occupations defined in the Act, so as to enable them to serve a trial period or to learn a trade.

#### Spain.

The National Institute for Industrial Medicine and Safety is at present compiling statistics of occupational diseases, including the number of cases of lead poisoning due to the use of paint containing white lead which will be sent to the I.L.O. in 1960.

#### Yugoslavia.

For legislation see under Convention No. 5.

The Act of 12 December 1957 respecting employment relationships came into force on 1 January 1958 and contains general standards relating to safety and health, which constitute a more solid basis for the application of the Convention. Moreover, sections 73 and 82, which supersede the provisions in the repealed Decree of 1952 prohibiting the employment of women and children in certain occupations, give effect to Article 3, paragraph 1, of 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:

*Austria, Belgium, Morocco, Netherlands, Sweden, Yugoslavia.*

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

*Chile, Cuba, Czechoslovakia, Finland, France, Greece, Luxembourg, Norway, Rumania, Tunisia, Uruguay, Viet-Nam.*

## 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 <sup>1</sup> . . . . .	11. 5. 1923
Canada . . . . .	21. 3. 1935
Chile . . . . .	15. 9. 1925
China . . . . .	17. 5. 1934
Colombia . . . . .	20. 6. 1933
Cuba . . . . .	20. 7. 1953
Czechoslovakia . . . . .	21. 8. 1923
Denmark . . . . .	30. 8. 1935
Finland . . . . .	19. 6. 1923
France . . . . .	3. 9. 1926
Greece . . . . .	11. 5. 1929
Republic of Guinea <sup>2</sup> . . . . .	21. 1. 1959
Haiti . . . . .	14. 5. 1952
Hungary . . . . .	8. 6. 1956
India . . . . .	11. 5. 1923
Ireland . . . . .	22. 7. 1930
Israel . . . . .	26. 6. 1951
Italy . . . . .	8. 9. 1924

Countries	Date of registration of ratification
Luxembourg . . . . .	16. 4. 1928
Mexico . . . . .	7. 1. 1938
Morocco . . . . .	20. 9. 1956
New Zealand . . . . .	29. 3. 1938
Nicaragua . . . . .	12. 4. 1934
Norway . . . . .	7. 7. 1937
Pakistan <sup>3</sup> . . . . .	11. 5. 1923
Peru . . . . .	8. 11. 1945
Poland . . . . .	21. 6. 1924
Portugal . . . . .	3. 7. 1928
Rumania . . . . .	18. 8. 1923
Spain . . . . .	20. 6. 1924
Sweden . . . . .	22. 12. 1931
Switzerland . . . . .	16. 1. 1935
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

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

<sup>2</sup> See footnote 4 to Convention No. 4.

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

*Afghanistan.*

See under Convention No. 4.

*Brazil (First Report).*

Constitution of 18 September 1946 (*Diário Oficial*, Vol. LXXXV, 15 Oct. 1946, No. 236) (L.S. 1946—Braz. 3) ([Extracts]).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diário Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184) (L.S. 1943—Braz. 1).

Act No. 605 of 5 January 1949 to make provisions regarding weekly rest with pay and the payment of wages for civil and religious holidays (*Diário Oficial*, Vol. LXXXVIII, 14 Jan. 1949, No. 11) (L.S. 1949—Braz. 1).

Decree No. 27048 of 12 August 1949 to approve the Regulations under Act No. 605 (*Diário Oficial*, 16 Aug. 1949, No. 188).

*Article 1 of the Convention.* This provision is applied by sections 1 and 4 of Act No. 605 and by sections 1 and 2, paragraph (c), of the Regulations (Decree No. 27048). Rural workers employed in work directly connected with agricultural industries are considered as industrial workers (section 7, paragraph (b), of the Consolidation of Labour Laws).

*Article 2.* The provisions of this Article are applied by section 1 of Act No. 605 and by sections 1, 4 and 6 of the Regulations.

*Article 3.* The possibility of exceptions of the kind indicated in this Article is provided for in sections 372 and 402 of the chapters of Legislative Decree No. 5452 relating to work performed by women and young persons.

*Articles 4 to 6.* The only general exception provided for in Brazilian legislation is for work to be performed on a Sunday when such work is in the public interest or is essential in an undertaking; in such cases a compensatory rest day must be given by rotation in the course of the month (sections 67 and 68 of Legislative Decree No. 5452). The prescribed period of weekly rest is assured each week and constitutes, for the worker, an imprescriptible right which he may not renounce.

*Article 7.* The posting-up of notices is provided for in section 74 of the Legislative Decree; the notices must include information as to the weekly rest day.

Supervision of the application of the national weekly rest provisions is provided for in sections 13 and 14 of Act No. 605 and Part VII of Legislative Decree No. 5452.

The provisions of the Convention are incorporated in the national legislation in virtue of the Legislative Decree which approved the Convention, and under the terms of which the Convention modifies all provisions contrary to national legislation.

*Canada.*

In *Alberta*, Orders were made in 1958 to permit the weekly rest day to be accumulated in four types of work: highway construction, geophysical exploration, oil well drilling and oil well services. The maximum period in respect of which the weekly rest may be accumulated is 24 working days; the accumulated days must be given consecutively, immediately following

the period to which they relate, and at a time agreed upon by employer and employee. Another Order provides for cooks, watchmen, etc., in work camps to be paid overtime rates for Sunday work if they have not received 24 consecutive hours of rest in the preceding six days (the weekly rest of these workers may be accumulated over a three-month period).

*China.*

Administrative Management Regulations of 2 August 1958.

Section 34 of the above Regulations lists weekly rest as one of the entitlements of workers. Section 7 of the Regulations of 16 December 1930, relating to the enforcement of the Factories Act, provides for the application of Article 7 of the Convention.

*Colombia.*

See under Convention No. 1.

*Czechoslovakia.*

In reply to a question by the Committee of Experts the Government states that, unlike Act No. 91/1918, under which certain extensions were authorised, Act No. 45/1956, which fixes normal working hours at 46 per week, ensures one day of weekly rest for all employees. If, in exceptional circumstances, an employee is called on to work longer hours, such hours, in so far as they exceed the normal duration, are considered as overtime and compensated so far as possible by an adequate period of rest. If considerations of efficiency preclude this the worker is entitled to increased remuneration as specified by law.

*Greece.*

On the railways a minority of permanent way workers still do not enjoy the benefit of the provisions of the Convention. The Special Committee of the National Advisory Council on Social Policy is examining the possibility of ensuring strict observance of the Convention.

*Haiti.*

Act of 25 September 1958 respecting conditions of work.

In all industrial and commercial establishments the whole staff must have a rest of at least 24 consecutive hours, in principle on Sunday, in each period of seven days. Persons employed on urgent, continuous or seasonal work may be employed on Sunday but must receive a full day's compensatory rest in every week.

*Hungary (First Report).*

Labour Code of 1951 as amended by Legislative Decree No. 25 of 1953 of the Praesidium of the People's Republic (L.S. 1953—Hun. 1).

Decree No. 53 of 28 November 1953 to implement the Labour Code.

*Article 1 of the Convention.* The provisions in force regarding the weekly rest apply to all workers and all establishments irrespective of the economic sector.



*Article 2.* All workers who have been employed for more than six days are entitled to one day of rest every week.

The rest day is generally Sunday. In the case of certain classes of establishments or of workers, particularly where operations are continuous (metal production, railways, river navigation, hotels) the competent Minister may, with the consent of the governing committee of the trade union, fix a weekly rest day other than Sunday. However, in such a case the weekly rest day must fall on a Sunday once in every month.

*Article 4.* Workers may be required to work on the weekly rest day only on an exceptional basis and in specified cases. The work to be done during the weekly rest day may be ordered by the Government for the whole of industry, by the competent Minister (with the approval of the union) for certain undertakings, or by the director of the undertaking (with the approval of the works committee) for individual workers.

*Article 5.* A worker who has worked on the ordinary weekly rest day receives as compensation a day of rest during the same week, to be determined having regard to his own preference. If it proves absolutely impossible to grant compensatory rest, the worker receives a cash compensation.

If the work was ordered by the director of the undertaking compensation for the weekly rest in the form of cash is not permissible more than once in three months.

*Article 7.* Particular weekly rest schemes are indicated in the internal rules of undertakings.

#### India.

In reply to the direct request made in 1958 the Government gives the number of workers covered by the Factories, Mines and Railways Acts, according to the statistics for the year 1956.

#### Italy.

Decree of 5 January 1958 making certain modifications to the tables annexed to the Decree of 22 June 1935, which set out the industries and occupations in which the weekly rest periods may be accorded in rotation (*Gazzetta Ufficiale*, No. 52, 1 Mar. 1958, p. 864).

#### Peru.

Supreme Decree No. 36 (D.T.) of 31 August 1957.

The above Decree reorganises the Ministry of Labour and Indigenous Affairs and establishes a subdirectorates of inspection services, which is entrusted with the implementation of the legislation in force.

#### Rumania.

Article 39 (1) of the Labour Code provides that work done on the normal day of weekly rest shall be compensated by an equal period of rest granted during the following fortnight; where this is not feasible, the employee receives an additional payment equal to his regular wage rate. Only on this condition does the law admit of exceptions.

Section 111 of the Labour Code has been repealed.

#### Tunisia (First Report).

Decree of 20 April 1921 respecting weekly rest (*Journal officiel*, No. 37, 7 May 1921) (L.S. 1921—Tun. 1-3), as amended by Decrees of 27 September 1939 (*Journal officiel*, 7 Nov. 1939) and 3 Aug. 1950 (*Journal officiel*, 8 Aug. 1950) (L.S. 1950—Tun. 3). Orders of 25 April 1921 (*Journal officiel*, No. 37, 7 May 1921) and 16 July 1921 (L.S. 1921—Tun. 1-3).

*Article 1 of the Convention.* There is no law or regulation drawing a line between industry, commerce and agriculture and the distinction is drawn in practice by the courts themselves. However, Tunisian legislation has always distinguished between "industrial" and "commercial" establishments, on the one hand, and agricultural establishments, on the other.

*Article 2.* Generally speaking, industrial or commercial establishments must give their employees a weekly rest of 24 consecutive hours. This rest must be granted on Friday, Saturday or Sunday. Whichever day is chosen it must be notified to the Labour Inspectorate and posted up at the place of work.

*Article 4.* The employers' and workers' organisations are consulted beforehand, together with the Economic Chambers, before any different arrangements are made, and an inquiry is carried out by the Labour Inspectorate.

*Article 5.* An afternoon off may, by Order, be given on Friday, Saturday or Sunday, with a half-day off on other days of the week in turn (section 3 (3) of the Decree of 20 April 1921). In establishments for the retail sale of foodstuffs the rest may be granted only on Friday, Saturday or Sunday afternoon, with a compensating rest of a further half-day by rotation each week (section 7 of the Decree of 20 April 1921). In establishments employing less than five wage-earning or salaried employees which are authorised to grant the rest in rotation, the weekly rest day may be replaced by two rest periods of half a day each, together amounting to one full working day (section 8 of the Decree of 20 April 1921).

In case of urgent work being needed to prevent or repair an accident, the weekly rest may be suspended in the case of the workers involved (section 5 of the Decree of 20 April 1921).

In mining undertakings or workplaces at a distance from urban centres, the weekly rest days may be accumulated and granted once a month (section 9 of the Decree of 20 April 1921).

*Article 6.* The report gives a detailed list of the exceptions granted in accordance with Articles 3 and 4 of the Convention; these deal with adjustments to the weekly rest, suspensions with compensation, and reductions without compensation.

*Article 7.* Section 2 of the Order of 25 April 1921 makes it compulsory to post up the weekly day of rest whenever it is taken by the entire staff. When this is not the case section 3 of the Order of 25 April 1921 stipulates that a register must be kept stating the names of any salaried employees or wage earners affected by special arrangements, together with the nature of these arrangements.

The law is enforced by the Labour Inspectorate, assisted by the judicial police.

Turkey.

In reply to a question put by the Committee of Experts the Government states that circulars issued by the Ministry of Labour have extended compulsory weekly rest to all industrial establishments employing at least ten workers and situated in communities with less than 10,000 inhabitants. Moreover, in such communities the local authorities are empowered further to extend the weekly rest provisions to establishments with fewer than ten employees. As for workers in undertakings covered by section 4 of the Act of 1925 respecting the weekly rest (transport, loading and unloading, public utilities, etc.), they are entitled under the last paragraph of the said section to one day of rest per week, by rotation. More than 720,000 persons are covered by the provisions concerning the weekly rest.

Yugoslavia.

For legislation see under Convention No. 5.

The provisions of the Act of 12 December 1957 respecting employment relationships which relate to weekly rest replace all previous legislation providing for the application of the Convention. They apply to all workers irrespective of the nature of their employment. The minimum period of weekly rest laid down is 32 consecutive hours (section 231 of the Act). This minimum may be reduced at times of periodic shift change-over, but not to less than 24 consecutive hours; the average rest over three weeks must be at least 32 hours. Section 232 of the Act contains provisions which accord with paragraphs 2 and 3 of Article 2 of the Convention.

All work on the rest day is treated as overtime work (section 233) and as such is in principle

prohibited; it can only be called for in the exceptional cases laid down in section 176 of the Act and sections 3 and 7 of the amending Act. However, work on the weekly rest day may only be authorised twice a month, except in cases of *force majeure* (section 233). For work on the rest day the wage rate or other basic remuneration is increased by 50 per cent. (section 233). In addition, by virtue of section 234 of the Act, regulations may provide for the granting of a compensatory rest day instead of the payment of increased wages.

No overtime work, and therefore no work on the rest day, may be called for without the consent of the workers' council of the undertaking and, in certain cases, without the consent of the Labour Secretariat of the Executive Council of the Republic (section 6 of the amending Act). The economic organisation concerned must give notice of all overtime work to the Labour Inspectorate, which may prohibit the work if it is contrary to the law.

\* \* \*

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, Burma, Chile, Denmark, Israel, Mexico, Morocco, Portugal, Spain, Sweden, Switzerland, Uruguay, Viet-Nam.*

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

*Cuba, Finland, France, Ireland, Luxembourg, New Zealand, Nicaragua, Norway, Pakistan, Poland.*

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

*This Convention came into force on 20 November 1922*

Countries	Date of registration of ratification
Argentina . . . . .	26. 5. 1936
Australia . . . . .	28. 6. 1935
Belgium . . . . .	19. 7. 1926
Bulgaria . . . . .	6. 3. 1925
Burma <sup>1</sup> . . . . .	20. 11. 1922
Byelorussia . . . . .	6. 11. 1956
Canada . . . . .	31. 3. 1926
Ceylon . . . . .	25. 4. 1951
Chile . . . . .	18. 10. 1935
China . . . . .	2. 12. 1936
Colombia . . . . .	20. 6. 1933
Cuba . . . . .	7. 7. 1928
Denmark . . . . .	12. 5. 1924
Finland . . . . .	10. 10. 1925
France . . . . .	16. 1. 1928
Federal Republic of Germany <sup>2</sup> . . . . .	11. 6. 1929
Ghana <sup>3</sup> . . . . .	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

Countries	Date of registration of ratification
Japan . . . . .	4. 12. 1930
Luxembourg . . . . .	16. 4. 1928
Morocco . . . . .	14. 3. 1958
Netherlands . . . . .	17. 6. 1931
Nicaragua . . . . .	12. 4. 1934
Norway . . . . .	7. 10. 1927
Pakistan <sup>4</sup> . . . . .	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

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> See footnote 2 to Convention No. 2.  
<sup>3</sup> Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on Gold Coast's behalf.  
<sup>4</sup> See footnote 3 to Convention No. 1.

*China.*

See under Convention No. 7.

*Colombia.*

See under Convention No. 1.

*Federal Republic of Germany.*

Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (L.S. 1957—Ger. F.R. 4).

The above-mentioned Act, which contains provisions applying the Convention, came into force on 1 April 1958.

*Article 1 of the Convention.* This Article is applied by section 1 of the Act, in conjunction with the Act of 8 February 1951 respecting the law of the flag.

*Article 2.* This is applied by section 94, paragraph 3, of the Act.

*Article 3 (a) and (b).* The Act prohibits all employment of young persons as trimmers and stokers; no exception to this prohibition is provided for.

*Article 4.* There is no exception to the general prohibition.

*Article 5.* This is applied by sections 13 and 14 of the Act.

*Article 6.* According to section 144 of the Act, there must be available on board a copy of the Seamen's Act.

*Ghana (First Report).*

United Kingdom Merchant Shipping (International Labour Conventions) Act of 31 July 1925 (15 and 16 Geo. 5, Ch. 42) (L.S. 1925—G.B. 5), extended to Ghana by the Ghana Merchant Shipping (Transitory Provisions) Act, 1957 (Supplement to *Ghana Gazette*, 7 Dec. 1957).

Articles 1 to 6 of the Convention are applied by the first-mentioned Act.

The Commissioner of Labour and the shipping masters at ports are responsible for the enforcement of the above-mentioned legislation.

The Convention has no practical application in Ghana.

*India.*

Merchant Shipping Act, 1958 (*The Gazette of India*, Extraordinary, Part II—Section 1, 31 Oct. 1958) (not yet in force).

*Spain.*

Order of 15 February 1958 to amend certain sections of the Labour Regulations for the Mercantile Marine of 23 December 1952 (*Boletín Oficial del Estado*, 19 Feb. 1958).

The Labour Regulations for the Mercantile Marine of 23 December 1952 have been amended so as to fix at 16 years the minimum age of young persons under 18 years of age who may exceptionally be employed as trimmers or stokers.

*Ukraine.*

In reply to the request made by the Committee of Experts in 1958 the Government states that the Ukrainian Labour Code regulates the minimum age of admission to employment as trimmer or stoker.

*U.S.S.R.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that the term "stokers", which appears in the schedule of occupations appended to Decree No. 186 of 1932 respecting the employment of young persons, does not include "trimmers". In the U.S.S.R. the work of trimmers is carried out by specialists of over 18 years of age, with the help of machines and special equipment.

*Uruguay.*

For the reply of the Government to the observation made by 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 :

*Byelorussia, Cuba, Federal Republic of Germany, India, Japan, Netherlands, Yugoslavia.*

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

*Argentina, Australia, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Luxembourg, Nicaragua, Norway, Pakistan, Poland, Rumania, Sweden, United Kingdom.*

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 <sup>1</sup> . . . . .	20.11.1922
Byelorussia . . . . .	6.11.1956
Canada . . . . .	31. 3.1926
Ceylon . . . . .	25. 4.1951
Chile . . . . .	18.10.1935
China . . . . .	2.12.1936
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 7.1928
Denmark . . . . .	23. 4.1938
Finland . . . . .	10.10.1926
France . . . . .	22. 3.1928
Federal Republic of Germany <sup>2</sup> . . . . .	11. 6.1929
Ghana <sup>3</sup> . . . . .	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 <sup>4</sup> . . . . .	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

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> See footnote 2 to Convention No. 2.  
<sup>3</sup> See footnote 3 to Convention No. 15.  
<sup>4</sup> See footnote 3 to Convention No. 1.

**Brazil.**  
For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 667.

**Byelorussia.**  
In reply to the request made by the Committee of Experts, the report states that no ships flying the Byelorussian flag engage in maritime navigation.

**China.**  
For the Government's reply to the observations of the Committee of Experts see *Report of the Committee*, p. 657.

**Colombia.**  
See under Convention No. 1.

**Federal Republic of Germany.**  
Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (L.S. 1957—Ger. F.R. 4).

**Article 1 of the Convention.** This Article is now applied by section 1 of the Seamen's Act in conjunction with the Act of 8 February 1951 respecting the law of the flag.

**Ghana (First Report).**  
United Kingdom Merchant Shipping (International Labour Conventions) Act of 31 July 1925 (15 and 16 Geo. 5, Ch. 42) (L.S. 1925—G.B. 5), extended to Ghana by the Ghana Merchant Shipping (Transitory Provisions) Act, 1957 (Supplement to *Ghana Gazette*, 7 Dec. 1957).  
Articles 1 to 4 of the Convention are applied by the first-mentioned Act.  
The Commissioner of Labour and shipping masters at ports are responsible for the application of the above-mentioned legislation.  
The Convention has no practical application in Ghana.

**India.**  
See under Convention No. 15.

**Ukraine.**  
Order of 21 November 1922 of the Council of People's Commissaries of the Ukrainian S.S.R. respecting medical examination of young workers (Laws of the Ukrainian S.S.R., 1923, No. 48, p. 715).  
In reply to a direct request sent to the Government in 1958 the report states that the above-mentioned Order is the basic text applying the provisions of the Convention. Instructions were subsequently given by the Ministry of Health with a view to the implementation of this Convention.

**U.S.S.R.**  
In reply to a direct request made in 1958 by the Committee of Experts the Government states that all legislation concerning the medical examination of young persons applies not only to the Russian Soviet Federal Socialist Republic but also to the other republics of the Soviet Union.

**Uruguay.**  
See under Convention No. 15.

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

*Australia, Cuba, Federal Republic of Germany, India, Japan, Mexico, Netherlands.*  
The reports from the following countries merely reproduce or refer to the information previously supplied :  
*Argentina, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Nicaragua, Pakistan, Poland, Rumania, Spain, Sweden, United Kingdom, 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 <sup>1</sup> . . . .	11.11.1957
Mexico . . . . .	12. 5.1934
Morocco . . . . .	20. 9.1956
Netherlands . . . . .	13. 9.1927
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Panama . . . . .	3. 6.1958
Poland . . . . .	3.11.1937
Portugal . . . . .	27. 3.1929
Spain . . . . .	22. 2.1929
Sweden . . . . .	8. 9.1926
Tunisia . . . . .	15. 5.1957
United Kingdom . . . . .	28. 6.1949
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	1. 4.1927

<sup>1</sup> Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on behalf of the Federation of Malaya.

### Argentina.

For the Government's reply to the observation made by the Committee of Experts in 1958 see *Report of the Committee*, p. 667.

### Burma (First Report).<sup>1</sup>

Workmen's Compensation Act, 1924 (*Asian Labour Laws*, Burma 2), as amended in 1951 (*Burma Gazette*, 10 Nov. 1951) (L.S. 1951—Bur. 3) and in 1955 (*Burma Gazette*, 2 Apr. 1955).

Social Security Act No. 67 of 22 October 1954 (*Burma Gazette*, 6 Nov. 1954) (L.S. 1954—Bur. 1) as amended in 1955 (*Burma Gazette*, 12 Oct. 1955) (L.S. 1955—Bur. 1) and in 1956 (L.S. 1956—Bur. 1).

Social Security Regulations.

*Articles 2 to 4 of the Convention.* The 1924 Act applies to all workers, although some categories comprised within the exceptions allowed under Article 2 of the Convention are excluded from its scope.

The Social Security Act of 1954 applies only to certain limited categories of workers and does not cover those employed in establishments with fewer than ten workers.

*Article 5.* Under the 1954 Act compensation for employment injuries is payable in the form

<sup>1</sup> The report for the period 1956-57 was received too late for it to be summarised and the present summary accordingly covers two years.

of a pension. Sometimes a pension may be commuted to a lump sum but only if the Social Security Board considers that this would be in the best interests of the worker concerned.

The 1924 Act allows compensation to be paid in the form of either a lump sum or a pension, depending on whether the worker is deceased or is permanently or temporarily disabled.

*Article 6.* The 1954 Act lays down a waiting period of three days, whereas the Workmen's Compensation Act prescribes a period of four days.

*Article 7.* If an injured worker needs the constant attendance of another person both the Social Security Act and the Workmen's Compensation Act entitle him to a supplementary pension equal to 25 per cent. of the compensation payable to him as a result of the accident.

*Article 8.* Under the 1924 Act, if there is any change in the state of health of an injured worker any periodical payments being made to him may be either increased or reduced.

The 1954 Act also makes provision for the review of compensation.

*Article 9.* Under the Social Security Act an injured worker is entitled to any medical, surgical or pharmaceutical treatment which his state may require, without cost to himself and for an unlimited period.

*Article 10.* Under the 1954 Act injured workers are entitled to the supply and renewal of orthopaedic and prosthetic appliances. This provision also occurs in the Workmen's Compensation Act. Nevertheless, under the former Act the cost of each of these appliances may not exceed 500 kyats, whereas the Workmen's Compensation Act provides that their cost may not exceed 10 per cent. of the benefit payable.

*Article 11.* Under the 1954 Act benefit is payable by the Social Security Board. Section 14 of the Workmen's Compensation Act guarantees payment of compensation in the event of insolvency of the employer or the insurer.

The Director of Labour acts as Commissioner for Workmen's Compensation in the Rangoon area and the district magistrates perform the same functions in their respective areas.

The Social Security Board is responsible for administering the Social Security Act.

The report also supplies a number of statistics.

### Chile.

In reply to the direct request made by the Committee of Experts in 1958 the Government's report states that the Bill to bring section 276 of the Labour Code into line with Article 5 of the Convention has not yet been promulgated by the National Congress.

*Colombia.*

See under Convention No. 1.

*Czechoslovakia.*

For legislation see under Convention No. 35.

*France.*

The report mentions many Acts and decrees which make improvements in the accident insurance scheme.

*Haiti.*

In reply to the observations and requests for information made in 1958 the Government states as follows.

*Article 1 of the Convention.* See *Report of the Committee*, p. 667.

*Article 2.* Apprentices are treated on the same footing as workers as regards the scope of the Social Insurance Act of 12 September 1951.

*Article 5.* Guarantees of judicious use are generally required before a pension is commuted into a capital sum. The Social Insurance Institute requires the injured person to buy land, a house or a business, which he will not be able to re-sell save in case of proven *force majeure*. The Government also states that it will not fail to give these measures force of law at the first opportunity.

*Federation of Malaya (First Report).*

Workmen's Compensation Ordinance No. 85 of 1952 (Supplement to the *Government Gazette*, 30 Dec. 1952) (*L.S.* 1952—Mal. 1).

Workmen's Compensation Regulations, 1953 (Legislative Supplement (Subsidiary Legislation) to the *Government Gazette*, 1 Apr. 1953).

*Articles 2 to 4 of the Convention.* The Workmen's Compensation Ordinance of 1952 applies to all workers, although, in addition to certain categories which come under the exceptions allowed by Article 2 of the Convention, domestic servants are also excluded.

*Article 5.* Compensation in the case of accidents resulting in permanent disablement or death is paid in the form of a lump sum. Before making an order of disbursement the Commissioner appointed under the Workmen's Compensation Ordinance of 1952 usually seeks the assistance of the Social Welfare Department in order to ensure proper utilisation of the Convention.

*Article 6.* Compensation is payable by the employer as from the first day after the accident, although if the disablement lasts for a period of less than 14 days no compensation is payable in respect of the first four days.

*Article 7.* If an injured worker needs the constant attendance of another person additional compensation is payable equal to one-quarter of the compensation granted to him.

*Article 8.* Temporary pensions are subject to review.

*Article 9.* Section 15 (3) of the Ordinance states that where an injured workman is admitted to hospital the employer is liable

for the payment of medical, surgical and pharmaceutical fees.

*Article 10.* Section 15 (3) of the Ordinance entitles workers to surgical appliances and artificial limbs. The legislation makes no provision for the renewal of these appliances.

*Article 11.* Section 21 of the Ordinance provides the necessary safeguards.

The Commissioner for Labour is responsible for the implementation of the legislation concerning workmen's compensation.

*New Zealand.*

For the Government's reply to the observations made by the Committee of Experts in 1958 see *Report of the Committee*, p. 668.

In reply to the Committee's direct request the Government's report states as follows.

*Article 2, paragraph 1, of the Convention.* As regards workmen's compensation for accidents, persons in the service of the Crown are entitled to sick leave on pay. When the sick leave entitlement is exceeded such persons receive the compensation pay provided for in the Workers' Compensation Act No. 62 of 1956.

*Article 5.* When workers in receipt of invalidity pensions have exceeded the six years' entitlement to an invalidity pension under the workmen's compensation scheme they are entitled to assistance under the national social security scheme.

*Nicaragua.*

In reply to the observations made by the Committee of Experts in 1958 the Government considers it preferable for the reforms suggested by the Committee to be incorporated in the Social Security Act.

The report also states, in reply to the direct request made by the Committee of Experts, that compensation for employment injuries is also granted to workers employed in publicly owned undertakings.

*Sweden.*

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

The body mentioned in the above reply with respect to the administration of social insurance was set up on 6 June 1958.

*Tunisia (First Report).*

Act No. 57/73 of 11 December 1957 (*Journal officiel*, 20 Dec. 1957).

*Articles 2 to 4 of the Convention.* This Act applies to all workers (wage earners, salaried employees and apprentices) in publicly owned concerns, commerce, agriculture and the professions; domestic servants, however, are excluded.

*Article 5.* Accidents followed by permanent disability or death entitle the victim or his survivors to a pension which is commuted to a lump sum in the case of foreigners who cease to reside in Tunisia.

*Article 6.* Victims of employment injuries are entitled to compensation with effect from the fourth day following the accident.

*Article 7.* Should the victim need the constant attendance of another person he is entitled to a pension equal to 100 per cent. of his annual earnings, subject to the proviso that this pension may in no case be lower than 60,000 francs.

*Article 8.* Pensions are reviewed on application from the beneficiaries themselves during the first five years of disability and in any case at intervals of not more than a year. The pensions are not subject to review after five years.

*Article 9.* Victims of employment injuries are entitled to medical, surgical, pharmaceutical and hospital treatment as long as the injury is not cured or consolidated, and also in the event of a relapse during the subsequent five years. All expenses must be borne by the insurance company or by the employer himself if he is not required to take out an insurance policy.

*Article 10.* Victims of employment injuries involving permanent disability are entitled to the supply, repair and maintenance of prosthetic and orthopaedic appliances.

*Article 11.* Payment of compensation is guaranteed by the "Employment Injuries Fund" which bears subsidiary liability.

The law is enforced by the social welfare authorities (the Secretariat of State for Public Health and Social Affairs), the Divisional Inspector of Labour, the Secretariat of State for Commerce and Industry (Transport, Merchant Shipping and Sea-fishing Department) and the judicial police.

The report supplies a certain amount of statistical information.

#### *United Kingdom.*

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

\* \* \*

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, Burma, Chile, Cuba, Czechoslovakia, Finland, France, Federal Republic of Germany, Greece, Haiti, Luxembourg, Federation of Malaya, Morocco, Netherlands, Poland, Sweden, Tunisia, United Kingdom.*

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

*Bulgaria, Hungary, Mexico, Portugal, Spain, Uruguay, Yugoslavia.*

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

*This Convention came into force on 1 April 1927*

Countries	Date of registration of ratification
Argentina . . . . .	24. 9.1956
Austria . . . . .	29. 9.1928
Belgium . . . . .	3.10.1927
Bulgaria . . . . .	5. 9.1929
Burma <sup>1</sup> . . . . .	30. 9.1927
Ceylon . . . . .	17. 5.1952
Chile . . . . .	31. 5.1933
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Czechoslovakia . . . . .	19. 9.1932
Denmark . . . . .	18. 6.1934
Finland . . . . .	17. 9.1927
France . . . . .	13. 8.1931
Federal Republic of Germany <sup>2</sup> . . . . .	18. 9.1928
Republic of Guinea <sup>3</sup> . . . . .	21. 1.1959
Hungary . . . . .	19. 4.1928
India . . . . .	20. 9.1927
Iraq . . . . .	26.11.1938
Ireland <sup>4</sup> . . . . .	25.11.1927
Italy . . . . .	22. 1.1934
Japan . . . . .	8.10.1928
Luxembourg . . . . .	16. 4.1928
Morocco . . . . .	20. 9.1956
Netherlands <sup>4</sup> . . . . .	1.11.1928
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	11. 6.1929
Pakistan <sup>5</sup> . . . . .	30. 9.1927
Poland . . . . .	3.11.1937
Portugal . . . . .	27. 3.1929
Spain . . . . .	29. 9.1932
Sweden <sup>4</sup> . . . . .	15.10.1929
Switzerland . . . . .	16.11.1927

Countries	Date of registration of ratification
Tunisia . . . . .	12. 1.1959
United Kingdom <sup>4</sup> . . . . .	6.10.1926
Uruguay <sup>4</sup> . . . . .	6. 6.1933
Yugoslavia . . . . .	1. 4.1927

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

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

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

<sup>4</sup> Has denounced this Convention and ratified Convention No. 42.

<sup>5</sup> See footnote 3 to Convention No. 1.

#### *Belgium.*

See under Convention No. 42.

#### *Ceylon.*

The Government states in its report that the observation made by the Committee of Experts in 1958 was referred to the Director of Social Services, the officer responsible for the administration of the Workmen's Compensation (Amendments) Act No. 31 of 1957. A parliamentary committee subsequently set up to consider certain amendments to Ordinance No. 19 of 1934 reported in favour of amending the legislation in force, and this will be done

in the near future. The Government will take advantage of this process to examine at the same time the question raised by the Committee of Experts.

#### *Chile.*

Decree No. 435 of 28 May 1958 amending Decrees No. 581 of 21 April 1927 (*L.S.* 1927—Chile 2) and No. 389 of 6 April 1948 (*L.S.* 1948—Chil. 1) respecting occupational diseases (*Diário Oficial* No. 24067, 12 June 1958, p. 1064).

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

The Decree of 28 May 1958 amends section 8 of the Decree of 21 April 1927, as amended by the Decree of 6 April 1948, and brings the list of occupational diseases, as regards lead poisoning and anthrax infection, into line with the schedule given in Article 2 of the Convention.

#### *Colombia.*

See under Convention No. 1.

#### *Czechoslovakia.*

See under Convention No. 42.

#### *France.*

See under Convention No. 42.

#### *Federal Republic of Germany.*

See under Convention No. 42.

#### *India.*

The Government states in its report that a Bill amending the 1923 legislation on compensation for employment injuries and occupational diseases was submitted to the Rajya Sabha in September 1958. The aims of the Bill are, *inter alia*, to secure equality of treatment for adult and young workers in respect of compensation for employment injuries and occupational diseases, to reduce the waiting period from seven to five days, and to make a large number of additions to the schedule of occupational diseases and of jobs entailing a risk of these diseases.

#### *Italy.*

See under Convention No. 42.

#### *Luxembourg.*

Grand Ducal Order of 11 November 1957 revising the schedule of occupational diseases giving grounds for compensation under the accident injuries insurance scheme (*Mémorial*, No. 68, 2 Dec. 1957, p. 1407).

The Government states in its report that it has taken account of the observations of the Committee of Experts with regard to anthrax infection by issuing an Order, dated 11 November 1957, extending compulsory insurance to cover all contagious diseases and all diseases which may be transmitted from animals to human beings.

#### *Morocco.*

In reply to the direct request of the Committee of Experts the Government states that the schedule of occupations liable to give rise to anthrax infection, which is appended to the Directorial Order of 31 May 1943, will be amended to refer to the loading, unloading or transport of merchandise generally.

#### *Nicaragua.*

The Government refers to its previous reports and states that it has called on experts to assist it in gradually extending the scope of the social security legislation.

#### *Norway.*

See under Convention No. 42.

#### *Poland.*

See under Convention No. 42.

#### *Spain.*

In reply to the question put by the Committee of Experts the Government states that the reference in its last report to the Decree of 20 January 1957 was an error. The Decree in question is dated 10 January 1947.

#### *Switzerland.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, pp. 668-669.

Furthermore, in a letter dated 14 October 1958, the Federal Social Insurance Office proposes to add the phrase "as for example the loading, unloading and transport of goods" to the list of operations "corresponding" to diseases transmissible by contact with animals which is given in section 3 of the Ordinance of 6 April 1956.

Finally, in a letter dated 10 December 1958, the Government states that the Swiss insurance companies have undertaken to include in insurance covering agricultural accidents the occupational diseases specified by the Convention. The Government has agreed to consider amending the legislation on this subject as part of a more general reform.

#### *Yugoslavia.*

Act of 10 December 1957 respecting invalidity insurance.

In reply to the Committee's observation the Government states that the Act of 10 December 1957, which has now come into force, rescinded the Ordinance of 1946 concerning occupational diseases. The Act contains a new schedule of 44 diseases, including poisoning by lead, its alloys and compounds, and poisoning by mercury, its amalgams and compounds. The list also includes diseases which can be transmitted from animals to man, particularly anthrax infection, and work liable to give rise to such diseases, namely that which brings the workers into contact with infected animals or involves the handling of meat, hides and other animal products or parts of animal carcasses.



The new schedule also considers as occupational diseases those which arise in the course of all activities bringing the workers into contact with noxious substances.

The supervision of the application of the relevant statutory provisions is the responsibility of the Labour Inspection Service.

\* \* \*

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, Denmark, France, India, Japan, Poland, Switzerland.*

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

*Argentina, Austria, Burma, Cuba, Finland, Pakistan, Portugal.*

## 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 <sup>1</sup> . . . . .	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
Finland . . . . .	17. 9.1927
France . . . . .	4. 4.1928
Federal Republic of Germany <sup>2</sup> . . . . .	18. 9.1928
Ghana <sup>3</sup> . . . . .	20. 5.1957
Greece . . . . .	30. 5.1936
Haiti . . . . .	19. 4.1955
Hungary . . . . .	19. 4.1928
India . . . . .	30. 9.1927
Indonesia <sup>4</sup> . . . . .	13. 9.1927
Iraq . . . . .	30. 4.1940
Ireland . . . . .	5. 7.1930
Israel . . . . .	5. 5.1958
Italy . . . . .	15. 3.1928
Japan . . . . .	8.10.1928
Luxembourg . . . . .	16. 4.1928
Federation of Malaya <sup>5</sup> . . . . .	11.11.1957
Mexico . . . . .	12. 5.1934
Morocco <sup>6</sup> . . . . .	13. 6.1956
Netherlands . . . . .	13. 9.1927
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	11. 6.1929
Pakistan <sup>7</sup> . . . . .	30. 9.1927
Peru . . . . .	8.11.1945
Poland . . . . .	28. 2.1928
Portugal . . . . .	27. 3.1929
Spain . . . . .	22. 2.1929
Sudan . . . . .	18. 6.1957
Sweden . . . . .	8. 9.1926
Switzerland . . . . .	1. 2.1929
Tunisia <sup>8</sup> . . . . .	12. 6.1956
Union of South Africa . . . . .	30. 3.1926
United Arab Republic (Egypt) . . . . .	29.11.1948
United Kingdom . . . . .	6.10.1926
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

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

<sup>3</sup> See footnote 3 to Convention No. 15.

<sup>4</sup> Remains bound by this Convention which was formerly ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

<sup>5</sup> See footnote 1 to Convention No. 17.

<sup>6</sup> See footnote 5 to Convention No. 4.

<sup>7</sup> See footnote 3 to Convention No. 1.

<sup>8</sup> See footnote 3 to Convention No. 13.

### *Argentina.*

In reply to the direct request made by the Committee of Experts in 1958 the report states that no bilateral agreement concerning compensation for employment injuries has yet been ratified.

### *Austria.*

In reply to the request made by the Committee in 1958 the Government has supplied the following information.

Entitlement to workmen's compensation does not lapse during a period of residence abroad if such residence is authorised by the institution providing the benefit. There are no administrative or general regulations for the application of this statutory provision. The Government asserts that in principle the institutions authorise residence abroad in all cases. For administrative reasons authorisation is generally given for a specific period, but the beneficiary may before the expiry of such a period apply for an extension of the authorisation. This procedure is applicable without discrimination both to Austrians and to nationals of all States that have ratified the Convention and grant reciprocity of treatment. The report also shows that workmen's compensation benefits derived from international Conventions or Austrian Ordinances promulgated in accordance with the principle of reciprocity of treatment are granted to nationals of States that have ratified the Convention if this is provided for by the provisions in question. The extent of the benefits to which foreign workers are entitled in the field of workmen's compensation for accidents is governed by provisions of Austrian legislation or of the international Conventions. There are no special arrangements for publicising provisions affecting such persons, but they can obtain information from all the agencies of the insurance institutions and the workers concerned can also apply to the bodies which are their legal representatives.

### *Brazil (First Report).*

Legislative Decree No. 7036 of 10 November 1944 respecting employment accidents (*Diário Oficial*, 13 Nov. 1944) (L.S. 1944—Braz. 2).

Decree No. 18809 of 5 June 1945 to issue regulations under the Employment Accidents Act (*Diário Oficial*, 8 June 1945).

By virtue of its ratification Convention No. 19 has become a part of the national legislation and as such is binding on the administrative and judicial authorities of the federal Union and of the various states.

Moreover, the report points out that the legislation concerning employment injuries makes no distinction for purposes of compensation between Brazilian and foreign workers.

Enforcement of all the laws and regulations relating to employment injuries is entrusted to the Ministry of Labour, Industry and Commerce.

#### *Chile.*

In reply to the request for information made by the Committee of Experts in 1958 the Government states that, as there is no difference under Chilean law between the treatment given to foreigners or their dependants and Chilean nationals in the event of employment injury, no bilateral agreement on this subject has been concluded.

#### *China.*

Labour Insurance Act of 21 July 1958.

#### *Czechoslovakia.*

At the direct request of the Committee of Experts the Government states that the provisions of international Conventions, and any instructions issued by the National Social Security Office, regarding the payment of compensation abroad apply only to nationals of States with which Czechoslovakia has signed an international convention or to the nationals of States which, without being parties to such conventions, are covered by special instructions issued by the National Social Security Office in consultation with the appropriate government departments.

#### *Dominican Republic.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that the Employment Injuries Act of 1932 does not lay down any procedure for paying compensation in the event of employment injuries to workers residing abroad. In practice these payments are made through diplomatic or consular channels.

#### *France.*

The Interim Social Security Agreements of the Council of Europe, which were signed on 11 December 1953, came into force as regards France on 1 January 1958 (Decree No. 58-195 of 18 February 1958 and Decree No. 58-312 of 20 March 1958).

The Social Security Convention between France and the United Kingdom, which was signed on 10 July 1956, came into force on 1 May 1958. A General Social Security Convention between France and Portugal was signed on 16 November 1957 and a General Social Security Convention between France and Greece was signed on 19 April 1958.

#### *Ghana (First Report).*

Workmen's Compensation Ordinance No. 52 of 18 October 1940, as amended 1 July 1942 and 27 November 1954 (chapter 94 of the Laws of Ghana).

*Article 1 of the Convention.* No conditions as to nationality or residence are laid down in respect of workers and their dependants. Workmen's compensation payments may be made, if necessary, through appropriate officers, in the territories where foreign applicants reside.

*Article 2.* No special agreement has been concluded regarding accident compensation for foreign workers employed temporarily or intermittently in Ghana.

*Article 3.* A system of workmen's compensation for industrial accidents is already in effect.

*Article 4.* The Ordinance makes it possible to extend its provisions to occupational diseases.

The application of the above-mentioned legislation is secured by the Commissioner of Labour and the Labour Officers.

The report states that no separate statistics are kept of foreign workers.

#### *Haiti.*

In reply to the direct request made by the Committee of Experts in 1958, the Government states that section 89 of the Act of 12 September 1951, which provides on the one hand that benefits shall be suspended if the beneficiary goes abroad, unless he has reached an agreement with the Social Insurance Institute on the duration of his absence and, on the other, that members of the insured person's family are not entitled to benefit if they do not live in Haiti, applies to national workers and members of their families as to foreign workers.

The Government also states that, although foreign technicians who stay in Haiti for less than a year are exempt from all compulsory insurance, they are nevertheless able to insure on a voluntary basis and thus to benefit from the accident compensation scheme.

Finally the Government states that it is difficult to provide exact information on the number, nationality and occupation of aliens because available statistics are incomplete. However, it hopes to be able to give this information in its next report.

#### *Italy.*

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

#### *Luxembourg.*

Act of 15 July 1958 approving the two Interim European Agreements on Social Security and the additional Protocols thereto, together with the European Convention on Social and Medical Assistance and the additional Protocol thereto, signed in Paris on 11 December 1953 (*Mémorial*, 12 Aug. 1958, No. 42).

Administrative Arrangement of 3 October 1957 respecting the application of the Social Security Convention signed by the Grand Duchy of Luxembourg and the Federal People's Republic of Yugoslavia on 13 October 1954 (*Mémorial*, 29 Oct. 1957, No. 62).

The report states that section 100, paragraph 5, of the Social Insurance Code states that the revaluation of disability pensions to take account of changes in the cost of living only applies to Luxembourg nationals and to the beneficiaries of foreign insured persons who are themselves Luxembourg nationals, as well as to such foreigners as may be specified in an Order of the Minister of Labour and Social Security. No Order of this kind has yet been issued although it is proposed to do so in the near future to safeguard reciprocal arrangements on the basis of section 100, paragraph 5, of the Social Insurance Code.

#### *Federation of Malaya (First Report).*

Workmen's Compensation Ordinance No. 85 of 1952 (Supplement to the *Government Gazette*, 30 Dec. 1952) (*L.S.* 1952—Mal. 1).

Workmen's Compensation Regulations, 1953 (Legislative Supplement (Subsidiary Legislation) to the *Government Gazette*, 1 Apr. 1953).

*Article 1 of the Convention.* Compensation for industrial accidents is paid to workmen as defined in the above-mentioned Ordinance, and no distinction is drawn between nationals of Malaya and non-nationals.

Reciprocal arrangements for paying compensation to individuals residing outside the territory of the Federation can be made under section 42 (1) of the Ordinance, but this section limits to members of the British Commonwealth the authority to enter into such arrangements.

According to the report, working arrangements exist with respect to payment of compensation to beneficiaries residing in India and the People's Republic of China.

*Article 2.* No such agreement has been entered into.

*Article 3.* A system of workmen's compensation has been in existence for nearly 30 years.

The Workmen's Compensation Ordinance is administered under the authority of the Commissioner for Labour and his officers who are appointed commissioners for their respective areas of jurisdiction.

#### *Nicaragua.*

In reply to the direct request made by the Committee of Experts in 1958 the Government states that firms which conclude contracts with Nicaraguan workers for service abroad are compelled to appoint a general agent in the country and to deposit 200 córdobas with the Nicaraguan National Bank. This sum serves as a security against any claims which may arise.

#### *Norway.*

In reply to a direct request as to whether measures have been taken as regards exception from the provision of paragraph 1 of section 27

of the Accident Insurance Act of 24 June 1931, which provides for suspension of compensation payments if the beneficiary is resident outside Norway or outside the country of which he was a national at the time of the accident, the report states that by Royal Decree of the Crown Prince Regent, dated 27 July 1956, the National Insurance Institution is authorised to make payments to persons domiciled outside the Realm. The report adds that the Crown has not issued any further regulations as to the manner in which the National Insurance Institution shall exercise this authority.

#### *Spain.*

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

#### *Sudan (First Report).*

Workmen's Compensation Ordinance of 1 September 1949 (*Laws of the Sudan*, Vol. 8, Chapters XXII and XXIII).

*Article 1 of the Convention.* The Workmen's Compensation Ordinance applies to all workers irrespective of nationality. Whenever employment injury causes the death of a worker the court grants compensation to his dependants whatever their nationality or place of residence.

*Article 2.* The Sudan has not concluded any agreements as provided in this Article.

*Article 3.* The Sudan has a workmen's compensation scheme.

Places of work are inspected by the labour and factory inspectors of the Labour Department.

#### *Sweden.*

Royal Order of 21 February 1958 respecting the exemption of nationals of the Federation of Malaya from certain provisions of Act No. 243 of 14 May 1954 on employment injury insurance.

Royal Order of 15 August 1958 respecting the exemption of nationals of Israel 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 Federation of Malaya and the Republic of Israel.

#### *Tunisia.*

Act No. 57/73 of 11 December 1957 respecting compensation for employment injuries and occupational diseases (*Journal officiel*, 20 Dec. 1957).

There is no special statutory provision governing the payment of compensation to Tunisian workers and their dependants should they reside outside Tunisia. In the absence of any international convention or treaty making more favourable arrangements, foreigners who are in receipt of pensions under the above-mentioned Act and cease to reside in Tunisia receive a lump sum in full and final compensation equal to three times the pension.

United Kingdom.

Great Britain.

National Insurance (No. 2) Act, 1957 (6 Eliz. 2, ch. 1).

Northern Ireland.

National Insurance (No. 2) Act (Northern Ireland), 1957 (1957, ch. 26).

Reciprocal agreements between the Government of the United Kingdom and the Governments of Belgium, Israel and Norway were brought into force during the year under report.

With regard to the application of Article 1 of the Convention the Government states that under the Industrial Injuries scheme industrial disablement benefit and industrial death benefit, and, in certain circumstances, industrial injury benefit, are payable outside the United Kingdom regardless of the nationality of the beneficiary.

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, Brazil, Chile, Cuba, Denmark, Dominican Republic, France, Federal Republic of Germany, Ghana, Greece, Haiti, Luxembourg, Federation of Malaya, Morocco, Norway, Peru, Poland, Portugal, Sudan, Switzerland, Tunisia, United Kingdom.

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

Belgium, Burma, Colombia, Finland, Hungary, India, Ireland, Japan, Mexico, Netherlands, Pakistan, Union of South Africa, United Arab Republic (Egypt), Uruguay, Yugoslavia.

20. Night Work (Bakeries) Convention, 1925

*This Convention came into force on 26 May 1928*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2. 1955
Bulgaria . . . . .	5. 9. 1929
Chile . . . . .	31. 5. 1933
Colombia . . . . .	20. 6. 1933
Cuba . . . . .	6. 8. 1928
Finland . . . . .	26. 5. 1928
Ireland . . . . .	15. 3. 1937
Israel . . . . .	26. 7. 1951
Luxembourg . . . . .	16. 4. 1928
Nicaragua <sup>1</sup> . . . . .	12. 4. 1934
Spain . . . . .	29. 8. 1932
Sweden . . . . .	5. 1. 1940
Uruguay . . . . .	6. 6. 1933

<sup>1</sup> Has denounced this Convention.

Colombia.

See under Convention No. 1.

Cuba.

In reply to a direct request by the Committee of Experts in 1958 the Government states that, owing to the reversion to the legal position which existed before 1955, no agreement between workers and employers has been necessary. The kind of bread usually consumed—which is the only one that need be made in the early hours of the morning—is no longer baked during the hours of night covered by the prohibition.

Israel.

Act No. 5718-1957 (Amended) forbidding night work in bakeries (*Sefer hakhukim*, No. 240, 9 Jan. 1958).

Under the above-mentioned Act the Minister of Labour may allow work in bakeries as from 5 a.m.

Spain.

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

With regard to the request for information addressed to the Government by the Committee of Experts in 1958, the report points out that section 1 of the Royal Decree of 3 April 1919 expressly states that the prohibition of night work in bakeries applies also to the baking of bread in restaurants, hotels and inns, as well as to the making of confectionery, cakes and pastries and the like.

\* \* \*

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

Chile, Finland, Ireland, Sweden, Uruguay.

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

Bulgaria, Luxembourg.

## 21. Inspection of Emigrants Convention, 1926

*This Convention came into force on 29 December 1927*

Countries	Date of registration of ratification
Albania . . . . .	17. 3.1932
Argentina . . . . .	14. 3.1950
Australia . . . . .	18. 4.1931
Austria . . . . .	29.12.1927
Belgium . . . . .	15. 2.1928
Bulgaria . . . . .	29.11.1929
Burma <sup>1</sup> . . . . .	14. 1.1928
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 9.1954
Czechoslovakia . . . . .	25. 5.1928
Denmark . . . . .	18. 5.1955
Finland . . . . .	5. 4.1929
France <sup>2</sup> . . . . .	13. 1.1932
Hungary . . . . .	3. 2.1931
India . . . . .	14. 1.1928
Ireland . . . . .	5. 7.1930
Japan . . . . .	8.10.1928
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	9. 3.1938
Netherlands . . . . .	13. 9.1927
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	28. 1.1957
Pakistan <sup>3</sup> . . . . .	14. 1.1928
Sweden . . . . .	28. 1.1957
United Kingdom <sup>2</sup> . . . . .	16. 9.1927
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944

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

<sup>2</sup> Conditional ratification.

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

### Norway (First Report).

*Article 1 of the Convention.* All passenger vessels carrying more than 50 passengers sailing between Europe and other parts of the world are considered to be emigrant vessels and all passengers on board such vessels are considered to be emigrants.

*Article 2.* No advantage has been taken of the possibility allowed by this Article of placing observers on board foreign vessels carrying Norwegian emigrants.

*Article 3.* Norway has an official emigrant inspection system, but this system does not imply the placing of inspectors on board emigrant vessels.

No agreements with other governments have been made with respect to the appointment of inspectors on board ships.

*Article 4.* No fixed regulations have been made for the appointment of ships' doctors as official inspectors in the conditions provided for in this Article.

The inspection of Norwegian ships is undertaken, before they leave port, by the local ship inspector and two other officials appointed by the Maritime Office.

### Sweden (First Report).

*Article 1 of the Convention.* Swedish legislation on safety at sea gives no definition of the terms "emigrant ship" or "emigrant".

*Article 2.* There has been no occasion to make use of the possibility, allowed under paragraph 2 of this Article, of placing observers on board emigrant ships carrying Swedish nationals.

*Article 3.* Sweden has no official emigrant inspection system.

*Article 4.* The report states that there is a ship's doctor on board every long-distance passenger vessel.

\* \* \*

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, India, Ireland, Japan, Netherlands, New Zealand, Norway, Pakistan, Sweden, Uruguay.*

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

*Argentina, Australia, Austria, Bulgaria, Burma, Colombia, Cuba, Czechoslovakia, Hungary, Luxembourg, Mexico, Nicaragua.*

22. Seamen’s Articles of Agreement Convention, 1926

*This Convention came into force on 4 April 1928*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Australia . . . . .	1. 4.1935
Belgium . . . . .	3.10.1927
Bulgaria . . . . .	29.11.1929
Burma <sup>1</sup> . . . . .	31.10.1932
Canada . . . . .	30. 6.1938
Chile . . . . .	18.10.1935
China . . . . .	2.12.1936
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 7.1928
Finland . . . . .	8. 4.1947
France . . . . .	4. 4.1928
Federal Republic of Germany <sup>2</sup>	20. 9.1930
India . . . . .	31.10.1932
Ireland . . . . .	5. 7.1930
Italy . . . . .	10.10.1929
Japan . . . . .	22. 8.1955
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	12. 5.1934
Morocco . . . . .	14. 3.1958
Netherlands . . . . .	15.12.1937
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	29. 3.1940
Pakistan <sup>3</sup> . . . . .	31.10.1932
Poland . . . . .	8. 8.1931
Spain . . . . .	23. 2.1931
United Kingdom . . . . .	14. 6.1929
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	30. 9.1929

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

*Argentina.*  
See under Convention No. 8.

*Australia.*  
Navigation Act, 1958.  
Section 33 of the above-mentioned Act, which received the Royal Assent on 27 May 1958 but has not yet been proclaimed, will remedy the deficiency pointed out by the Committee of Experts in 1958. Section 33 lays down, *inter alia*, that agreements with seamen engaged outside Australia must observe the requirements of section 46 in the same way as if the agreement were entered into in Australia.

*Belgium.*  
For the Government’s reply to an observation by the Committee of Experts see *Report of the Committee*, p. 669.

*Canada.*  
*Article 1 of the Convention.* Section 184 of the Canadian Shipping Act, 1934 (Revised Statute, 1952) states that the Act is applicable to all seafarers engaged in any part of Her Majesty’s Dominions or at a port in which there is a consular officer. This is subject to the

qualification that each seaman must be engaged before a consular or customs officer and the articles attested by the consular officer.

*China.*  
*Article 3 of the Convention.* According to section 17 of the Rules for the Control of Seamen, 1948, articles of agreement must be signed in three copies: one each for the two parties concerned and the third, to be accompanied by the crew list and the seaman’s work book or certificate, to be submitted to the competent maritime authority for approval. According to section 20 of the same Rules the maritime authority, in certifying the articles of agreement, should, on request, read its full text to the parties concerned.  
*Article 4.* According to sections 6 and 8 of the Regulations for the Control of Seamen, 1952, and section 17 of the Rules of 1948, the articles of agreement must be approved by the maritime authority.

*Article 9.* Section 68 of the Merchant Shipping Act, 1929, contains, with regard to the payment of grants in case of dismissal, provisions which seem to apply the standards laid down in the Convention concerning the notice of dismissal.  
*Article 10.* According to section 153 of the Civil Code the articles of agreement shall be terminated by mutual consent, whether this is expressed openly or otherwise. According to section 69 of the Merchant Shipping Act, the loss or total unseaworthiness of the vessel can be a reason for the dismissal of a seaman.

*Article 14.* According to section 7 of the Rules of the Service of Seamen, a workbook is issued by the maritime authority; termination or cancellation of the articles of agreement is entered in the workbook after being endorsed by the authority.

*Colombia.*  
See under Convention No. 1.

*Finland.*  
In reply to a direct request the Government states that, according to the provisions of section 15 of the Seafarers’ Act of 1955, any seafarer who has served on board a vessel for 12 months has the right, unless it has been otherwise agreed, to terminate the agreement at the expiry of a period of notice, in any port of any country where the vessel calls.

*Federal Republic of Germany.*  
Civil Code, 1950.  
Seamen’s Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (L.S. 1957—Ger.F.R. 4).

*Article 1 of the Convention.* The relevant provisions are contained in sections 1, 2 (1), 3 to 7, 10, 78 (1) and 79 of the Act. The Act applies indiscriminately to all merchant ships sailing under the flag of the Federal Republic.

*Article 2.* In Germany there is nothing equivalent to the "home trade". The relevant provisions are contained in sections 1 to 7.

*Article 3, paragraph 1.* Seamen have an opportunity of examining articles of agreement at the time of signing them at the mercantile marine office (sections 15 and 24).

*Paragraph 2.* The captain or his representative must be present at the time of signing. The mercantile marine office may waive the requirement concerning the presence of other persons (section 13 (2) and (3) and sections 14 to 17).

*Paragraph 3.* The requirement concerning official communication of the agreement to the mercantile marine office gives effect to this paragraph (section 13 (2) and (3) and section 15).

*Paragraphs 4 to 6.* The mercantile marine office clearly indicates the date of termination of the contract at the time of signing by the seaman. Section 14 does not include any illegal provisions. In case of discrepancy between the Convention and the Act, the mercantile marine office gives a provisional ruling.

*Article 4.* The requirement concerning official communication of the signed agreement to the mercantile marine office precludes the insertion of illegal stipulations in the agreement.

*Article 5.* The obligations of the parties and the nature and termination of the contract are specified in a sea service book (sections 11, 12, 18 and 19).

*Article 6, paragraphs 1 and 2.* These paragraphs are covered by sections 23 and 24 and Division III of the Act.

*Paragraph 3.* Section 24 of the Act gives effect to subparagraphs 1 to 3, 5 to 7, 9, 10 (a) and 12 of this paragraph. As regards subparagraph 10 (b), the termination of the contract is determined by general principles of labour policy and the duration of the voyage. Effect is given to subparagraph 10 (c) by sections 62 and 63, in conjunction with section 24 of the Act.

*Article 7.* This Article is applied by section 14 of the Act.

*Article 8.* This Article is applied by sections 13 and 14 of the Act.

*Article 9, paragraph 1.* This paragraph is applied by sections 63 and 64 of the Act.

*Paragraph 2.* This paragraph is applied by sections 62 and 69 of the Act.

*Paragraph 3.* This paragraph is applied by section 63 (3) of the Act.

*Article 10, clause (a).* The principle of "mutual consent" is applied.

*Clause (b).* This clause is applied by section 77 of the Act.

*Clause (c).* This clause is applied by section 66 of the Act.

*Clause (d).* This clause is applied by Division IV of the Act.

*Article 11.* This Article is applied by sections 64 to 66 and 69 of the Act.

*Article 12.* This Article is applied by sections 67 to 70 and 78 of the Act.

*Article 13.* This Article is applied by section 68 of the Act.

*Article 14.* This Article is applied by section 69 of the Act and section 630 of the Civil Code.

#### *India.*

Replying to a request made by the Committee of Experts in 1958 the Government states in its report that section 116 of the new Merchant Shipping Act, 1958 (which is not yet in force) contains provisions concerning the engagement of seafarers in ports outside India.

#### *Japan.*

For the Government's reply to the observation made by the Committee of Experts in 1958 see *Report of the Committee*, p. 669.

#### *Mexico.*

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

*Article 5 of the Convention.* Measures have been taken, following the observation made, to bring about strict conformity with the Convention.

*Article 9.* An agreement with the crew, whether made for a definite or indefinite period, may be terminated when a vessel is in port, provided the minimum notice of 24 hours is given. Thus, section 145 of the Federal Labour Act provides that a notice of termination of an agreement must be given at least 24 hours before a vessel leaves port.

The prohibition, contained in section 146 of the Act, against the termination in a foreign port of an agreement concluded for an indefinite period is in accordance with the provisions of paragraph 3 of Article 9 of the Convention, by the terms of which national law determines the exceptional circumstances.

#### *New Zealand.*

Shipping and Seamen Amendment Act, 1957 (New Zealand Statutes, 1957).

The amendment lays down the conditions to be complied with by the master, the owner or his agent, where a seaman engaged outside New Zealand is discharged in New Zealand by reason of illness or accident, or otherwise than by reason of illness or accident. These provisions are considered to come within the scope of Article 10 (d) of the Convention.

#### *Nicaragua.*

In reply to the observations made in 1958 the Government states that the amendments to the labour legislation which will in due course be proposed to the legislature will give effect to the provisions of the Convention.

*Pakistan.*

Replying to a direct request made in 1958 by the Committee of Experts concerning Article 1 of the Convention in connection with section 27 (1) of the Merchant Shipping Act, 1923, the Government states in its report that it may happen that the master of a vessel registered in Pakistan engages a seaman outside Pakistan and that, in case this should take place in a country which has not ratified the Convention, the engagement must be made in accordance with the laws of that country. It would be necessary, in such a case, for the master to sign documents prerequisite to such engagement or furnish a security guaranteeing compliance with certain regulations of the country.

*Poland.*

Act of 5 November 1958 to amend the Act of 28 April 1952 respecting service on board Polish merchant ships in the foreign trade (Law Journal, 20 Nov. 1958, No. 68, Text 338, p. 873) (L.S. 1958—Pol. 4).

Section 49 of the Act of 28 April 1952, as amended by section 6 of the above-mentioned Act, lays down that a contract entered into for a definite or indefinite period may be terminated in the port where the vessel loads or unloads.

*Spain.*

Order of 15 February 1958 to amend certain sections of the Labour Regulations for the Mercantile Marine of 23 December 1952 (*Boletín Oficial del Estado*, 19 Feb. 1958).

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

Replying to a direct request made in 1958 by the Committee the report gives the text of paragraphs 2 and 3 of the above-mentioned Order. According to the new text of Regula-

tions 62 and 63 of the Labour Regulations for the Mercantile Marine, seafarers are given ample facilities to examine not only the articles of agreement before signature and after signing on but also the text of the Regulations.

*United Kingdom.*

In reply to a direct request the Government states that foreign ports used by British shipping are normally served by consular officers, who in some cases are responsible for groups of ports. If, however, a seaman has to be engaged at a foreign port for which there is no consul, the master signs the seaman on and sends a notification of the agreement to the nearest consul. The agreement must be produced at the next port of call where there is a consul.

*Yugoslavia.*

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663) (L.S. 1957—Yug. 2).

Decree of 26 January 1954 respecting sea service books (*Službeni List*, No. 5/54).

Decree of 9 March 1956 to amend the Decree respecting the crews of ships in the mercantile marine (*Službeni List*, 14 Mar. 1956, No. 11, Text 99) (L.S. 1956—Yug. 2).

\* \* \*

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, Finland, France, Ireland, Italy, Japan, Mexico, Nicaragua, United Kingdom.*

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

*Burma, Colombia, Luxembourg, Netherlands, Norway, Uruguay.*

## 23. Repatriation of Seamen Convention, 1926

*This Convention came into force on 16 April 1928*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Belgium . . . . .	3.10.1927
Bulgaria . . . . .	29.11.1929
China . . . . .	2.12.1936
Colombia . . . . .	20. 6.1933
Cuba . . . . .	7. 7.1928
France . . . . .	4. 3.1929
Federal Republic of Germany <sup>1</sup>	14. 3.1930
Ireland . . . . .	5. 7.1930
Italy . . . . .	10.10.1929
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	12. 5.1934
Netherlands . . . . .	5. 5.1948
Nicaragua . . . . .	12. 4.1934
Poland . . . . .	8. 8.1931
Spain . . . . .	23. 2.1931
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	30. 9.1929

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

*Argentina.*

See under Convention No. 8.

*China.*

If seamen who are being repatriated by ship work during their passage home they must be paid for their work.

*Colombia.*

See under Convention No. 1.

*Federal Republic of Germany.*

Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (L.S. 1957—Ger. F.R. 4).

This Act contains the provisions which give effect to the Convention; they came into force on 1 July 1958.



*Article 1 of the Convention.* The Act applies to all merchant vessels flying the flag of the Federal Republic (section 1) and covers masters (sections 2 (1) and 103) and seafarers employed on board such vessels (sections 3 to 6). There is nothing in the Act specifying whether or not it applies to shipowners, or whether or not its provisions are mandatory with respect to the types of vessels referred to in subparagraphs (c) to (g) of paragraph 2 of Article 1 of the Convention.

*Article 2.* Members of the crew as defined in the Act include the ship's officers, other supervisors and the ratings (section 3). The master is defined as the commander of the ship (section 2). The concept of "home trade" is unknown in German law.

*Article 3.* Section 72 provides that when a crew member's engagement is terminated without notice for the reasons specified in sections 49 (illness), 65 (other reasons) or 66 (loss of the vessel), or terminates outside the territory where the Constitution applies, such crew member will be entitled to free repatriation to the place in the said territory where the engagement was entered into. The same right exists where a crew member terminates the engagement of his own volition for any of the following reasons: the shipowner or master is guilty of a serious breach of his obligations towards him; the master grossly insults or ill-treats him or allows other persons to ill-treat him; there is a change of flag; annual leave is refused; if the ship is due to call at a port where there is an epidemic, or the areas traversed or the conditions on board involve special hazards (section 67). The seaman is also entitled to repatriation in case of termination, outside the territory where the Constitution applies, of an engagement entered into for a specified period (section 72).

The repatriation requirement may be met by giving the seaman employment and remunera-

tion corresponding to his previous post on board a ship flying the flag of the Federal Republic, as defined by law (section 74).

Section 137 gives effect to paragraph 4 of Article 3 of the Convention.

*Article 4.* Effect is given to clause (a) by sections 65 and 72 of the Act; to clause (b) by sections 66 and 72; to clause (c) by sections 49 and 72; and to clause (d) by sections 65 and 72.

*Article 5.* The right to free repatriation includes adequate accommodation and provisions and the transport of personal effects (section 72, paragraph (2)).

*Spain.*

Order of 15 February 1958 to amend certain sections of the Labour Regulations for the Mercantile Marine of 23 December 1952 (*Boletín Oficial del Estado*, 19 Feb. 1958).

The Government states, in reply to a direct request made by the Committee of Experts in 1958, that the above-mentioned Order amended Regulation 191 of the Regulations of 23 December 1952 so as to enable Spanish and foreign seafarers to be repatriated to the port of embarkation, to such port as may have been agreed, or to their place of residence, irrespective of whether such port is in Spain or abroad.

\* \* \*

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

*Belgium, China, Cuba, Ireland, Italy.*

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

*Colombia, France, Luxembourg, Mexico, Netherlands, Nicaragua, Poland, Uruguay, 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 <sup>1</sup> . . . . .	23. 1. 1928
Haiti . . . . .	19. 4. 1955
Hungary . . . . .	19. 4. 1928
Luxembourg . . . . .	16. 4. 1928
Nicaragua . . . . .	12. 4. 1934
Peru . . . . .	8. 11. 1945
Poland . . . . .	29. 9. 1948
Rumania . . . . .	28. 6. 1929
Spain . . . . .	29. 9. 1932
United Kingdom . . . . .	20. 2. 1931
Uruguay . . . . .	6. 6. 1933
Yugoslavia . . . . .	30. 9. 1929

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

*Austria.*

In reply to the direct request made by the Committee of Experts in 1958 regarding the suspension of entitlement to benefit while the insured person is abroad, the report states that the Government, after having reviewed the question, considers that no amendment of section 89, paragraphs 1 (2) and 3 (2) of the Social Insurance Act, 1955, is called for. Article 3, paragraph 3, of the Convention makes no provision for suspension on this ground in order to protect workers who are employed abroad. This protection is, however, afforded by section 130 of the 1955 Act, so that the suspension of benefit allowed under section 89 only affects persons who are not abroad in order to work. Moreover the Government points out that the sickness insurance schemes do in fact pay benefit to persons who fall ill during short stays abroad.

Chile.

In reply to the direct request made by the Committee of Experts the Government states that in Chile there are no general standards concerning the provision of medical benefits, as there are several schemes under which medical benefits are granted. The report also cites the legislative provisions governing various special schemes.

Colombia.

See under Convention No. 1.

Federal Republic of Germany.

Fourth Act dated 27 July 1957 to amend and supplement the Second Book of the Federal Insurance Code ("Second Income Limit Act") (*Bundesgesetzblatt*, Part I, p. 1070) (came into force on 1 October 1957).

The income limit applicable to the assessment of contributions and cash benefits for manual workers has been increased. Non-manual workers are liable to sickness insurance if their salaries do not exceed 7,920 marks per year (instead of 6,000 marks under the previous provisions).

Sickness benefit is payable from the third day of incapacity for work (instead of from the fourth day under the previous provisions) up to 26 weeks; however, when incapacity for work lasts for over two weeks or results from an employment injury benefit is paid from the first day of incapacity for work.

Haiti.

In reply to the direct question formulated by the Committee in 1958 the report of the Government states as follows.

*Article 2 of the Convention.* Apprentices are treated as manual workers, and thus they enjoy the benefits of the insurance scheme.

*Article 4.* Hospital care is only one form of medical benefit and does not exclude the supply of medicines nor the various forms of treatment contemplated in this Article of the Convention.

Rumania.

Decree of 29 May 1958 respecting medical assistance for employees and members of their families.

Spain.

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee*, p. 670.

In reply to the direct request made by the Committee the report states that, although the length of hospital care is limited to 12 weeks, the duration of medical care is extended to 39 or 52 weeks (depending on circumstances) under the Decree of 7 March 1958 (*Boletín Oficial del Estado*, 1 Apr. 1958).

The standing orders and rules of the Madrid Press Association are appended to the report.

United Kingdom.

Great Britain.

National Insurance (No. 2) Act, 1957 (6 Eliz. 2, ch. 1).

Northern Ireland.

National Insurance (No. 2) Act (Northern Ireland), 1957 (1957, ch. 26).

The rates of sickness benefit were increased by the above-mentioned legislation, as also were the rates of contributions.

Uruguay.

In reply to the observation made by the Committee of Experts in 1958 the report states that a Bill on sickness insurance is now before Parliament.

\* \* \*

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

*Austria, Chile, Czechoslovakia, France, Federal Republic of Germany, Hungary, Luxembourg, Poland, Spain, United Kingdom, Uruguay, 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 <sup>1</sup> . . . . .	23. 1. 1928
Haiti . . . . .	19. 4. 1955
Luxembourg . . . . .	16. 4. 1928
Nicaragua . . . . .	12. 4. 1934
Poland . . . . .	29. 9. 1948
Spain . . . . .	29. 3. 1932
United Kingdom . . . . .	20. 2. 1931
Uruguay . . . . .	6. 6. 1933
Yugoslavia . . . . .	21. 5. 1952

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

Austria.

See under Convention No. 24.

Chile.

See under Convention No. 24.

Colombia.

See under Convention No. 1.

Federal Republic of Germany.

See under Convention No. 24.

Haiti.

See under Convention No. 24.

Spain.

See under Convention No. 24.

United Kingdom.

See under Convention No. 24.

Uruguay.

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 :

*Austria, Chile, Czechoslovakia, Federal Republic of Germany, Luxembourg, Poland, Spain, United Kingdom, 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 <sup>1</sup> . . . . .	30. 5.1929
Republic of Guinea <sup>2</sup> . . . . .	21. 1.1959
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
Norway . . . . .	7. 7.1933
Spain . . . . .	8. 4.1930
Sudan . . . . .	18. 6.1957
Switzerland . . . . .	7. 5.1947
Tunisia . . . . .	15. 5.1957
Union of South Africa . . . . .	28.12.1932
United Kingdom . . . . .	14. 6.1929
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	14. 6.1955

<sup>1</sup> See footnote 2 to Convention No. 2.  
<sup>2</sup> See footnote 4 to Convention No. 4.

China.

Essential Points dated 28 December 1956 for the Inspection of Wages of Industrial Workers in Taiwan Province.  
Directive dated 20 December 1957 for the Attention of Inspection Teams on Wages of Industrial Workers in Districts.

In answer to a direct request addressed to it in 1958 the Government has supplied the following information.

*Articles 2 and 3 of the Convention.* The minimum wage rates fixed in industry were adopted on the recommendation of a tripartite research group, and the Government has invited the co-operation of employers' organisations. The minimum wage is compulsory and may not be modified by individual or collective agreements.

*Article 4.* Publicity is given to minimum wage rates in official bulletins, newspapers, etc. Under the Directive for the Attention of Inspection Teams, if underpayments have been made sanctions are applied and employers must pay arrears as from 1 November 1957. Failing such payment the employer may be ordered to close his business temporarily while continuing to pay wages.

Colombia.

See under Convention No. 1.

*Dominican Republic* (First Report).

Labour Code of 11 June 1951 (*Gaceta Oficial*, Vol. LXXII, No. 7309bis, 23 July 1951) (*L.S.* 1951—Dom.1).

*Articles 1 and 2 of the Convention.* All categories of workers are covered by a minimum wage. Minimum wage rates are fixed by the National Wage Board assisted by an Advisory Council which undertakes investigations and studies of a technical nature (sections 420 to 434 of the Labour Code).

*Article 3.* The National Wage Board is composed of a president and two members nominated by the Executive, two members nominated respectively by the national confederations of employers and workers which in the opinion of the Executive are most representative, and a Secretary nominated by the Executive.

There are also present at sessions where minimum wages are being discussed : one employee nominated by the most representative workers' confederation in the case of a national rate, or the workers' federation most concerned in the case of a regional, provincial or local rate ; and one employer nominated by the most representative employers' confederation or federation.

The National Wage Board may be requested to fix minimum wages by the most representative workers' or employers' confederations or federations.

The National Wage Board may call upon specially qualified persons or organisations to give their advice when minimum wages are being fixed.

Minimum wages when fixed are binding, and are not subject to abatement by individual or collective agreement.

*Article 4.* Section 185 of the Labour Code

provides that in no case may wages be lower than the minimum wage established by law.

Section 434 of the Labour Code provides that minimum wage rates shall be published in the Official Gazette and be posted up at all places of work.

If a worker has been underpaid he can refer to the inspectors of the Labour Department who are empowered to apply penalties for breaches of the relevant regulations. Furthermore a worker may complain to the Labour Department of the Secretariat of State for Labour. If no arrangement is reached he has recourse to the ordinary courts.

*Article 5.* Following the termination of the work of a technical assistance mission, all minimum wages fixed up to 1957 are under review by the National Wage Board.

#### *Ecuador.*

In reply to observations made by the Committee of Experts in 1958 the Government has supplied the following information.

*Articles 2 and 3, paragraph 2 (1), of the Convention.* Article 185 (c) of the Constitution provides that the State shall establish a minimum wage for the different branches of work, whilst articles 57 to 62 of the Labour Code provide for the fixing of minimum wages by wage boards which include representatives of the employers and workers concerned. The wage boards take into account the views of qualified persons and bodies before making a determination. This method of determining minimum wages has existed since 1938 and all workers in industry, agriculture, commerce, etc., are covered.

*Article 4, paragraph 2.* The provisions concerning recovery of underpayments of wages are contained in Title VI of the Labour Code.

*Article 5.* The information called for by this Article will be supplied in the next report.

#### *France.*

Act No. 57-834 of 26 July 1957 to amend the status of homeworkers (*Journal officiel*, 28 July 1957).

#### *India.*

The Minimum Wage (Central) Rules, 1950, were amended in December 1957.

In reply to a direct request addressed to it in 1958 the Government states as follows.

*Article 1 of the Convention.* Though the Minimum Wage (Central) Rules, 1950, should apply to Himachal Pradesh, the framing of separate Rules for the territory is being examined, and the extension of the Rules to the areas of the former states of Bhopal and Kutch is also under consideration.

*Article 2.* The Minimum Wages Act, 1948, does not require governments to consult employers' and workers' organisations before deciding to refrain from fixing wages in any scheduled employment in which there are fewer than 1,000 workers in the whole state, under section 3 (1A) of the Act, or before granting exemptions under subsections (2) and (2A) of section 26 of the Act. Most state governments do not consult them, though practice is not uniform on this matter.

*Article 3, paragraph 2 (3).* During the last reporting period exemptions under section 26 (1) of the Minimum Wages Act were granted by the Delhi Administration for all disabled employees, and by the Bombay Government for disabled employees in the printing industry. In Delhi such exemptions were conditional on the disabled employee not being engaged at a rate lower than the statutory rate payable to him, except under a written agreement, a copy of which shall be forwarded by the employer to the Minimum Wage Inspector, and the agreed rate not being less than one rupee per day.

*Article 4, paragraph 1.* Measures are being taken in certain states (to which the report refers) to increase the inspection staff for the enforcement of this Convention.

#### *Italy.*

Act No. 23 of 4 February 1958 to regulate conditions of employment and remuneration of caretakers, cleaners, etc. (*Gazzetta Ufficiale*, No. 40, 15 Feb. 1958, p. 632).

Act No. 264 of 13 March 1958 respecting the protection of homeworkers (*Gazzetta Ufficiale*, No. 85, 9 Apr. 1958, p. 1488) (*L.S.* 1958—It. 1).

For the Government's reply to the observation by the Committee of Experts see *Report of the Committee*, pp. 670-671.

With the dissolution of Parliament the Bill concerning the scope of collective agreements has lapsed. A new Bill is being prepared which, with the aim of guaranteeing minimum remuneration, would empower the Government to make collective agreements binding. In the meantime legislation has been enacted to deal with particular classes of workers. As regards homeworkers, section 6 of the Act of 13 March 1958 provides that they must be paid at a fixed piece rate based on the appropriate collective agreement or, if there is no such agreement, on arrangements concluded between the parties and approved by the Provincial Board established under section 3 of the same Act.

#### *Mexico.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that statistical data on the work of the labour inspectorate in enforcing minimum wage legislation will, as far as possible, be supplied in future reports.

#### *Spain.*

Act of 24 April 1958 respecting trade union collective agreements (*L.S.* 1958—Sp. 1).

In answer to a direct request the Government states that section 8 of the Act of 16 October 1942 renders the procedure for consultation of employers and workers in section 9 of the Act applicable to regulations which are not national in scope.

#### *Union of South Africa.*

Wage Act No. 5 of 1957 (*L.S.* 1957—S.A. 1).

The above Act replaces the Wages Acts of 1937-42. An important departure is the establishment of Divisions of the Wage Board, intended to expedite the making and amendment of wage determinations.

In reply to a request made by the Committee of Experts the Government states that licences of exemption issued under section 19 of the Wage Act, section 51 of the Industrial Conciliation Act and section 13 (1) (c) of the Native Labour (Settlement of Disputes) Act must specify, where wages are involved, the wage rates to be paid to the workers concerned.

United Kingdom.

In reply to a direct request by the Committee of Experts the Government states that it proposes to introduce legislation to repeal the Catering Wages Act, to abolish the Catering Wages Commission and to convert into Wages Councils the four Catering Wages Boards now functioning. The wages and holiday regulations made under the Catering Wages Act would remain in force. The proposed legislation would make possible the appointment of a Commission of Inquiry to consider whether a Wages Council should be established for workers in unlicensed hotels and boarding houses.

Viet-Nam (First Report).

Labour Code of 8 July 1952 (*Journal officiel*, No. 29bis, 19 July 1952, p. 931), as amended by Ordinance No. 12 of 14 December 1955 (*Journal officiel*, No. 11, 24 Dec. 1955, p. 320) (L.S. 1956—V.N. 1).

*Article 1 of the Convention.* Sections 107, 108 and 110 of the Labour Code provide that the Regional Advisory Labour Boards shall fix the minimum wage rates at least once a year. The proposals of the Boards are confirmed by order of the Regional Government. If a Board does not meet or fails to reach a decision, the minimum wage rates are fixed by the Minister of Labour.

*Article 2.* Separate rates are fixed in each region for men, women and children.

*Article 3.* The Regional Advisory Boards include representatives of employers' and workers' organisations, in equal number and on the same footing, as well as representatives of various Ministries (sections 312 to 314 of the Code). Specially qualified persons may also be consulted in an advisory capacity.

Minimum wage rates are binding, and no abatement is possible either by individual or collective agreement (section 107 of the Code).

*Article 4.* Minimum wage rates are published in the *Journal officiel* and must be posted up permanently in workplaces, pay offices and recruiting offices (section 112 of the Code).

Public contracts must contain clauses ensuring the application of minimum wage provisions (section 117 of the Code).

Penalties for non-payment of minimum wages are prescribed by section 360 of the Code.

The Labour Inspectorate checks wages paid by examining employers' wages records.

Underpayments of minimum wages may be recovered by legal proceedings or through 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 :

*Australia, Belgium, Burma, Canada, Chile, China, Cuba, Czechoslovakia, France, Federal Republic of Germany, India, Ireland, Italy, New Zealand, Norway, Spain, Switzerland, Union of South Africa, United Kingdom, Uruguay.*

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

*Netherlands, Nicaragua.*

27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*This Convention came into force on 9 March 1932*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3. 1950
Australia . . . . .	9. 3. 1931
Austria . . . . .	16. 8. 1935
Belgium . . . . .	6. 6. 1934
Bulgaria . . . . .	4. 6. 1935
Burma <sup>1</sup> . . . . .	7. 9. 1931
Canada . . . . .	30. 6. 1938
Chile . . . . .	31. 5. 1933
China . . . . .	24. 6. 1931
Cuba . . . . .	7. 9. 1954
Czechoslovakia . . . . .	26. 3. 1934
Denmark <sup>2</sup> . . . . .	18. 1. 1933
Finland . . . . .	8. 8. 1932
France . . . . .	29. 7. 1935
Federal Republic of Germany <sup>3</sup> . . . . .	5. 7. 1933
Greece . . . . .	30. 5. 1936
Hungary . . . . .	6. 12. 1937
India . . . . .	7. 9. 1931
Indonesia <sup>4</sup> . . . . .	4. 1. 1933
Ireland . . . . .	5. 7. 1930
Italy . . . . .	18. 7. 1933
Japan . . . . .	16. 3. 1931
Luxembourg . . . . .	1. 4. 1931

Countries	Date of registration of ratification
Mexico . . . . .	12. 5. 1934
Morocco . . . . .	20. 9. 1956
Netherlands . . . . .	4. 1. 1933
Nicaragua . . . . .	12. 4. 1934
Norway . . . . .	1. 7. 1932
Pakistan <sup>5</sup> . . . . .	7. 9. 1931
Poland . . . . .	18. 6. 1932
Portugal . . . . .	1. 3. 1932
Rumania . . . . .	7. 12. 1932
Spain . . . . .	29. 8. 1932
Sweden . . . . .	11. 4. 1932
Switzerland . . . . .	8. 11. 1934
Union of South Africa <sup>2</sup> . . . . .	21. 2. 1933
Uruguay . . . . .	6. 6. 1933
Venezuela . . . . .	17. 12. 1932
Viet-Nam . . . . .	6. 6. 1953
Yugoslavia . . . . .	22. 4. 1933

<sup>1</sup> See footnote 2 to Convention No. 1.  
<sup>2</sup> Conditional ratification.  
<sup>3</sup> See footnote 2 to Convention No. 2.  
<sup>4</sup> See footnote 3 to Convention No. 19.  
<sup>5</sup> See footnote 3 to Convention No. 1.

*Argentina.*

In reply to the request made by the Committee of Experts the Government states that the next ordinary session of Congress will examine the possibility of reforming the Labour Code so as to bring its provisions into conformity with those of the Convention.

In practice, the person responsible for checking the accuracy of weight indications on heavy loads is the consignor.

*Cuba.*

In reply to the request made by the Committee of Experts the Government states that, under Resolution No. 214 of 1956, packages or objects weighing more than 1,000 kilograms cannot enter or be transported in Cuban territory unless an indication of the weight is attached. The Government considers that this involves an obligation on the consignor or transporter to mark the weight on packages.

*Federal Republic of Germany.*

The exception allowed under section 2 of the Act of 28 June 1933 respecting the marking of the weight on any large package transported by sea has been abolished by an Act promulgated on 26 September 1958 (*Bundesgesetzblatt*, No. 36, p. 669).

*India.*

The Merchant Shipping Bill referred to in last year's report has since passed into law. The question of amending the Marking of Heavy Packages Act, 1951, is now under active consideration.

*Mexico.*

In reply to the request made by the Committee of Experts the Government states that the Convention applies to packages transported on the few rivers used for navigation in Mexico. There is very little inland navigation and it is all near the ports.

The instructions to harbour-masters have the same obligatory force as constitutional provisions.

*Morocco (First Report).*

Dahir of 2 July 1947 (13 Shaaban 1366) to regulate employment (sections 27 and 51) (*Bulletin officiel* No. 1825, 17 Oct. 1947, p. 1028) (*L.S.* 1947—Mor. 1).

The Government states that, as Moroccan law and practice are in accordance with the standards of Convention No. 27, no changes have been necessary as a result of ratification.

*Article 1 of the Convention.* The law reproduces the terms of the Convention (section 27 of the Dahir).

The implementation of its provisions is entrusted to the labour inspectors and supervisors (section 51 of the Dahir).

*Nicaragua.*

In reply to the request made by the Committee of Experts the Government states that there is no law specifying who is responsible for marking the weight on packages to be transported by vessels. In practice the consignor is expected to do this and the labour inspectors make a check. A Bill now awaiting approval by the Legislative Chambers will bring the legislation into conformity with this Convention.

\* \* \*

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

*India, Netherlands, Yugoslavia.*

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

*Australia, Austria, Belgium, Burma, Canada, Chile, China, Czechoslovakia, Finland, France, Greece, Ireland, Italy, Japan, Luxembourg, Norway, Pakistan, Poland, Portugal, Rumania, Spain, Sweden, Switzerland, Uruguay, Viet-Nam.*

28. Protection against Accidents (Dockers) Convention, 1929

*This Convention came into force on 1 April 1932*

Countries	Date of registration of ratification
Ireland . . . . .	5. 7.1930
Luxembourg . . . . .	1. 4.1931
Nicaragua . . . . .	12. 4.1934
Spain <sup>1</sup> . . . . .	29. 8.1932

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 32.

*Nicaragua.*

In reply to the request made by the Committee of Experts the Government states that regulations are to be prepared determining the employer's obligations as regards giving

effect to the provisions of this Convention, as well as the respective penalties. These regulations will be issued when the legislative reform has been approved by Congress.

\* \* \*

The report from *Nicaragua* 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 :

*Ireland, Luxembourg.*

## 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
Finland . . . . .	13. 1.1936
France . . . . .	24. 6.1937
Federal Republic of Germany . . . . .	13. 6.1956
Ghana <sup>1</sup> . . . . .	20. 5.1957
Greece . . . . .	13. 6.1952
Republic of Guinea <sup>2</sup> . . . . .	21. 1.1959
Haiti . . . . .	4. 3.1958
Honduras . . . . .	21. 2.1957
Hungary . . . . .	8. 6.1956
Iceland . . . . .	17. 2.1958
India . . . . .	30.11.1954
Indonesia <sup>3</sup> . . . . .	31. 3.1933
Iran . . . . .	10. 6.1957
Ireland . . . . .	2. 3.1931
Israel . . . . .	7. 6.1955
Italy . . . . .	18. 6.1934
Japan . . . . .	21.11.1932
Liberia . . . . .	1. 5.1931
Federation of Malaya <sup>4</sup> . . . . .	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
Poland . . . . .	30. 7.1958
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 Arab Republic (Egypt) . . . . .	29.11.1955
United Kingdom . . . . .	3. 6.1931
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	4. 3.1933

<sup>1</sup> See footnote 3 to Convention No. 15.

<sup>2</sup> See footnote 4 to Convention No. 4.

<sup>3</sup> See footnote 3 to Convention No. 19.

<sup>4</sup> See footnote 1 to Convention No. 17.

#### *Dominican Republic (First Report).*

Article 8, paragraph 3, of the Constitution of the Republic recognises freedom to work as an inherent right of the individual.

Section 416 of the Penal Code establishes penalties of between one and six months' imprisonment and/or a fine of between 10 and 100 pesos for any person who infringes the exercise of freedom to work.

In practice there is no form of forced or compulsory labour in the Dominican Republic. Compulsory military service is strictly military in character.

There is no legislation dealing with compulsory labour in the event of *force majeure*, and in practice there has been no record of this happening in recent years.

#### *Ecuador.*

In reply to the direct request made by the Committee in 1958 the Government's report gives the text of a number of articles of the Labour Code which permit longer hours of work to be imposed in certain cases, mainly of *force majeure*.

As regards the character of the work done by the armed forces, the Government considers that it is not proper to reply because the Committee, in putting this question, appears to have exceeded its competence.

The Government also states that under section 359 of the Penal Code vagrants may be interned and put to work in industrial or agricultural penal establishments.

The normal obligations of citizens are military service, service as municipal or provincial councillor and supervision of electoral operations.

Persons condemned by judicial decision are required to work. Such labour is performed under the supervision of public authorities in virtue of sections 53, 54 and 55 of the Penal Code. Persons in detention cannot be placed at the disposal of private persons because they work inside prison establishments.

Finally, as regards minor communal services, the report refers to sections 6 and 17 of the Municipal Organisation Act and states that the community work known as *minga* is voluntary.

#### *Federal Republic of Germany (First Report).*

Constitution of the Federal Republic of Germany of 23 May 1949 (*Bundesgesetzblatt*, Part I, p. 1), as amended by the Act of 19 March 1956 (*Bundesgesetzblatt*, Part I, p. 111), articles 1, 12 and 104. Penal Code, notified 25 August 1953 (*Bundesgesetzblatt*, Part I, p. 1083) and Provincial Ordinances to apply the Code.

Act of 29 June 1956 respecting the judicial procedure in respect of imprisonment (*Bundesgesetzblatt*, Part I, p. 599), sections 1 to 7.

Ordinance of 13 February 1924 respecting maintenance obligations (*Reichsgesetzblatt*, Part I, p. 100), sections 19 and 20.

Ordinance of 23 December 1956 respecting the right of complaint in the armed forces (*Bundesgesetzblatt*, Part I, p. 1066), sections 1, 2, 5, 6, 9, 12, 13 and 16.

Act of 14 July 1893 respecting municipal contributions (*Preuss. Gesetzsammlung*, 1893, p. 152), section 68 (applies in the following Länder: Lower Saxony, North-Rhine Westphalia, Schleswig-Holstein).

Rhineland-Palatinate Act of 8 November 1954 respecting municipal contributions.

Hessian Act of 25 February 1952 respecting municipal organisation.

Baden-Württemberg Act of 25 July 1955 respecting municipal organisation.  
 Bavarian Act of 25 January 1952 respecting municipal organisation.

*Article 1 of the Convention.* Except for the labour which is exacted following a sentence of imprisonment imposed by a court of law, forced or compulsory labour is prohibited in the Federal Republic of Germany by article 12 of the Constitution.

*Article 2, paragraph 2 (a).* The Soldiers Act of 19 March 1956 provides the safeguard that military personnel may not be required during their service to do any act or work which is prejudicial to human dignity or which is not indispensable to the service. A special safeguard against exaction of forced or compulsory labour alleged to be military service is also provided by the Ordinance of 23 December 1956 issued under the Soldiers Act: it gives soldiers the right to complain of an order received.

If a person subject to compulsory military service does not serve in the army he is required, under the Compulsory Military Service Act, to do civilian "replacement" service involving work of public utility (sections 3, 5 and 27). The law to establish and organise this civilian replacement service, for which provision is made in the Compulsory Military Service Act, has not yet been promulgated.

Paragraph 2 (b) and (e). The municipal regulations issued under the Municipal Contributions Acts include, among a citizen's ordinary duties, the performance of certain services such as manual work and the provision of draught animals, particularly in districts where the population is engaged mainly in agriculture. This is a "traditional, general public obligation that is the same for all".

Paragraph 2 (c). Article 12 (4) of the Constitution provides that forced labour is permissible only in connection with the serving of a sentence of imprisonment imposed by judicial decision. Fuller provisions are to be found in the Penal Code (sections 15 to 18 and 362). These provisions do not preclude the placing of convicts at the disposal of private undertakings.

However, all work or services exacted from a person in detention is done under the supervision and control of the authority responsible for ensuring that the sentence is served. To the extent that private undertakings intervene they may only do so on the basis of an official order: the responsibility of the public authority is not removed. To the extent that prisoners work for private employers outside the institution, such employment usually serves as a form of probation. Allocation to work of this kind is subject to the fulfilment, as regards the prisoner, of various conditions which depend largely on his will, but in the case of some classes of prisoners the individual's consent is required.

Apart from actual sentences for criminal offences, section 20 of the Maintenance Obligations Ordinance provides that, on the basis of a judicial order, persons may be placed in work institutions or put to work in other ways. Furthermore, it is easier in this way to bring the person concerned back to a normal way of

life, since he is not considered to have been sentenced.

Paragraph 2 (d). The services that may be exacted in case of *force majeure* are, by their very nature, communal work and services within the meaning of Article 2, paragraph 2 (b) and (e), of the Convention. Since the persons from whom communal services are exacted may object to the orders of the municipal authorities by making a complaint, there is a safeguard that in case of *force majeure* such services will be exacted only as long as the circumstances endanger the population or its well-being.

*Article 6.* The officials of the administration do not use any constraint to induce the population or individual members thereof to work for private individuals, companies or associations.

*Article 20.* There is no legislative provision under which a community may be collectively punished for crimes committed by any of its members.

*Article 21.* There is no forced or compulsory labour in the mines.

*Article 25.* The forced or compulsory labour defined in Article 2, paragraph 1, of the Convention can only be exacted by force or threat or by recourse to direct compulsion: such conduct would fall within the definition of constraint given in section 240 of the Penal Code. If the person constrained were also prevented from leaving the workplace, section 239 of the Penal Code would also be applicable; and in this case the situation—if created by a public official—might also fall within the definition of "duress committed while on official duty" (section 341 of the Penal Code). Finally, during the serving of a sentence, as the lawful exaction of labour is generally ordered by a public official, a situation might arise which fell within the definition of "unlawful enforcement of a judicial sentence": this is covered by section 345 of the Penal Code.

#### Ghana.<sup>1</sup>

Labour Ordinance of 1 October 1948, as amended in 1949 (Laws of Ghana, 1951, vol. III, Cap. 89).

*Article 2 of the Convention.* "Forced labour" as defined in the Ordinance does not include—

- (a) any work or service exacted under the provisions of any enactment relating to compulsory service in any branch of Her Majesty's Forces;
- (b) any work or service exacted under the provisions of any enactment relating to compulsory service exacted to furthering prosecution of any war upon which Her Majesty may be engaged;
- (c) any work or service exacted from any person as a consequence of a conviction by any court of law or of a lawful order by such court, where the work or service is carried out under the supervision and control of a public authority and the person is not hired or placed at the disposal of private individuals, companies or associations;

<sup>1</sup> For summaries of the reports of previous years see International Labour Conference, Report III (Part I), second section: "Application of Conventions in Non-Metropolitan Territories (Articles 22 and 35 of the Constitution)": *United Kingdom-Gold Coast*.



- (d) any work or service exacted in cases of emergency, calamity or threatened calamity or in any circumstances likely to endanger the existence or well-being of the whole or part of the population ;
- (e) minor communal services of a kind which are to be performed by the members of a community in the direct interest of the community and which are normal civic obligations incumbent upon the members of the community.

The Ordinance makes the proviso that before the exaction of such minor communal services the chief shall consult the inhabitants of the place, town or village concerned or their direct representatives in regard to the need for such exaction.

*Articles 4 and 5.* Forced or compulsory labour for the benefit of private individuals does not exist.

*Article 6.* Section 111 of the Labour Ordinance provides that any person 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 be liable on summary conviction to a fine of £100.

*Article 7.* Section 112 (1) permits Chiefs or Native authorities to exact only minor communal services.

*Articles 8 to 23.* These Articles are not applicable to Ghana ; section 110 of the Labour Ordinance prohibits the exaction or employment of any forced labour.

*Article 25.* Section 110 of the Labour Ordinance provides that any person who exacts forced labour or causes forced labour to be exacted for his benefit shall be liable on summary conviction to imprisonment or to a fine or to both.

#### India.

In reply to the direct request of the Committee of Experts the Government states that paragraph 2 of article 23 (2) of the Indian Constitution empowers the State to impose compulsory labour for public services but the existing laws and regulations permit only such kinds of compulsory labour as fall within the purview of the exceptions specified in Article 2 (2) of the Convention.

Recruitment of the armed forces is on a voluntary basis and there is no element of force or compulsion involved. Troops are normally employed only on military duties and there are sufficient guarantees to ensure that services exacted for military purposes are used only for purely military ends.

The village panchayats created under the state Acts are empowered to call upon the residents of the areas concerned to perform such functions as may be specified on works of public utility which, in the opinion of the panchayats, are likely to benefit such persons and which the panchayats have undertaken to construct, maintain or repair.

Persons who have been convicted in a court of law cannot be hired to or placed at the disposal of private individuals, companies or associations.

Several enactments permit in the different states the utilisation of compulsory labour in cases of emergency, such as sudden threat or imminent danger of serious damage to any canal or drainage work or to property situated in the immediate neighbourhood of any canal, and for remedying or preventing such damage or risk.

#### Israel.

In reply to the requests made by the Committee of Experts the Government quotes a section of the Defence Service Act according to which the 12 initial months of the soldier's regular service are dedicated mainly to agricultural training. This work is considered as an integral part of the normal period of service.

All agricultural training and work done by conscripts is under the supervision of the Ministry of Defence, and is done on co-operative and collective settlements as preparatory training for their voluntary membership in these settlements upon completion of their military service. The conscript receives the same rate of pay from the army as other soldiers of equal rank on other forms of active military duties. The conscript can be penalised for infringement of labour discipline.

The provision that permits the employment, with his consent, of a prisoner in non-governmental work has been seldom applied. Only some young prisoners have so far been employed by farmers and then only after close scrutiny. The prisoners in question had requested in writing to be so employed.

All prisoners are entitled to apply to the prison commander and to appeal from his decision through administrative channels, or to apply to the High Court of Justice.

The two legislative texts requested by the Committee are appended to the report.

#### Liberia.

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

*Article 4 of the Convention.* The Government's contractual obligations designed to obtain an adequate supply of labour must now be considered to have lost their *raison d'être* since the supply of labour is now greater than the demand. The Draft Labour Code, which has been submitted to the National Legislature, makes detailed provision in sections 2 and 3 for the regulation of the recruitment procedure.

*Article 10.* Section 1416, paragraph 4, of the Revised Statutes, Vol. II, of the Republic of Liberia has been repealed by implication by section 34 of the Revised Laws and Regulations of 1949, which control labour exacted for public works.

*Articles 11 and 12.* The report states that no person under the age of 18 years or over the age of 45 may be called upon for forced labour. In addition, no person can be required in any one year to contribute more than 15 days' service on public projects.

*Article 18.* Section 35 (b) of the Revised Regulations, 1949, which allows portage for travellers, is being amended to refer only to officials.

*Article 25.* Sections 34 (e) and (k) and 35 (h) of the Revised Regulations, 1949, prescribe penalties for the illegal exaction of compulsory labour.

*Federation of Malaya.*<sup>1</sup>

Employment Ordinance, 1955.

There is no forced or compulsory labour in any form whatsoever in the Federation of Malaya.

The above-mentioned Ordinance does not contain any penal sanctions. It provides that a labourer who has entered into a contract of service may terminate such contract, with or without notice, but, if he terminates the contract without notice, he is liable to pay an indemnity equal to the amount he would have earned for the period of the notice.

The new Ordinance also provides that no worker, other than a shift worker, shall be required to work for more than 48 hours in any one week, except in special cases such as urgent work to be done to electrical installations or machinery due to accident or an interruption of work impossible to foresee and not recurring in character.

*Nicaragua.*

Act of 10 September 1945.

In reply to a direct request made by the Committee of Experts the report states that under section 5 of the above Act it is for the appropriate labour inspector to decide whether an accident or imminent danger constitutes a threat to human life or to the existence of the undertaking. In such cases he authorises emergency work to take place without any increase in wages.

*Portugal (First Report).*

Political Constitution.

Penal Code.

Legislative Decree No. 31095 of 31 December 1940 promulgating the Administrative Code.

Constitutional Act No. 2066 of 27 June 1953 respecting the overseas territories.

Decree No. 16199 of 6 December 1928 to approve the Native Labour Code (L.S. 1928—Por. 3).

Decree No. 23229 of 15 November 1933 respecting overseas administrative reform.

Decree No. 39997 of 29 December 1954 respecting the reorganisation of prison services.

*Article 1 of the Convention.* Recourse to forced or compulsory labour in any form in the Portuguese territories is unknown. A free choice of occupation or type of work is one of the individual rights and safeguards enjoyed by Portuguese citizens under article 8, No. 7, of the Political Constitution. As regards the indigenous populations of overseas territories, article 145, No. 2, of the Constitution lays down special safeguards: indigenous persons may not be forced to work for economic undertakings of any kind. In conformity with this principle the labour contracts system guarantees individual freedom as laid down in article 147 of the Constitution. However, this moral

principle is in no way incompatible with the salutary principle of the obligation to work.

*Article 2, paragraph 1, of the Convention.* According to the Native Labour Code compulsory, forced or obligatory labour shall mean "all work which any Native is compelled to perform either by means of threats or violence on the part of the person imposing it upon him or merely by order from the public authorities".

Paragraph 2 (a). Individuals on compulsory military service cannot be obliged to do work which is not of a purely military character.

Paragraph 2 (c). The Penal Code is applicable throughout Portuguese territories and to all Portuguese nationals whether indigenous or not. It is as regards the sentences imposed that a distinction is made between indigenous and non-indigenous persons. Thus non-indigenous persons are sentenced to imprisonment and indigenous persons to labour on public works or corrective labour, under the above-mentioned Decree No. 39997 of 29 December 1954.

Paragraph 2 (d). Recourse to compulsory labour is permitted in the following cases: "when help must be rendered in cases of emergency or public calamity, such as fire, floods, damage done by storms or convulsions of the elements, plagues of locusts or other pests and epidemics."

Paragraph 2 (e). The same applies to the "cleaning of indigenous villages or quarters and the vicinity thereof, accommodation for cattle and open spaces connected with the said villages or suburbs"; to the clearing of paths between indigenous villages; and to the "cultivation of certain lands reserved for indigenous persons in the vicinity of their villages, the produce of which accrues exclusively to the persons who cultivate them, or in accordance with indigenous custom to a specified indigenous community".

Compulsory labour for public purposes is always remunerated or subsidised.

*Article 4.* Forced or compulsory labour for the benefit of private individuals, companies or associations is expressly prohibited.

*Article 5.* Under article 145 of the Constitution all arrangements by which the State might undertake to supply indigenous workers to undertakings engaged in gainful activity are prohibited.

*Article 6.* In virtue of the Decree respecting overseas administrative reform, the administrative authorities are empowered to exert constant pressure on the indigenous population with a view to inducing them to abandon their habits of idleness and go to work. However, any state official or employee who compels an indigenous person to work for a private individual is severely punished under the Indigenous Labour Code.

*Article 7.* Indigenous Chiefs are expressly prohibited from exacting forced or compulsory labour for their personal advantage. If such services are exacted as a tax the Chief may be sentenced to ten months' imprisonment under section 108 of the Decree respecting overseas administrative reform.

*Article 10.* Indigenous chiefs can only require "minor communal services" to be performed,

<sup>1</sup> For summaries of the reports of previous years see International Labour Conference, Report III (Part I), second section: "Application of Conventions in Non-Metropolitan Territories (Articles 22 and 35 of the Constitution)": *United Kingdom-Malaya*.

and are not entitled to exact compulsory labour as a tax.

*Article 18.* There is no forced or compulsory labour for the transport of persons or goods.

*Article 25.* The Native Labour Code lays down the penalties which are applicable to officials and private persons who infringe the provisions of the Code.

#### *Spain.*

In reply to the request of the Committee of Experts the Government appends to its report the enactments dealing with the reduction of prison sentences by work.

#### *Sweden.*

The Government states that the Committee of Inquiry which it has appointed has not yet finished its work.

#### *Ukraine (First Report).*

Constitution of 30 January 1937 (as amended in 1947).

Labour Code.

Corrective Labour Code.

Administrative Code.

In the Ukraine, as throughout the Soviet Union, the economic structure and the industrial situation exclude the existence of forced labour. The legislation in force fully safeguards application of the fundamental principle laid down in the Convention, namely the abolition of compulsory or forced labour.

Article 99 of the Constitution of the Ukraine guarantees the right to work to all citizens, and section 5 of the Labour Code provides that undertakings, institutions and organisations in the socialised sector shall engage workers only with their consent. Employed persons may not be retained by force in an undertaking, institution, etc. They may terminate their contracts of employment at any time by giving two weeks' notice to the management. Furthermore, section 37 of the Labour Code provides that the transfer of a worker from one undertaking or from one place to another, even if the undertaking is itself also transferred, is not permissible without the worker's consent, and that if this is not given the contract may be terminated by either party.

The legislation fully ensures the application of Article 2 of the Convention. Persons employed because they have committed offences provide useful public labour, the results of which serve to enhance the well-being of the whole people and not of a single person.

The conditions of work applying to persons who have committed offences are regulated by the Corrective Labour Code (sections 53, 117, 119, 120, 127 and 129). The hours of work of such persons are strictly regulated and their labour is remunerated in a normal manner on the basis of the standards in force. Persons in detention are entitled to the appropriate conditions in respect of industrial safety and health.

The legislation also ensures conformity with the provisions of the Convention as regards any work done in case of *force majeure* or calamity (fire, flood, etc.). Indeed, under section 197 of the Administrative Code, service in the form of labour may be exacted only

with a view to fighting against or localising natural calamities.

The right to exact such service lies with the regional or urban authorities or—in exceptional and urgent cases—with the village councils. Section 202 of the Code lays down territorial limits as regards the transfer of persons who are to perform these services. Lastly, section 203 of the Code prohibits engagement of the following for the services in question: persons under 18 years of age, women over 40 years of age, men over 45, and other classes of persons defined in section 204.

#### *Viet-Nam.*

In reply to the observations and direct request made by the Committee in 1958 the Government states as follows:

(1) The military obligations prescribed by section 8 of the Labour Code are defined as in Article 2, paragraph 2 (a), of the Convention.

(2) The work resulting from fiscal obligations, for which provision is made in section 8 of the Code, formed part of the former poll tax system which is no longer in force. The Government adds that, when the Labour Code is revised, paragraph (a) of section 8 will be brought into line with the provisions of the Convention.

(3) An enactment introducing new regulations for penitentiary establishments is now being drafted by the Department of Justice.

(4) Section 8 of the Labour Code specifies the work which may be performed in the event of an emergency.

(5) Minor communal services are carried out in accordance with long-standing custom and the population readily takes part.

(6) Section 362 of the Code prescribing penalties for the exaction of forced labour is also applicable to public authorities with respect to concession holders; all other cases of exaction of forced labour are liable to punishment under section 114 of the Criminal Code.

#### *Yugoslavia.*

For legislation see under Convention No. 5.

The Act of 12 December 1957 respecting employment relationships ensures that workers shall be enabled to choose their jobs and workplaces freely, as well as to put an end freely to an employment relationship.

\* \* \*

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

*Australia, Ecuador, Federal Republic of Germany, Ghana, Portugal, Ukraine, Yugoslavia.*

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

*Argentina, Belgium, Ceylon, Chile, Cuba, Denmark, Finland, France, Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, Norway, Switzerland, United Arab Republic (Egypt), United Kingdom.*

## 30. Hours of Work (Commerce and Offices) Convention, 1930

*This Convention came into force on 29 August 1933*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Austria <sup>1</sup> . . . . .	16. 2.1933
Bulgaria . . . . .	22. 6.1932
Chile . . . . .	18.10.1935
Cuba . . . . .	24. 2.1936
Finland . . . . .	13. 1.1936
Haiti . . . . .	31. 3.1952
Israel . . . . .	26. 6.1954
Luxembourg . . . . .	3. 3.1958
Mexico . . . . .	12. 5.1934
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	19. 6.1953
Panama . . . . .	16. 2.1959
Spain . . . . .	29. 8.1932
Uruguay . . . . .	6. 6.1933

<sup>1</sup> Conditional ratification.

#### Cuba.

Order No. 95 of 16 May 1958 respecting the application of the five-day working week during the summer months (*Gaceta Oficial*, No. 98, 23 May 1958).

Order No. 143 of 29 July 1957 respecting the application of the five-day week during the summer months for employees in the central offices of the sugar industry (*Gaceta Oficial*, No. 192, 2 Oct. 1957).

#### Haiti.

Act of 17 September 1958 to provide for the more rational regulation of conditions of work and the more effective protection of labour in the light of industrial, agricultural and commercial development (*Le Moniteur*, No. 110, 2 Oct. 1958).

Order of 25 February 1958 to regulate the conditions of work of public employees pending issue of statutory regulations for the civil service (*Le Moniteur*, No. 32, 6 Mar. 1958).

According to its first section the above-mentioned Act applies to commercial as well as to industrial and agricultural establishments, to the commercial services of all other establishments, and establishments and administrations where the work is essentially office work.

Section 8 states that the provisions restricting hours of work to which reference is made in sections 2 and 4 of the Act do not apply to the following: establishments for the treatment or hospital care of sick and infirm, mentally deficient or indigent persons; hotels, cafés, restaurants, boarding houses, clubs and other establishments where refreshments are served; establishments for entertainment or amusement; air and land transport services; laundries, hairdressers' establishments, pharmacies, bakeries, factories where operations are continuous; and grocers' shops where essential foodstuffs are sold. However, these establishments must either establish a shift system or pay overtime.

Section 3 of the Act states that normal hours of work may be exceeded in case of accident, actual or threatened, or *force majeure*, but only

so far as may be necessary to avoid serious interference with the ordinary working of the establishment; to prevent the loss of perishable goods or avoid endangering the technical results of the work; to allow for special work such as stocktaking and the preparation of balance sheets, settlement days, liquidations, and the balancing and closing of accounts; and to enable establishments to deal with cases of abnormal pressure of work due to special circumstances, in so far as the employer cannot ordinarily be expected to resort to other measures.

Section 11 of the Act states that the provisions respecting hours of work need not be applied, *inter alia*, to public services in which the personnel acts as agents of authority. In virtue of section 12 of the Act, in cases where hours of work are less than those laid down in the Act, the conditions in force must be maintained.

The Order of 25 February 1958 provides that the hours of work of officials and public salaried employees shall be eight in the day and 48 in the week. Overtime is payable only in the case of urgent work required by the service and done either at night or on a Sunday or legal public holiday or in excess of ten hours a day. Exemptions are provided for in the case of officials performing managerial functions with salaries exceeding 1,000 gourdes a month, employees with supervisory or confidential functions and those performing guard duties. The Order does not apply to officials and employees of the customs, immigration, quarantine and port services, or to those of hospital services, for which the special regulations now in force will continue to apply.

See also under Convention No. 1, where sections 2, 3, 4, 7, 11 and 13 of the Act are summarised.

#### Israel.

See under Convention No. 1.

#### Nicaragua.

In reply to the Committee of Experts' request in 1957 for further information the Government's report states that there are no special regulations governing the weekly rest of railway employees and employees of the post, telephone and telegraph services (section 63 of the Labour Code). Work rules, based on the legislative provisions, may be drawn up by the respective offices. Such rules are subject to control by the service responsible for labour questions.

#### Norway.

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

that the relation between the Convention and the national laws in this field will be reconsidered.

Spain.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, pp. 671-672.

Uruguay.

Decree of 29 October 1957 to make regulations under the labour laws respecting the limitation on hours of work in industry, commerce and offices (*Diario Oficial*, 11 Nov. 1957, No. 15258) (L.S. 1957—Ur. 1).

The new Decree, which consolidates and supersedes previously existing regulations on hours of work, is summarised below.

*Article 1 of the Convention.* The provisions of section 34 of the Decree apply to commercial establishments, telegraph and telephone services, mixed commercial and industrial establishments, commercial branches of industrial establishments, and establishments and administrative services in which the persons employed are mainly engaged in office work.

Section 1 exempts from the scope of the Decree persons occupying positions of management or supervision; employers' children working in their parents' establishments provided they are not permanent or salaried employees; and travellers and representatives whose work is performed outside their employers' establishments. Section 34 exempts from the scope of the Decree persons employed in offices of public administration.

*Article 2.* Under section 6 the term "hours of actual work" is defined as the whole time during which an employee is at the disposal of an employer or a superior and is not free to dispose of his time.

*Article 3.* Under section 35 hours of work are limited to eight per day and 44 per week. For ladies' hairdressing establishments in Montevideo the weekly limit of hours is 46, and for those outside of Montevideo it is 48.

*Article 5.* Section 37 of the Decree permits hours of work to be extended for the purpose of making up lost time, as provided for in this Article of the Convention.

*Article 6.* Under section 12 the Executive is empowered to authorise the distribution of working hours over periods longer than a week provided that the weekly average in commercial establishments does not exceed 44 hours.

*Article 7.* Under section 15 the Ministry of Industries and Labour is empowered to issue special regulations authorising permanent and temporary exemptions. Temporary exemptions that may be permitted under paragraph 2 of this Article are also governed by sections 11 and 14 of the Decree. Section 13 provides that overtime shall be remunerated at time-and-a-half.

*Article 8.* Previous consultation with the employers' and workers' organisations concerned is provided for under section 12 (with respect to Article 6) and section 15 (with respect to Article 7).

*Article 10.* The provisions of this Article are incorporated in the preamble to the Decree.

*Article 11.* Enforcement is provided for in section 52. Sections 53 to 61 contain provisions relating to the keeping of records and posting notices.

*Article 12.* Penalties for violations are provided for in section 74 of the Decree.

\* \* \*

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, Finland, Haiti, Israel, Nicaragua, New Zealand, Spain.*

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

*Argentina, Mexico.*

32. Protection against Accidents (Dockers) Convention (Revised), 1932

*This Convention came into force on 30 October 1934*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3. 1950
Belgium . . . . .	2. 7. 1952
Bulgaria . . . . .	29. 12. 1949
Canada . . . . .	6. 4. 1946
Chile . . . . .	18. 10. 1935
China . . . . .	30. 11. 1935
Cuba . . . . .	7. 9. 1954
Finland . . . . .	23. 8. 1949
France . . . . .	27. 5. 1955
India . . . . .	10. 2. 1947
Italy . . . . .	30. 10. 1933
Mexico . . . . .	12. 5. 1934
New Zealand . . . . .	29. 3. 1938
Norway . . . . .	23. 6. 1956
Pakistan <sup>1</sup> . . . . .	10. 2. 1947
Spain . . . . .	28. 7. 1934

Countries	Date of registration of ratification
Sweden . . . . .	3. 8. 1938
United Kingdom . . . . .	10. 1. 1935
Uruguay . . . . .	6. 6. 1933

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

*Argentina.*

See under Convention No. 8.

*Belgium.*

Royal Order of 12 December 1957 laying down rules for the Maritime Inspectorate (*Moniteur belge*, No. 354, 20 December 1957, pp. 8930 and 9059).

This Order, while abrogating the Royal Order of 12 July 1936 respecting the testing and inspection of hoisting apparatus and fixed machinery on board vessels, reproduces the latter's provisions in its own section 76 and Appendix XII.

See also *Report of the Committee*, p. 672.

#### Cuba.

Decree No. 1986 of 5 June 1958 (*Gaceta Oficial*, 17 July 1958).

The provisions of the Convention are given binding effect by section 7 of this Decree.

Moreover, sections 1 to 5 of the Decree reproduce almost textually the provisions of Articles 2, 3 and 5 (1) of the Convention.

#### Finland.

Following the request made by the Committee of Experts in 1958 the Government will, in its next report, provide information on the inquiry it has initiated into the application of certain Articles of this Convention (7, 9, 10 and 17, paragraph 1).

In a letter to the Ministry of Social Affairs the Seafarers', Road Transport Workers' and Dockers' Unions have criticised the means of inspection, the unsatisfactory character of which is alleged to have caused poor safety conditions in the docks and on board ships.

#### France.

In reply to the direct request made by the Committee the Government states that French legislation does not require that the provisions of paragraph 1 of Article 6 of the Convention be applied at meal-times and during other short breaks. Moreover, the Government indicates that Articles 3 (6), 5 (6), 6 (2) and 11 (1) and (3) to (7) of the Convention have force of law. Finally, it is specified that none of the exemptions contemplated in Article 15 of the Convention have been granted.

#### Italy.

In reply to the request made by the Committee of Experts the Government has supplied a list of local dockworkers' safety regulations issued in the major Italian ports, i.e. Ancona, Bari, Brindisi, Cagliari, Catania, Civitavecchia, Leghorn, Messina, Palermo and Savona.

The report states that the existing regulations for Genoa, Naples and Venice are now being revised and that a set of regulations for La Spezia is being drawn up.

Regarding the lesser ports, the Government does not consider it expedient at present to require them to draw up local regulations.

The exceptions contemplated in Article 15 of the Convention are confined to small landings.

The Government states that it would be desirable to standardise the texts of the various existing port regulations but considers that such standardisation would be premature at the present stage.

#### Mexico.

In reply to the request made by the Committee of Experts the Government states that

the text of the Convention was sent to the Secretary of Communications and Public Works for the information of the undertakings concerned.

See also *Report of the Committee*, p. 672.

#### New Zealand.

The report draws attention to serious accidents all of which have occurred in unlighted holds in ships registered in other countries, and suggests measures to fix more firmly the personal responsibility of the owners and other technical measures for the maintenance of safe conditions.

#### Norway (First Report).

Regulations of 23 March 1956 respecting protective measures for loading and unloading ships (*Norsk Lovtidend*, 18 Apr. 1956, p. 247).

Regulations of 7 May 1956 respecting the testing, examination, annealing and marking of lifting appliances and equipment on shore.

Regulations of the Ship Control:

Order of 8 July 1955 to issue regulations concerning loading and unloading machinery and gear on board ship and the prevention of accidents on board during loading and unloading operations (*Norsk Lovtidend*, 15 Aug. 1955, p. 723).

Order of 8 July 1955 to amend regulations of 9 June 1903 respecting appliances on deck and under deck (*Norsk Lovtidend*, 15 Aug. 1955, p. 729).

Rules of 8 July 1955 respecting the testing, examination, annealing, marking, etc., of hoisting machinery and gear on board ships (*Norsk Lovtidend*, 27 Aug. 1955, p. 743).

The Division of Navigation is responsible for the inspection of ships and their equipment, carried out by the Ship Control, and the Labour Inspection is responsible for the inspection of loading and unloading equipment on shore. Two sets of regulations relating to each of the above-mentioned authorities were thus prepared in close co-operation, on the basis of the provisions of the Convention. During the elaboration of these regulations difficulties were encountered in reaching agreement on the details concerning the annealing and testing of lifting gear. It may be assumed that the relevant provisions will have to be amended in a few years' time since the quality of the steel is steadily improving.

*Article 1 of the Convention.* Section 1 of the Regulations of 23 March 1956 provides that they apply to the loading, unloading and bunkering of ships of all types including pram lighters when work is undertaken by workers not belonging to the ship's crew.

*Article 2.* The report refers to sections 17 (1), (2), (3), (4) (a) and (b) and 21 of the Regulations of 23 March 1956. The Regulations stipulate a minimum height of 90 cm for the fence.

*Article 3.* The report refers to sections 18 and 20 of the Regulations of 23 March 1956, as well as to the Regulations of the Ship Control. A height of at least 90 cm is required for the fences of accommodation ladders and gangways. No exceptions have been granted in accordance with paragraphs 3 and 5 (a) of this Article of the Convention.

*Article 4.* The report refers to section 19 of the Regulations of 23 March 1956 and to the Regulations of the Ship Control.

*Article 5.* The report refers to the Regulations of the Ship Control and to sections 17, 18 (2) and 20 of the Regulations of 23 March 1956.

*Article 6.* The report refers to the Regulations of the Ship Control.

*Article 7.* The report refers to section 21 of the Regulations of 23 March 1956 and to the Regulations of the Ship Control.

*Article 8.* The report refers to the Regulations of the Ship Control.

*Article 9.* The report refers to sections 3 (3), 5 (1) and (2), 6 to 10, 11 (1) and (2) and 13 of the Regulations of 23 March 1956, and to sections 6, 7, 8, 11 to 14, 16, 17 and 19 of the Regulations of 7 May 1956 for testing, etc., of lifting equipment on shore, and to the Regulations of the Ship Control. The report states that the interpretation of the definition of the term "competent person" included in the legislation has given rise to doubts among the people concerned; therefore a statement has been issued by the Labour Inspection. The report also gives information on guidance for the selection of competent persons in charge of tests, examinations, etc., of hoisting machinery and gear.

*Article 10.* Section 12 (1) of the Regulations of 23 March 1956 stipulates a minimum age of 18 years, and requires that the person concerned should have good sight and hearing.

*Article 11.* The report refers to sections 16 (4), 12 (2) and (3), 16 (1) and (5), 15 (1), 17 (5), 22, 23, 24, 17 (6), 16 (2) and (3), 14 and 11 (5) of the Regulations of 23 March 1956.

*Article 12.* The Regulations of the Ship Control contain provisions relating to the loading of dangerous goods, including explosive and flammable substances. The report refers also to section 25 of the Regulations of 23 March 1956, to section 5 (5) of the Labour Protection Act relating to personal protective equipment, and to the instructions of the Labour Inspection relating to work in cold-storage ships.

*Article 13.* The report refers to sections 26 and 28 of the Regulations of 23 March 1956.

*Article 14.* The report refers to section 30 of the Regulations of 23 March 1956.

*Article 15.* Hand-operated cranes of less than 250 kg lifting capacity are exempted from certification.

*Article 16.* The report refers to the Regulations of the Ship Control.

*Article 18.* Norway has not made any reciprocal agreements on procedures for testing, examination and annealing and arrangements with regard to certificates. The Labour Inspection recognises certificates on board foreign ships loading and unloading in Norwegian ports provided they are from countries which have ratified the Convention.

*Application of Article 17, clause 1.* Dock work is governed by the Labour Protection Act in so far as it is carried out by workers not belonging to the ship's crew. Supervision of the enforcement of the Act is carried out by the Labour Inspection and the local labour inspection services.

*Clause 2.* A labour inspector and a supervisor for dock work attached to the Directorate of the Labour Inspection are responsible for inspection all over the country, and for the supervision of the enforcement of the regulations relating to dock work. The Ship Control is responsible for the supervision of loading and unloading gear on board ships. Penalties are provided under section 32 of the Regulations of 23 March 1956 and section 64 of the Labour Protection Act.

*Clause 3.* The report refers to section 33 of the Regulations of 23 March 1956. Summaries of the Regulations are posted in most places where dock work is carried out.

#### *Spain.*

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee*, p. 672.

#### *Uruguay.*

A Decree promulgated on 27 February 1958 confirms an agreement for the prevention of accidents in the port of Montevideo which had been concluded by the Transatlantic Navigation Centre and the Dockers' Union.

\* \* \*

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

*Canada, Chile, Finland, India, Italy, New Zealand, Norway, Spain, Sweden, United Kingdom, Uruguay.*

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

### 33. Minimum Age (Non-Industrial Employment) Convention, 1932

*This Convention came into force on 6 June 1935*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Austria . . . . .	26. 2.1936
Belgium . . . . .	6. 6.1934
Cuba <sup>1</sup> . . . . .	24. 2.1936
France . . . . .	29. 4.1939
Republic of Guinea <sup>2</sup> . . . . .	21. 1.1959
Netherlands . . . . .	12. 7.1935

Countries	Date of registration of ratification
Spain . . . . .	22. 6.1934
Uruguay <sup>1</sup> . . . . .	6. 6.1933

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 60.

<sup>2</sup> See footnote 4 to Convention No. 4.

Austria.

For the Government's reply to the observation made by the Committee of Experts in 1958 see *Report of the Committee*, p. 672.

The Government adds that the Congress of Chambers of Labour has strongly deplored the fact that it has not yet been found possible to bring Austrian law fully into line with Article 3 of the Convention.

Spain.

Order of 20 September 1956 to approve the registration of workers (*Boletín Oficial del Estado*, No. 272, 28 Sep. 1956).

For the Government's reply to the observations made by the Committee of Experts in 1958 see *Report of the Committee*, p. 672.

\* \* \*

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

*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 <sup>1</sup> . . . . .	13. 1. 1936
Mexico . . . . .	21. 2. 1938
Norway <sup>1</sup> . . . . .	4. 7. 1939
Spain . . . . .	27. 4. 1935
Sweden <sup>1</sup> . . . . .	1. 1. 1936
Turkey <sup>1</sup> . . . . .	27. 12. 1946

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 96.

Chile.

In reply to the observation made last year by the Committee of Experts the Government states that the Bill drafted by the General Directorate of Labour to bring Chilean legislation into line with the provisions of this Convention has not yet been acted upon by Congress.

Czechoslovakia.

Act No. 81/1957 respecting concerts and other musical performances.

Act No. 82/1957 respecting stage, variety and popular performances.

Mexico.

All placement agencies authorised by the Directorate of Social Welfare are free.

Spain.

In reply to requests made by the Committee of Experts the report states that the legislation on employment contracts does not apply to domestic servants and therefore does not affect placement agencies for such workers. Such agencies are generally free non-profit making agencies run by religious orders or by the "National Movement". No legal provision authorises the operation of fee-charging employment agencies for domestic servants.

\* \* \*

The report from *Mexico* supplies information on the practical effect given to the Convention.

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

In reply to the special request made by the Committee of Experts for information on the

forfeiting of retirement pension rights if a person is sentenced for a criminal offence, the Government states that the relevant laws entitle members of the convict's family to apply for and obtain the benefits to which he would have been entitled.

The Government also states that a Bill to amend the pensions scheme is now before the legislature.

Chile.

In reply to the direct request made by the Committee of Experts the Government's report states that wage earners, salaried employees and apprentices in industrial and commercial undertakings of the public sector are covered



by the social security schemes of a general character (Act No. 10383 respecting the social insurance service; Act No. 10475 applying to the private sector; Legislative Decree No. 1340bis respecting the National Fund for State Employees).

The report also states that the salaried personnel of the National Petroleum Corporation are covered by the Fund for Private Salaried Employees; and that the electrical undertakings—which are state property but whose personnel has the status of private salaried employees—are covered by the same schemes and enjoy the same benefits.

Lastly, it is stated in the report that the personnel of the State Railways is covered by a special scheme under Act No. 3997 of 1924. Details are given on the legislation covering old-age insurance for this class of salaried personnel.

Czechoslovakia.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, pp. 672-673.

In reply to the query about the application of Article 6 of the Convention, the Government states that section 7 of the Act of 30 November 1956 applies to a wage earner who has qualified for an old-age pension but left his employment less than two years previously.

Poland.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 673.

United Kingdom.

Great Britain.

National Insurance (No. 2) Act, 1957 (6 Eliz. 2, ch. 1).

Northern Ireland.

National Insurance (No. 2) Act (Northern Ireland), 1957 (1957, ch. 26).

The rates of retirement pensions were increased by the above-mentioned legislation, as also were the rates of the contributions.

Reciprocal agreements in regard to old-age pensions between the Government of the United Kingdom and the Governments of Belgium, Israel and Norway became effective as from various dates during the period under review.

\* \* \*

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

Chile, Czechoslovakia, France, Italy, Poland, United Kingdom.

36. Old-Age Insurance (Agriculture) Convention, 1933

*This Convention came into force on 18 July 1937*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Bulgaria . . . . .	29.12.1949
Chile . . . . .	18.10.1935
Czechoslovakia . . . . .	1. 7.1949
France. . . . .	23. 8.1939
Italy . . . . .	22.10.1947
Poland . . . . .	29. 9.1948
United Kingdom . . . . .	18. 7.1936

Chile.

See under Convention No. 35.

Czechoslovakia.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 35.

\* \* \*

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

Chile, Czechoslovakia, France, Italy, Poland, United Kingdom.

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

Countries	Date of registration of ratification
Peru . . . . .	8.11.1945
Poland . . . . .	29. 9.1948
United Kingdom . . . . .	18. 7.1936

Chile.

See under Convention No. 35.

Czechoslovakia.

See under Convention No. 35.

France.

Act No. 57-874 of 2 August 1957 to extend the supplementary allowance from the National Solidarity Fund to the disabled, the blind and the totally incapacitated (*Journal officiel*, 3 Aug. 1957).

Poland.

See under Convention No. 35.

United Kingdom.

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 :

Chile, Czechoslovakia, France, Italy, Poland, United Kingdom.

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

France.

See under Convention No. 37.

Poland.

See under Convention No. 35.

United Kingdom.

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 :

Chile, Czechoslovakia, France, Italy, Poland, United Kingdom.

Chile.

See under Convention No. 35.

Czechoslovakia.

See under Convention No. 35.

39. Survivors' Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 8 November 1946*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Czechoslovakia . . . . .	1. 7.1949
Italy . . . . .	22.10.1952
Peru . . . . .	8.11.1945
Poland . . . . .	29. 9.1948
United Kingdom . . . . .	18. 7.1936

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 35.

\* \* \*

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

Czechoslovakia, Italy, Poland, United Kingdom.

Czechoslovakia.

See under Convention No. 35.

## 40. Survivors' Insurance (Agriculture) Convention, 1933

*This Convention came into force on 29 September 1949*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Czechoslovakia . . . . .	1. 7.1949
Italy . . . . .	22.10.1952
Poland. . . . .	29. 9.1948
United Kingdom . . . . .	18. 7.1936

*Czechoslovakia.*

See under Convention No. 35.

*Poland.*

See under Convention No. 35.

*United Kingdom.*

See under Convention No. 35.

\* \* \*

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

*Czechoslovakia, Italy, Poland, United Kingdom.*

## 41. Night Work (Women) Convention (Revised), 1934

*This Convention came into force on 22 November 1936*

Countries	Date of registration of ratification
Afghanistan . . . . .	12. 6.1939
Argentina . . . . .	14. 3.1950
Belgium <sup>1</sup> . . . . .	4. 8.1937
Brazil . . . . .	8. 6.1936
Burma <sup>2</sup> . . . . .	22.11.1935
Ceylon. . . . .	2. 9.1950
France <sup>1</sup> . . . . .	25. 1.1938
Greece . . . . .	30. 5.1936
Republic of Guinea <sup>3</sup> . . . . .	21. 1.1959
Hungary . . . . .	18.12.1936
India <sup>1</sup> . . . . .	22.11.1935
Iraq . . . . .	28. 3.1938
Ireland <sup>1</sup> . . . . .	15. 3.1937
Morocco <sup>4</sup> . . . . .	13. 6.1956
Netherlands <sup>1</sup> . . . . .	9.12.1935
New Zealand <sup>1</sup> . . . . .	29. 3.1938
Pakistan <sup>1 5</sup> . . . . .	22.11.1935
Peru. . . . .	8.11.1945
Switzerland. . . . .	4. 6.1936
Union of South Africa <sup>1</sup> . . . . .	28. 5.1935
United Arab Republic (Egypt). . . . .	11. 7.1947
United Kingdom <sup>6</sup> . . . . .	25. 1.1937
Venezuela . . . . .	20.11.1944

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 89.

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

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

<sup>4</sup> See footnote 5 to Convention No. 4.

<sup>5</sup> See footnote 3 to Convention No. 1.

<sup>6</sup> Has denounced this Convention.

*Ceylon.*

Employment of Women, Young Persons and Children Act No. 47 of 1956 (L.S. 1956—Cey. 2).

This Act repeals Ordinance No. 16 of 1940 as amended by Ordinance No. 46 of 1941. The intention is to give effect, *inter alia*, to Convention No. 89 but the Act needs to be amended in some respects to give full effect to the Convention. After this is done Convention No. 89 will be ratified and Convention No. 41 denounced.

*Greece.*

A Bill to ratify Convention No. 89 has been placed before the Secretariat of the Council of Ministers and will shortly come up for discussion by the Chamber of Deputies.

\* \* \*

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

*Brazil, Peru.*

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

*Burma, Morocco, United Arab Republic (Egypt).*

*Afghanistan.*

See under Convention No. 4.

*Argentina.*

See under Convention No. 4.

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
Panama . . . . .	16. 2.1959
Poland . . . . .	29. 9.1948
Spain . . . . .	24. 6.1958
Sweden . . . . .	24. 2.1937
Turkey . . . . .	27.12.1946
Union of South Africa . . . . .	26. 2.1952
United Kingdom . . . . .	29. 4.1936
Uruguay . . . . .	18. 3.1954

*Austria.*

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 673.

In addition, in reply to the direct request made to it in 1958 the Government states that under paragraphs 4 and 8 of the General Social Insurance Act, those of its provisions affecting accident insurance also apply, in respect of occupational diseases, to agricultural workers.

*Belgium.*

In reply to the direct request made by the Committee of Experts the Government makes the following comments.

The list of corresponding trades, industries or professions given opposite the list of diseases in the schedule quoted in the Convention refers to occupations which are likely to be the cause of a particular occupational disease. Looked at from this standpoint, the loading, unloading or transport of merchandise is only likely to cause anthrax when the merchandise consists of contaminated animals or animal by-products. If this provision of the Convention is also taken to cover all packaging or vehicles liable to have been contaminated by previous contact with such animal by-products, it would in practice affect all undertakings engaged in

transport, loading or unloading, since in most cases it is impossible to be sure that the vehicle or packaging employed has not been contaminated (even fortuitously) by anthrax spore. If the provision in question is given such a broad interpretation, the Belgian Government would have the utmost difficulty in applying it in the present state of its national legislation, which makes it necessary to define each risk and each category of workers and to fix a separate rate of contribution for each undertaking affected.

*Czechoslovakia.*

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

*France.*

Decree No. 57-1176 of 17 October 1957 to fix special rules for the application of Book IV of the Social Security Code to occupational silicosis and asbestosis (*Journal officiel*, 23 Oct. 1957).

Decree No. 57-1430 of 26 December 1957 to revise and supplement the occupational disease schedules appended to the Decree of 31 December 1946 (*Journal officiel*, 9 Jan. 1958).

Decree No. 57-1430 of 26 December 1957 increases to 40 the number of occupational diseases ; the schedule now includes skin diseases consequent upon the use of lubricants.

In reply to the observations of the Committee of Experts the Government states that the occupational disease schedules are divided into three different categories ; in some cases the enumeration of the occupations in which these diseases are liable to occur is exhaustive and in others merely illustrative.

With regard to poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, available data did not enable the competent technical services to alter the present designation of these products as given in the schedule appended to the administrative regulations of 1946.

With regard to phosphorus poisoning, the reason why the schedule refers only to certain phosphorus compounds is that the above-mentioned technical services were unable, on the basis of available data, to classify other disorders as occupational diseases, i.e. diseases involving a presumption of occupational origin. With regard to epitheliomatous cancer of the skin, French legislation recognises processes involving the handling or use of coal-tar pitch as likely to cause the disease. However, a presumption of occupational origin also exists where workers have been in contact with tars, bitumens, etc., containing pitch. On the other hand, it has not been possible to recognise mineral oils as substances likely to cause the disease, as recent research carried out in France on oil acne, a particular type of skin disorder

common in occupations involving contact with mineral oils, has failed to identify the causative agent with any degree of precision. Therefore, the Industrial Hygiene Committee, which must be consulted prior to any modification in the schedule of occupational diseases, considered it preferable to establish a schedule of "occupational dermatoses consequent upon the use of lubricants" (see in this connection the Decree of 26 December 1957 mentioned above).

As regards anthrax infection, the French Government considers that the national legislation contains a very comprehensive list of occupations involving such a hazard, particularly as the list covers also cases of anthrax infection resulting from an employment injury.

#### *Federal Republic of Germany.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, pp. 673-674.

In reply to the direct request made by the Committee of Experts the Government states that the legislation on compensation for occupational diseases also applies to workers in agriculture.

#### *Greece.*

Ministerial Order No. 17598/I.212 of 10 April 1958 to amend section 40 of the Sickness Rules of the Social Insurance Institute (*Ephemeris tes Kyberneseos*, No. 115, 23 Apr. 1958, Part II).

This text amends certain provisions of the Sickness Rules and in particular the schedule of occupational diseases.

See also the reply of the Government to the observation made in 1958 by the Committee of Experts in *Report of the Committee*, p. 674.

#### *Haiti.*

The Government states that there is no special legislative or regulatory text giving effect to the provisions of the Convention. However, in practice the social insurance scheme covers the occupational diseases referred to in Article 2 of the Convention, to the extent (very slight) that such diseases exist in Haiti.

#### *Italy.*

Act No. 93 of 20 February 1958 respecting the compulsory insurance of doctors against diseases and lesions caused by X-rays and radioactive substances (*Gazzetta Ufficiale*, No. 57, 6 Mar. 1958).

Act No. 313 of 21 March 1958 to extend insurance against occupational diseases to agriculture and empowering the Government to issue the necessary regulations thereunder (*Gazzetta Ufficiale*, No. 91, 15 Apr. 1958).

#### *Japan.*

Act No. 143 of 1958 respecting provisional measures concerning medical and other treatment for silicosis and lesions of the spine.

This Act, which is in force from 1 June 1958 to 31 March 1960, extends entitlement to medical care and benefit in the case of workers suffering from silicosis, whose condition still necessitates treatment on the expiry of the two-year period stipulated by section 11 of special Act No. 91 of 1955 respecting protection

against silicosis and lesions of the spine. This latter enactment will shortly be revised as the Government has decided to prepare permanent regulations on the subject before the end of 1959.

#### *Mexico.*

In reply to the observation of the Committee of Experts, the Government has supplied the following additional information.

The schedule of occupational diseases given in the Federal Labour Act is not exhaustive and is merely given as an example. In Mexico, under the Constitution, the Federal Labour Act and established case law, all diseases which are a direct outcome of the nature of the occupation or place of employment are deemed to be occupational. This interpretation is confirmed by the decisions of the Supreme Court of Justice. In other words, the scope of the Federal Labour Act is far wider than that of the Convention.

The Mexican Government is, however, very anxious to apply as faithfully as possible the Conventions it has ratified, and will bear in mind the observations of the Committee of Experts during the forthcoming revision of the Federal Labour Act, when it will endeavour to bring the schedule contained in section 326 of the Act into line with the provisions of the Convention. Nevertheless, the fact should not be overlooked that the Convention has been considered as forming part of Mexican law since its ratification.

#### *New Zealand.*

In reply to the direct request of the Committee of Experts, the Government states as follows.

It would appear that the interests of workers are better served where they enjoy equal protection against *any* disease having an occupational origin. Section 19 of the Workers' Compensation Act, 1956, gives a worker the right to claim in respect of any disease due to any employment of whatever nature, not merely if it is caused by his present employment but also if it is due to the nature of any employment in which he was engaged during a prescribed period.

Section 2 of the Workers' Compensation Act, 1956, defines "employer" as meaning "a person employing any worker". Thus there is no exclusion whatsoever, either of farming or of any other form of activity in which an employer may be engaged.

#### *Norway.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 674.

In reply to the direct request of the Committee of Experts the Government in its report gives the following information.

1. Item A in the schedule of occupational diseases of the Decree of 8 March 1957 covers diseases caused by poisoning or other chemical reactions. This means that definite symptoms must be found to exist which, from a medical point of view, could with certainty or great

probability have been brought about exclusively or mainly by the injurious effects of the work or place of work. Thus, the diseases listed in the schedule contained in Article 2 of the Convention are covered.

2. Compensation for the occupational diseases mentioned in the schedule to the Decree of 8 March 1957 is awarded in the same manner as for industrial accidents, provided that the disease is the consequence of conditions or causes connected with some of the activities mentioned in section 1, paragraphs 1 to 11 of the Workmen's Compensation Act of 24 June 1931 (L.S. 1931—Nor. 3).

3. In agriculture the regulations are mainly the same, but the scope of the accident insurance is limited to activities connected with the use of mechanical power (section 1, paragraph 1, of the Act of 24 June 1931).

Poland.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 674.

Sweden.

In reply to the request made by the Committee of Experts in 1958 the Government gives the following information.

All illnesses are covered by the sickness insurance scheme for an initial period of 90 days, during which there is no need to determine whether the affection is of occupational origin or not (sections 21 to 26 of the Sickness Insurance Act). This practice is general and applies also to the affections scheduled in Article 2 of the Convention. After this 90-day period workers affected by any of the diseases or poisonings to which the Occupational Injuries Insur-

ance Act of 14 May 1954 applies are taken over by this insurance (section 11 of the last-named Act). It is only in the relatively rare cases which are not handled entirely within the framework of sickness insurance that it is necessary to determine whether the later compensation should be paid under occupational injury insurance. As regards the criteria which make it possible to recognise the occupational origin of the disease or poisoning, section 7 of the Act of the 14 May 1954 provides that if an employed person who has incurred an injury was exposed in the course of his employment to the action of a "substance or radiation" (or to one of the other risks enumerated in section 6 (c) of the Act) the injury is deemed to be of occupational origin unless there are serious reasons for believing otherwise, i.e. compensation is paid not only when the probability of a causal relationship between the risk and the injury is greater than the probability that there is not but also when the chances for and against such a relationship appear equal.

\* \* \*

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, France, Greece, Ireland, Japan, Netherlands, New Zealand, Norway, Poland, Sweden, Turkey, United Kingdom.*

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

*Argentina, Brazil, Cuba, Finland, Hungary, 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 <sup>1</sup> . . . . .	13. 1.1937
Uruguay . . . . .	18. 3.1954

<sup>1</sup> Has denounced this Convention.

Czechoslovakia.

For the Government's reply to the observation of the Committee of Experts see *Report of Committee*, p. 674.

France.

See under Convention No. 49.

Mexico.

In reply to the observation of the Committee of Experts, the Government provides a list of automatic glass works. It states that most of the glass works produce both sheet glass and bottle glass and that production is not entirely by means of automatic machines. The Government has asked the undertakings concerned to transmit the texts of the collective agreements which govern hours of work in their establishments.

In compliance with a direct request by the Committee the Government has asked the competent local authorities to inform it of the regulations issued in connection with this Con-

vention. The Government states that the provisions of the Convention are applicable to the whole country, but that the local authorities may issue regulations or instructions for application within their respective areas.

United Kingdom.

For the Government's reply to the observa-

tion of the Committee of Experts see *Report of the Committee*, p. 674.

\* \* \*

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

*Belgium, Ireland, Norway, Uruguay.*

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

Italy.

Decree No. 818 of the President of the Republic, dated 26 April 1957, respecting benefits under the compulsory insurance scheme for involuntary unemployment (*Gazzetta Ufficiale*, No. 231, 16 Sep. 1957).  
Ministerial Order of 10 March 1958 to extend the special unemployment allowance to workers employed in the tobacco industry in certain provinces.

United Kingdom.

For legislation see under Convention No. 35.

Reciprocal arrangements in regard to unemployment benefit made between the Government of the United Kingdom and the Governments of Belgium, Norway, Australia and Malta became effective as from various dates within the period under review.

\* \* \*

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, Italy, New Zealand, Switzerland, United Kingdom.*

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

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
Finland . . . . .	3. 3.1938
France. . . . .	25. 1.1938
Federal Republic of Germany . . . . .	15.11.1954
Ghana <sup>1</sup> . . . . .	20. 5.1957
Greece . . . . .	30. 5.1936
Hungary . . . . .	19.12.1938
India . . . . .	25. 3.1938
Indonesia <sup>2</sup> . . . . .	20. 2.1937
Ireland . . . . .	20. 8.1936
Italy. . . . .	22.10.1952
Japan . . . . .	11. 6.1956
Luxembourg . . . . .	3. 3.1958
Federation of Malaya <sup>3</sup> . . . . .	11.11.1957

Countries	Date of registration of ratification
Mexico. . . . .	21. 2.1938
Morocco . . . . .	20. 9.1956
Netherlands . . . . .	20. 2.1937
New Zealand . . . . .	29. 3.1938
Pakistan <sup>4</sup> . . . . .	25. 3.1938
Panama . . . . .	16. 2.1959
Peru. . . . .	8.11.1945
Poland. . . . .	15. 6.1957
Portugal . . . . .	18.10.1937
Spain . . . . .	24. 6.1958
Sweden . . . . .	11. 7.1936
Switzerland. . . . .	23. 5.1940
Tunisia . . . . .	15. 5.1957
Turkey. . . . .	21. 4.1938
Union of South Africa . . . . .	25. 6.1936
United Arab Republic (Egypt) . . . . .	11. 7.1947
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. 15.  
2 See footnote 3 to Convention No. 19.  
3 See footnote 1 to Convention No. 17.  
4 See footnote 3 to Convention No. 1.

*Afghanistan.*

See under Convention No. 4.

*China.*

Regulations of 17 September 1950 for the Security of Mines in Taiwan Province, as amended 3 June 1958.

Section 2 of the Regulations for the Security of Mines in Taiwan Province applies to all publicly and privately operated mines within the province. Section 187 of the Regulations provides that women shall not be employed for work underground in mines, although, with special permission, they may undertake light work connected with transport in pits.

In March 1958 the Ministry of the Interior was informed that there were still a few women working underground who were insured under the labour insurance scheme. In order to deal with the situation steps have been taken to ensure (a) that women engaged in underground work are no longer allowed to participate in labour insurance; (b) that any jobs that may be left vacant by women will be filled by male workers only; (c) that women workers engaged in pits will cease to work underground upon transfer; and (d) that when women engaged in pits are transferred to surface work the fact must be reported to the competent authorities for registration.

*Federal Republic of Germany.*

For the Government's reply to the observation made in 1958 see *Report of the Committee*, p. 675.

*Ghana (First Report).<sup>1</sup>*

Labour Ordinance of 1 October 1948, as amended in 1949 (Laws of Ghana, 1951, Vol. III, Cap. 89).

*Article 1 of the Convention.* Section 2 of the Labour Ordinance defines "mines" as all excavations for the purpose of searching for or winning minerals or precious stones, as well as all working of mineral deposits or alluvial diggings, whether from the surface or downwards and underground.

*Article 2.* Section 74 provides that no female shall be employed on any kind of underground work.

*Article 3.* No provision is made for any of the exemptions stipulated in this Article.

The Commissioner of Labour is entrusted with the application of this legislation. The application is supervised and enforced by periodical inspection carried out by Labour Inspectors and Labour Officers.

*Japan (First Report).*

Labour Standards Law No. 49 of 5 April 1947 (*Official Gazette*, No. 303, 7 Apr. 1947) (L.S. 1947—Jap. 3).

<sup>1</sup> See footnote, p. 48.

*Article 1 of the Convention.* Section 8 of the Labour Standards Law covers all enterprises and offices, including the enterprises engaged in mining, sand-mining, stone-cutting and other extraction of gravel or minerals.

*Article 2.* Section 64 of the Labour Standards Law provides that the employer shall not employ women in underground labour. Therefore, any female, whatever her age, is prohibited from engaging in underground work in a mine.

*Article 3.* No national law or regulation contains any special provision which permits women to engage in underground work in mines.

The inspection bodies provided for under Chapter XI of the Labour Standards Law are responsible for enforcing the prohibition of the employment of female workers on underground work in mines.

*Federation of Malaya (First Report).<sup>1</sup>*

Ordinance No. 38 of 1955 to consolidate and amend the law relating to employment (*Government Gazette*, Vol. 8, No. 16, Second Supplement, July 1955) (L.S. 1955—Mal. 2).

Section 35 of the above Ordinance prohibits the employment of female labourers in any underground working.

Inspections carried out by officers of the Department of Labour and Industrial Relations reveal that no woman is employed underground in any mine in the Federation of Malaya.

*Morocco (First Report).<sup>2</sup>*

Dahir of 2 July 1947 (13 Shaaban 1366) to regulate employment (*Bulletin officiel*, No. 1825, 17 Oct. 1947, p. 1028) (L.S. 1947—Mor. 1).

Section 22 of the above Dahir provides that female workers may not be employed on work below ground in mines and quarries. There is no provision for any exception.

Responsibility for applying this legislation lies with the mining engineers who (under section 52 of the same Dahir) are competent—instead of the labour inspectors and assistant inspectors—in mines and quarries where the work must be performed below ground. Judicial police officers and the head of the Mines Service are also empowered to report infringements.

The above legislative provisions are strictly respected in all the establishments concerned. The inspection authorities have not reported any contraventions.

*Yugoslavia.*

For legislation see under Convention No. 5.

Section 73 of the Act of 12 December 1957 respecting employment relationships prohibits

<sup>1</sup> See footnote, p. 50.

<sup>2</sup> For summaries of the reports of previous years see International Labour Conference, Report III, (Part I), second section: "Application of Conventions in Non-Metropolitan Territories (Articles 19 and 35 of the Constitution)": *France-Morocco*.



women, irrespective of age, from being employed on work involving a risk to life or health and on particularly strenuous manual work. Deep digging and drilling in depth are considered, *inter alia*, to be particularly strenuous manual work. The Act provides for the exceptions authorised by Article 3 of the Convention.

Since the employment of women on certain work has to be prohibited only by reason of the harmful effect which the work may have on their life and health, section 76 of the Act provides that such prohibitions shall not apply if, in the establishment in question, the particular process has been mechanised or rendered automatic or hermetic, thus eliminating the injurious effects or reducing them to such an extent that there is no longer any danger to the woman's life or health. The prohibition does not apply also in cases which individual protective equipment constitutes an effective defence against occupational poisonings and conioses. However, in order to employ women

on work of this kind, previous authorisation must be obtained from the labour inspection service, and no such case has arisen in practice.

\* \* \*

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

*Australia, Switzerland.*

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

*Argentina, Austria, Belgium, Brazil, Ceylon, Chile, Cuba, Czechoslovakia, Finland, France, Greece, India, Ireland, Italy, Mexico, Netherlands, New Zealand, Pakistan, Peru, Portugal, Sweden, Turkey, Union of South Africa, United Arab Republic (Egypt), United Kingdom, Uruguay, Viet-Nam.*

#### 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

##### *Byelorussia (First Report).*

###### Constitution.

###### Labour Code.

Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R. of 8 March 1956 respecting the shortening of the working day of wage and salary earners on days preceding rest days and holidays (L.S. 1956—U.S.S.R.1(A)).

Order (No. 634 r) of the Council of Ministers of Byelorussia, dated 2 June 1956, respecting the mode of payment of the work of young persons aged between 16 and 18 years in connection with the establishment of the six-hour working day for such young persons.

In Byelorussia some measures have already been taken to reduce hours of work while at the same time maintaining wage levels, and further measures to this end will be taken in the future.

Under the legislation the normal daily hours of work of adult workers and employees may not exceed eight. However, since 10 March 1956 hours of work on the days preceding rest days and holidays have been lowered by two for all workers and employees, thus reducing the normal working week from 48 to 46 hours. In various occupations in which the work is arduous daily hours have been reduced to seven, and in some cases to six, while in certain other occupations where the work is particularly strenuous hours of work are no more than four per day.

The constant rise in labour productivity brought about by continuous progress in methods of production and the introduction of new techniques has created conditions favourable to a further reduction in hours of work, and since 1957 a large number of undertakings have introduced a seven-hour working day. In 1960 the seven-hour working day will be introduced in all undertakings and an even greater reduction in hours of work is envisaged in future years.

Legislation prescribes a six-hour working day for young persons aged between 16 and 18 years, and a four-hour working day for students attending individual or group educational courses and for young persons aged from 15 to 16 years.

In conformity with the provisions of the Labour Code (sections 103 and 104) the working of overtime is allowed only in exceptional circumstances and with the authorisation of a council or central committee of trade unions, in agreement with the local committee of the trade union concerned. Overtime is paid for at time-and-a-half for the first two hours and double time for each succeeding hour, as well as for all work done on rest days and holidays (section 60 of the Labour Code).

Under the socialist economic system of the country the introduction of new techniques, including the application of automation, and a large measure of rationalisation has made it possible to shorten hours of work and at the same time to increase wages and raise the general standard of living.

Specific measures to maintain wage rates have been taken in respect of both young workers and adult workers. Thus the wages paid to young persons working a six-hour day must be equivalent to the wages paid to adult workers in a corresponding category for a normal

working day. On the days preceding rest days and holidays, when daily hours are six, adult workers on time work are paid for a full day's work. Workers who are paid by results receive payment for the amount of work actually done. However, heads of undertakings are required to ensure to the workers conditions which permit them to increase their productivity; in addition, if workers are found to suffer a reduction in wages as a result of the shortened working day the heads of undertakings may pay them a supplement to make up their normal wages.

The authorities and the labour inspection service ensure the strict application of legislation regulating hours of work. The office of the Public Prosecutor ensures that all orders, instructions and other texts published by the various Ministries, undertakings or departments are in strict conformity with the law; it may institute legal proceedings in cases of contravention. Supervision of the application of legislation relating to hours of work is also entrusted to the technical inspectors of the Council of Trade Unions, the labour protection commissions of the local trade union committees and the state labour protection inspectors. Persons who contravene the provisions of labour legislation are liable to prosecution.

In the period covered by the present report there have been no infringements of the legislation relating to hours of work and the courts of law have not been called on to give any decisions involving questions of principle relating to the application of the Convention.

No observations have been received from either the managements of industrial undertakings or workers' organisations, who have taken note of the present report.

#### *New Zealand (First Report).*

Industrial Conciliation and Arbitration Act, 1954 (New Zealand Statutes, 1954, p. 777) (L.S. 1954—N.Z. 1).  
Shops and Offices Act, 1955 (New Zealand Statutes, 1955, p. 181) (L.S. 1955—N.Z. 1).  
Factories Act, 1946 (New Zealand Statutes, 1946, p. 521) (L.S. 1946—N.Z. 4).  
Shipping and Seamen Act, 1952 (New Zealand Statutes, 1952, p. 305).

The Government supplies information already furnished in previous voluntary reports. Thus it indicates that the Industrial Conciliation and Arbitration Act requires that every award of the Court shall fix a maximum (normal) working week of 40 hours (section 149). The other three Acts themselves require that standard to be applied (sections 19, 14 and 131, respectively, of the three Acts). In the public service a 40-hour (or 37½-hour) week applies as a matter of government policy.

The provisions giving effect to the Convention are enforced by Inspectors of Awards attached to the Department of Labour.

Detailed statistics are appended to the Government's report.

#### *Ukraine (First Report).*

Code of Labour Laws.  
Order No. 991 of 31 August 1955 of the Council of Ministers respecting reduced working hours for workers engaged in the handling of radioactive substances.

Order No. 103 of 4 February 1958 of the Council of Ministers respecting reduced working hours in the manufacturing of medical products, etc.  
Order No. 193 of 5 March 1957 of the Council of Ministers respecting reduced working hours in the coal industry.  
Order No. 698 of 26 May 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in the coal industry, etc.  
Order No. 452 of 9 May 1957 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in mining undertakings, etc.  
Order No. 1329 of 20 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in the iron and steel industry.  
Order No. 1335 of 20 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in metallurgical undertakings (non-ferrous metals).  
Order No. 1330 of 20 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in the chemical industry.  
Order No. 1322 of 20 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in certain mineral extraction undertakings.  
Order No. 817 of 24 June 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in electric power plants, etc.  
Order No. 1334 of 16 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in the manufacturing of reinforced concrete, etc.  
Order No. 1357 of 16 September 1958 of the Central Committee of the Communist Party and the Council of Ministers respecting reduced working hours in the cement industry, etc.

The 40-hour week is being introduced by stages in Ukraine. In keeping with the decisions taken by the 20th Congress of the Communist Party of the U.S.S.R., it is proposed to complete the transition to a seven-hour day by 1960 and to a 40-hour week by 1962. Under existing legislation a reduced working day has already been introduced for several categories of workers.

*The working week of 24 to 36 hours.* In conformity with the provisions of the Labour Code (section 95), a working day of six, five or four hours is prescribed by various government Orders and Decrees for workers engaged in scheduled arduous and unhealthy occupations. Thus, for example, a working day of six, five or four hours has recently been fixed for workers handling radioactive substances or exposed to ionising radiations, for invalid and blind workers employed in state undertakings, for young persons, and for workers employed in the pharmaceutical industry and in medical establishments.

*The working week of 36 to 40 hours.* By a series of Orders the Government has reduced the daily working hours in several major industries from six to seven and the working week from 36 to 40 (the working day immediately preceding rest days and public holidays is six hours). A 36- to 40-hour week has been introduced in the following industries: coal and bituminous schists; mining, metallurgy and coking plants; iron, steel and non-ferrous metals; chemicals; and the extraction of plumbago, ozocerite and salt.

*The working week of 40 hours.* A seven-hour working day has been introduced in the follow-

ing industries: electric power production, electric power and heat distribution, repair of electric power producing and distributing installations, reinforced concrete manufacturing and construction, and the manufacture of cement and of asbestos cement products.

The regulations provide that the reduced hours shall not involve any loss of earnings.

All the regulations were adopted in consultation with the Ukrainian Council of Trade Unions. Time limits for the implementation of these measures by individual undertakings are fixed, within the framework of existing regulations, by the economic councils and the competent departments in agreement with the councils of the local trade unions.

The trade union organisations are actively helping to put these measures into effect and to prepare undertakings to operate under the new system.

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

- Constitution of the U.S.S.R. of 1936.
- Labour Code of the R.S.F.S.R. of 1922, text revised 1 May 1936 (*L.S. 1936—Russ. 1*) and the Labour Codes of other Soviet Federated Republics.
- Ukase of the Praesidium of the Supreme Soviet of 8 March 1956 respecting the shortening of the working day of wage and salary earners on days preceding rest days and holidays (*L.S. 1956—U.S.S.R. 1 (A)*).
- Order of the Council of Ministers of 8 March 1956 respecting the shortening of the working day of wage and salary earners on days preceding rest days and holidays (*L.S. 1956—U.S.S.R. 1 (B)*).
- Order of the Council of Ministers of 19 June 1956 respecting measures to supplement the Order of the Council of Ministers of 8 March 1956.
- Order of the Council of People's Commissaries of 1 July 1940 respecting the list of occupations in which conditions are harmful to health and for which a working day of six hours has been introduced, with supplements thereto.
- Ukase of the Praesidium of the Supreme Soviet of 26 May 1956 to establish a six-hour working day for young persons aged between 16 and 18 years (*L.S. 1956—U.S.S.R. 1 (C)*).
- Order of the Council of Ministers of 26 May 1956 respecting the mode of payment of the work of young persons aged between 16 and 18 years in connection with the establishment of the six-hour working day for them (*L.S. 1956—U.S.S.R. 1 (D)*).
- Order of the Council of Ministers and of the Central Committee of the Communist Party of 27 April 1957 respecting the introduction of shorter working hours and the raising and standardisation of the wages and salaries of workers and engineering and technical staff in mining and metallurgical undertakings and in Ministry of Iron and Steel coking plants.
- Order of the Central Committee of the Communist Party, the Council of Ministers and the Central Council of Trade Unions, dated 1 April 1958, respecting the introduction during the year 1958 of the seven-hour and six-hour working day and the revision of salary scales of workers and employees in several branches of heavy industry.
- Order of the Central Committee of the Communist Party, the Council of Ministers and the Central Council of Trade Unions respecting the introduction of the shorter working day and the revision of salary scales for workers and employees in undertakings in the machinery and machine-tool manufacturing industry and the petroleum and gas industries (published in the *Journal of the Councils of Workers' Representatives*, 4 Nov. 1958).
- Publication of the text of Convention No. 47 and announcement of its ratification (*Journal of the Supreme Soviet of the U.S.S.R.*, No. 13, 2 July 1956).

The Government's declaration of approval of the principle of the 40-hour week was brought

to the attention of the persons concerned by the above-mentioned publication of Convention No. 47.

The widespread application of mechanisation and the introduction of advanced techniques of automation to the processes of production, by making work easier and increasing labour productivity, have made it possible gradually to reduce hours of work throughout the Soviet Union, and at the same time to raise the standard of living of the population. Measures to reduce hours of work still further are being applied systematically, by stages.

Under the economic development plan for the period 1956-60 hours of work will gradually be reduced to seven a day for all categories of workers and employees, and to six a day for workers engaged on particularly arduous work.

From 8 March 1956 hours of work in all undertakings, institutions and organisations were reduced from eight to six on the days preceding rest days and holidays.

At the end of 1956 daily hours of work for underground workers in the coal mines in the Don basin and in the Lvov-Volynie basin were reduced to seven, and for certain categories of workers to six. At the end of 1957 this shorter working day was introduced in all mining and metallurgical undertakings and in coking plants in the steel industry. During 1958 it was extended to certain branches of heavy industry. On 4 November 1958 it was officially announced that the shorter working day would be applied in the machine tools, petroleum and gas industries at the end of 1958 or the beginning of 1959.

The 40-hour five-day week has already been introduced in a whole series of undertakings and organisations and is gradually being introduced in certain others.

By a Decree dated 26 May 1956 a six-hour working day was established for young persons aged between 16 and 18 years. Students aged between 15 and 16 years who are attending educational courses and workers and employees of this age have a working day of four hours.

The remuneration of wage and salary earners is not reduced when the shorter working day is introduced. The Order of 8 March 1956 provides that, as regards work on days preceding rest days, remuneration shall be paid for a full working day when payment is by time and according to the work completed in the case of piecework. Heads of undertakings must improve production, etc., so that the shorter hours will not result in a reduction of the workers' monthly earnings. Further, by an Order of 19 June 1956, heads of undertakings are authorised to pay a bonus to workers whose wage is reduced as a result of the shorter working hours. A systematic review of the position in each undertaking is to be carried out to ensure that full effect is being given to the decisions of 8 March 1956 respecting more productive conditions of work without any reduction in the monthly remuneration.

In conformity with the provisions of section 103 of the Labour Code of the R.S.F.S.R. and the corresponding provisions of the Labour Codes of other Republics of the Soviet Union,

the working of overtime (i.e. hours worked beyond the legal limit of six, seven or eight hours a day as the case may be) is, in general, prohibited. Exceptionally, overtime may be worked with the approval of the provincial committees or councils of central committees of trade unions, provided the local committee of the trade union concerned has agreed to a request for the working of such overtime made by the competent Ministry or by the management of the enterprise concerned. Rates paid for overtime are not less than time-and-a-half for the first two hours and double time thereafter (section 60 of the Labour Code).

Supervision of the implementation of all legislation, regulations and directives relating

to conditions of work and wages is entrusted to the Public Prosecutor's Office of the Committee of State of the Council of Ministers, which is responsible for the labour inspection service, and also to the trade unions.

In the period covered by the present report there have been no infringements of the legislation relating to hours of work. Consequently, there have been no decisions of courts of law concerning questions of principle relating to the application of the Convention.

No observations have been received from either the managements of industrial undertakings or workers' organisations, to whom the text of the present report has been communicated.

48. Maintenance of Migrants' Pension Rights Convention, 1935

*This Convention came into force on 10 August 1938*

Countries	Date of registration of ratification
Czechoslovakia . . . . .	12. 6.1950
Hungary . . . . .	10. 8.1937
Italy . . . . .	22.10.1952
Netherlands . . . . .	6.10.1938
Poland . . . . .	21. 3.1938
Spain . . . . .	8. 7.1937
Yugoslavia . . . . .	4. 1.1946

*Netherlands.*  
Act of 11 July 1957 to amend the Invalidity Insurance Act (*Staatsblad*, No. 259).

This Act abrogates section 168 of the Invalidity Insurance Act.

*Spain.*  
In reply to the observation made by the Committee in 1958 the Government states that

the Convention is applied by means of bilateral agreements, for example with Italy. As regards the other States which have ratified the Convention Spain has no diplomatic relations with four of them, and migration to and from the Netherlands is negligible.

\* \* \*

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

*Czechoslovakia, Hungary, Italy, Netherlands.*

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

*Poland, Yugoslavia.*

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

*This Convention came into force on 10 June 1938*

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Czechoslovakia . . . . .	19. 9.1938
France . . . . .	25. 1.1938
Ireland . . . . .	10. 6.1937
Mexico . . . . .	21. 2.1938
New Zealand . . . . .	29. 3.1938
Norway . . . . .	21. 7.1936

*Czechoslovakia.*  
See under Convention No. 43.

*France.*  
*Article 3 of the Convention.* In reply to the observations made by the Committee of Experts in 1957 the Government states that apart from section 3, paragraph 1, and section 5, paragraph 4 of the Appendix (dealing with wage earners) of the National Collective Agreement for the Glass-making Industries, dated 23 July 1954, only section 7, paragraph 2, of the Appendix dealing with supervisory staffs allows the statutory maximum to be exceeded. This section stipulates that "the remuneration of supervisory staffs covers individual overtime work arising out of their normal duties pro-

vided such overtime working is usually of short duration ”.

Mexico.

See under Convention No. 43.

\* \* \*

The report from *New Zealand* 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 :

*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 <sup>1</sup> . . . . .	26. 7.1948
Ghana <sup>2</sup> . . . . .	20. 5.1957
Japan . . . . .	8. 9.1938
Federation of Malaya <sup>3</sup> . . . .	11.11.1957
New Zealand <sup>1</sup> . . . . .	8. 7.1947
Norway . . . . .	7. 7.1937
United Kingdom <sup>1</sup> . . . . .	22. 5.1939

<sup>1</sup> See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).  
<sup>2</sup> See footnote 3 to Convention No. 15.  
<sup>3</sup> See footnote 1 to Convention No. 17.

*Federation of Malaya (First Report).*

No recruitment of indigenous workers is carried on in the Federation. Recruiting from India and China ceased some 20 years ago.

\* \* \*

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

*Belgium, Ghana, 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
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
Panama . . . . .	3. 6.1958
Tunisia . . . . .	15. 5.1957
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
United Arab Republic (Egypt) . .	3. 7.1954
Uruguay . . . . .	18. 3.1954
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	26. 3.1953

Burma.

In reply to the request made by the Committee of Experts in 1958 the Government

states that the Shops and Establishments Act of 1951 is now applicable to 14 district towns and four town committee areas. It also forwards an extract from the Burma Leave Rules and points out that the Leave and Holidays Act of 1951 is applicable to workers employed in hostels and restaurants. Employers covered by the Shops and Establishments Act, the Factories Act and the Minimum Wages Act are required to keep a register which conforms with the requirements of Article 7 of the Convention.

The provisions of the Factories Act have been extended to four categories of undertakings, even if less than ten workers are employed therein, where the process is carried on with the aid of power, or less than 20 workers where power is not used. Legislation is being drawn up for motor transport workers.

The Government also states that the observations made by the Committee of Experts regarding the amendment of certain provisions of the national legislation have been noted and that suitable action will be taken to ensure that the minimum requirements of the Convention are fulfilled. As regards workers in respect of whom holidays are provided under the Minimum Wages Act, recent decisions provide that workers in rice mills are given a holiday of six days, excluding Sunday and any public holiday, and that workers in the cigar and

cheroot factories are given a holiday of six consecutive days.

As regards Article 2 of the Convention, workers covered by the Leave and Holidays Act are entitled to ten consecutive days' holiday; consequently a holiday of at least six working days is assured, as required by the Convention. Interruptions of attendance at work due to sickness are not included in the annual holiday as they are treated as leave on medical certificate.

#### Cuba.

Decree No. 1685 of 27 May 1958 (*Gaceta Oficial*, No. 101, 28 May 1958, p. 9447).

The above-mentioned decree has eliminated every discrepancy between national laws and regulations and the provisions of the Convention. It must be repeated that the provisions of the former law with regard to exceptions or the carrying over of leave have never been applied, and it is to be regretted that the Convention still falls far short of the provisions of Act No. 40 of 1935, article 67 of the Constitution which amends that Act, and Decree No. 1435 of 1953.

#### Dominican Republic (First Report).

Labour Code of 11 June 1951 (*Gaceta Oficial*, Vol. LXXII, 23 July 1951, No. 7309bis) (L.S. 1951—Dom. 1).

*Article 1 of the Convention.* Holidays with pay apply to all the establishments enumerated in Article 1 in virtue of the fact that the Labour Code lays down that every employer shall grant the prescribed holiday to all workers (section 168). Under section 2 an employer is defined as every person who receives material or intellectual services under a work contract.

*Article 2.* Section 168 of the Code provides for the granting of two weeks' paid holiday in respect of each year of service, and under section 182 all the holiday provisions apply to apprentices. The Labour Code makes no distinctions based on the age of a worker. The Government states that public holidays are included in the two weeks, and points out that the period provided for in the Code exceeds the minimum established by the Convention. The holiday period may not be suspended or reduced because of absence from work through illness or any other good reason (section 176). There are no provisions for the annual holiday to be divided into parts, nor for the period to be increased with the length of service. There is a provision in the Code which formally permits an employer to increase the holiday period.

*Article 3.* Section 173 of the Code requires that wages corresponding to the holiday period shall be paid to the employee on the day preceding the beginning of the holiday, together with the wages he has earned up to that date.

*Article 4.* This Article is applied by section 38 of the Code which proclaims as invalid any arrangements to renounce or diminish the rights granted to workers by the Code.

*Article 5.* The law does not contain provisions on the lines of this Article. Section 173 of the

Code forbids a worker to work during his holiday, with or without pay, for any employer.

*Article 6.* In no case can the right to the holiday be renounced for compensation or substituted in any way. However, if a worker ceases to be employed without having taken the holiday period due to him, the employer must pay him cash compensation equal to the wages corresponding to that period (sections 173 and 174).

*Article 7.* During the first 15 days of January employers must allot the holiday periods of employees. A copy of the holiday list must be sent to the Department of Labour and a copy displayed at the place of employment. Every employee must, at the beginning of his holiday, sign a statement in a register kept by the employer for this purpose. No register has been approved by the Department of Labour in this connection.

*Article 8.* The particular fine and/or imprisonment applicable for contraventions of the holiday with pay provisions are specified in sections 678 and 679 of the Code.

The Inspection Service of the Department of Labour is responsible for supervising the application of the provisions; cases of infringement reported by the inspectors are submitted to the appropriate court for judgment.

#### Finland.

The submission to Parliament of a Bill revising the Holidays with Pay Act and providing for the application of certain articles of the Convention has been postponed. Nevertheless the Government still has the matter under review.

#### Greece.

Royal Decree of 23 December 1957 respecting the suspension for the year 1957 of the granting of holidays to bakers, provided for by Act No. 539 of 1945 (*Ephemeris tes Kyberneseos*, No. 262, Vol. A, 30 Dec. 1957).

Act No. 594 of 23-28 December 1936 respecting hotel employees (*Ephemeris tes Kyberneseos*, No. 558, 23 Dec. 1936) (L.S. 1936—Gr. 8).

Act No. 199 of 29 September 1936 to amend certain labour laws (*Ephemeris tes Kyberneseos*, No. 440, 6 Oct. 1936) (L.S. 1936—Gr. 9).

In reply to a request made by the Committee of Experts the Government states that Act No. 594 provides for an annual holiday of 15 days in the case of salaried employees in hotels, and one week's holiday for wage-earning employees. Act No. 199 provides for an annual holiday to be granted to the subordinate medical staff in private hospitals and nursing homes.

#### Italy.

A Bill which is to empower the Government to give force of law to collective agreements concluded between *de facto* organisations is to be submitted to the National Council on Economy and Labour before being tabled in Parliament.

For the Government's reply to an observation by the Committee of Experts see *Report of the Conference*, pp. 675-676.

*Mexico.*

*Article 2 of the Convention.* Section 82 of the Federal Labour Act provides that "if the employee has been absent from his work without sufficient reason, the employer may deduct such absence from the leave". Moreover, various court decisions since 1935 have established that such absences may be deducted from the period of leave only where the worker has been paid in respect of the period during which he was absent. Therefore, not only may all periods of unjustified absence not be deducted from annual leave, but section 82 of the above-mentioned Act must be interpreted as prohibiting the deduction of any public holidays or periods of justified absence from such leave.

As part of the amendments to the Federal Labour Act, published in the *Diario Oficial* of 31 December 1946, the following paragraph was added to section 82 of the said Act: "The minimum period of leave for which this section provides shall not be taken by instalments." Therefore, the division of the minimum period of leave into parts, to which the Convention refers, is not permitted.

The provision of the Act which permits the deduction of periods of unjustified absence from the period of leave is not incompatible with those of the Convention, since the list contained in Article 2, paragraph 3, of the days which may not be included in the annual holiday with pay makes no reference to days of unjustified absence.

Besides, as already stated, such days are deducted from the worker's annual leave only when he has received his wage in respect of the period of absence. If this were not the case there would be a possibility, in legal terms, of "unjust enrichment" of the worker at the expense of the employer.

*Article 3.* Section 86 of the Federal Labour Act provides that wages shall include "both the payments made at the daily rate and the bonuses, payments in kind, dwelling and every other allowance granted to an employee in return for his ordinary work". Therefore, section 93 of the Act, which provides that workers on holiday shall be paid "their wages in full", means that they shall receive all the allowances to which they are normally entitled.

*Morocco (First Report).*

Dahir of 9 January 1946 respecting annual holidays with pay (*Bulletin officiel*, No. 1744, 29 Mar. 1946, p. 222) (L.S.—Mor. 1), as amended and supplemented by the Dahir of 16 October 1946 (*Bulletin officiel*, No. 1779, 29 Nov. 1946, p. 1074) (L.S. 1946—Mor. 1 D), and Dahir of 12 January 1952 (*Bulletin officiel*, No. 2057, 28 Mar. 1952, p. 458) (L.S. 1952—Mor. (Fr.) 1).

Order of 9 January 1946 to prescribe rules for the administration of the Dahir of 9 January 1946 (*Bulletin officiel*, No. 1744, 29 Mar. 1946, p. 228) (L.S. 1946—Mor. 1 B), as amended 17 August 1946.

Order of 9 March 1946 respecting annual holidays with pay for homeworkers (*Bulletin officiel*, No. 1746, 12 Apr. 1946, p. 287) (L.S. 1946—Mor. 1 C).

Dahir of 2 July 1947 introducing labour regulations.

*Article 1 of the Convention.* Section 2 of the Dahir of 9 January 1946 grants an annual holiday with pay to any wage earner, salaried employee or apprentice exercising an occupation in commerce, industry or the professions,

even if the establishment concerned is a co-operative; this section also covers homeworkers. Only agricultural workers are not included within its scope. It has not been necessary to consult the employers' and workers' organisations concerned in drawing a line between undertakings and establishments whose employees are entitled to an annual holiday with pay and those whose employees are not, since all undertakings and establishments are covered by this enactment. Public servants are not covered by legislation prescribing annual holidays with pay for wage earners in private employment. They are entitled to holidays as follows: one month a year for established staff and three weeks for temporary or daily-paid staff.

*Article 2.* Any person covered by the Dahir of 9 January 1946 is entitled to 15 days' annual holiday, including not less than 12 working days, after 12 months' continuous service. Holidays for young workers and apprentices under 18 years of age and between 18 and 21 are respectively twice and one-and-a-half times as long as the holiday for adults. Public holidays and time off for sickness are not counted as part of the annual paid holiday. This holiday may, at the wage earner's request or with his consent, be split up by the employer on condition that one of the periods comprises not less than six working days between two weekly rest days. An additional day is added to the statutory paid annual holiday for every five years' service (whether continuous or not) with the same employer or in the same establishment. Other increases are granted in the case of young workers.

*Article 3.* Any wage earner, salaried employee or apprentice who is paid time rates receives holiday pay equal to the earnings he would have drawn during his holiday period if he had remained at work. If he is paid by results, the daily rate of pay for the holiday period is equal to one twenty-sixth of the total earnings he received during the 26 working days immediately preceding the start of his holidays. Holiday pay includes the wage itself plus any bonuses and allowances associated with the job, together with any benefits in kind which the worker does not draw during his holiday.

*Article 4.* Any agreement whereby a wage earner, salaried employee or apprentice relinquishes the holiday prescribed by the Dahir of 9 January 1946 in exchange for cash payment is null and void.

*Article 5.* If a worker takes paid employment during his holiday with pay he is liable to a fine and may be sued for damages.

*Article 6.* A worker with not less than six months' service whose contract is terminated before he has been able to take all the annual holiday due to him must be paid compensation for the holiday or part of the holiday he was unable to take.

*Article 7.* Section 17 both of the Dahir of 9 January 1946 and of the Order of the same date requires employers who are covered by the scheme to maintain detailed records respecting paid holidays; this is in order to facilitate enforcement.



*Article 8.* The owners or managers of establishments employing persons covered by section 1 of the Dahir of 9 January 1946 who infringe the provisions of the said Dahir or the Orders issued thereunder are liable to a fine.

The officials of the Labour Inspectorate (as specified in the Dahir of 2 July 1947) are responsible for enforcing the legislation on annual holidays with pay; the report gives detailed information on the operation of the Inspectorate. The Government states that employers in the main abide by the terms of the Convention. For the period between 1 July 1957 and 30 June 1958 only 93 infringements of the legislation on annual holidays with pay were brought to light. These infringements were connected with the proper maintenance of records dealing with holidays.

A survey is being carried out at the present time to ascertain the number of workers covered by this legislation and as soon as the results are available they will be forwarded to the International Labour Office.

#### *Ukraine (First Report).*

Constitution of 30 January 1937, as amended in 1947. Labour Code of 1922 (Kiev, 1940). Regulations respecting holidays with pay, adopted by the Ministry of Labour of the U.S.S.R. on 30 April 1930.

The Constitution of Ukraine provides that all workers are entitled to rest (article 99).

All persons working on the basis of a contract of employment are entitled to an annual paid holiday of at least 12 working days (section 114 of the Labour Code). Wage earning and salaried employees under 18 years of age are entitled to a month's holiday.

Persons employed directly in the following groups of undertakings and establishments are entitled to a supplementary paid holiday of three working days after two years' continuous service: mining, metal production, metal working, chemical products and textile industries; undertakings producing building materials; maritime and railway transport; large-scale construction. An additional holiday of two weeks is allowed to persons employed on continuous operations.

Under section 69 of the Labour Code wage-earning and salaried employees are entitled to advance payment, for their holidays, of a sum corresponding to their average remuneration.

In cases where the undertaking or institution does not allow the appropriate holiday (section 114 of the Code) and in the cases covered by section 115, with the consent of the responsible trade union, the wage earner or salaried employee is entitled to a cash compensation based on his usual remuneration (section 91 of the Code).

As a general rule the holiday must be taken in full, and section 116 of the Code prohibits all cash compensation in the case of young persons and (for the supplementary holiday) in the case of persons employed on arduous or unhealthy work.

If a worker has not taken his paid holiday during a given year and has not received the appropriate cash compensation, his or her holiday must be extended to a corresponding extent the following year. Holidays may,

however, not be accumulated for more than two years (section 120 of the Code). Official and customary public holidays are not counted as part of the annual paid holiday, which is considered to include working days only (section 114 of the Code). Interruptions due to sickness and absences owing to pregnancy or confinement are not counted as part of the annual or supplementary paid holiday (section 119 of the Code). It has been laid down as a uniform rule that employed persons who are sick during their annual or supplementary holiday shall have the holiday prolonged or shall receive an additional holiday later, provided the sickness is medically certified; they will also receive an allowance corresponding to that payable in a case of temporary incapacity.

Every holiday or cash compensation received is entered in the employee's workbook (paragraph 6 of the Regulations of 30 April 1930). The plans for annual paid holidays for employed persons are drawn up with the agreement of the works committee or local trade union committee. The length of the holiday is fixed in accordance with current labour legislation.

The works committee or local trade union committees supervise applications of labour legislation by managements, particularly as regards holidays with pay.

#### *United Arab Republic (Egypt).*

Government Employment Act.

*Article 1 of the Convention.* Persons employed in public services, such as postal and telecommunication services, and exempted from the application of Legislative Decree No. 317 of 1952, are government employees and are subject to the Government Employment Act, which includes provisions regulating the holidays of all government employees.

*Article 2.* Interruptions of attendance at work due to sickness are not included in the annual holiday with pay. This is guaranteed by section 22 of Legislative Decree No. 317 which provides for a holiday of at least six consecutive days.

*Article 3.* According to section 20 of Legislative Decree No. 317 persons taking holidays are entitled to full pay; this is defined by section 4 of the Legislative Decree as the wage plus all other remuneration, such as commissions and bonuses, mentioned in sections 683 and 684 of the Civil Code.

*Article 4.* Section 50 of Legislative Decree No. 317 provides that any agreement which is contrary to the provisions of the Decree is null and void unless it is more favourable to the workers.

#### *Uruguay.*

Act No. 12489 of 2 January 1958 to suspend until 1 July 1958 the entry into force of Act No. 12353 of 27 December 1956 respecting the obligation not to grant annual holidays during Carnival week.

Decree of 23 January 1958 to issue regulations under Act No. 12489.

Decree of 23 January 1958 to issue regulations under Act No. 12489 as regards annual holidays in construction work.

Decree of 3 June 1958 to provide that public officials shall not lose their right to the normal annual holiday when they have been absent for reasons of sickness during 60 or more days in the year.



*Viet-Nam.*

Decree No. 204-LD of 6 June 1958 to amend section 208 of the Labour Code respecting holidays with pay.

The following measures have been taken, or are being contemplated, with a view to giving effect to the observations of the Committee of Experts.

Under the above-mentioned Decree postponement of annual paid holidays until the end of the contract shall no longer be permitted except to the extent that the holidays exceed the minimum duration fixed by the Convention. The Government further states that an addendum to Order No. 23-LDTN/LD of 24 February 1955, providing that neither public or customary holidays nor periods of absence due to sickness may be deducted from the annual paid holiday, has been submitted for consideration to the National Advisory Committee on Labour Matters.

*Yugoslavia.*

Act of 12 December 1957 respecting employment Relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663 (*L.S.* 1957—Yug. 2)).  
Regulations of 14 March 1958 issued in application of the Act of 12 December 1957 (*Službeni List*, No. 21/58).

Most of the previous legislation relevant to the application of the Convention has been repealed by the Act of 12 December 1957 respecting employment relationships. The Decree of 22 July 1952 respecting apprentices and the Labour Inspection Act of 1948 remain in force.

*Article 1 of the Convention.* All the fundamental questions respecting employment relationships are at present covered for all workers (this expression covers both workers and salaried employees) in the same manner, irrespective of their occupation.

*Article 2.* Section 27 of the Act of 12 December 1957 provides for an annual holiday with pay after 11 months of uninterrupted service. The length of the holiday varies between 12 and 30 working days and is increased with the duration of employment (section 26 of the Act). Young workers are entitled to a holiday of 21 working days if they are under 16 years of age, or 17 working days if they are aged between 17 and 18 years (section 237 of the Act). Apprentices are granted an annual holiday with pay of 37 days in virtue of section 29 of the Decree respecting apprentices. Any time during which a worker is absent from work

on account of public holidays or sickness is not counted as annual leave. A worker is assured of being able to take his annual leave in one continuous period but if he so requests or agrees the annual leave may be granted in two approximately equal parts (section 34 of the Act).

*Article 3.* Section 241 of the Act contains detailed provisions regarding the calculation of pay during annual leave.

*Article 4.* Section 31 of the Act provides that no organisation shall deny a worker his right to take any annual leave due to him, and section 13 lays down that rights accorded to workers by law may not be limited by any decision, collective agreement or arrangement. Consequently, any agreement to relinquish the right to a holiday would be considered as null and void.

*Article 5.* No recourse has been had to the provisions of this article.

*Article 6.* Section 36 of the Act provides that organisations must enable any worker to take his annual leave if he has fulfilled the necessary conditions at the time when he has given or been given notice of termination.

*Article 7.* Section 148 of the Act provides that every economic organisation must keep records of its workers. Separate records are kept as regards annual holidays in which information is given on the period of employment, the duration of the annual holiday, the time at which it is granted, and the amount of holiday remuneration paid. The record also indicates reasons for which an annual holiday has not been granted as, for example, sick leave.

*Article 8.* The Act of 12 December 1957 provides for penalties in the case of contraventions by economic organisations in respect of annual holidays.

\* \* \*

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

*Brazil, Burma, Denmark, Israel, Mexico, New Zealand, Uruguay, Viet-Nam, Yugoslavia.*

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

*Czechoslovakia, France.*

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
Finland . . . . .	8. 4.1947
France . . . . .	19. 6.1947

Countries	Date of registration of ratification
Italy . . . . .	22.10.1952
Mexico . . . . .	1. 9.1939
New Zealand . . . . .	29. 3.1938
Norway . . . . .	7. 7.1937
United Arab Republic (Egypt) . . . . .	20. 5.1939
United States . . . . .	29.10.1938

Belgium.

Royal Order of 12 December 1957 respecting maritime inspection (*Moniteur belge*, No. 354, 20 Dec. 1947).  
Royal Order of 21 May 1958 respecting the granting of certificates of competency in the merchant marine, the sea-fishing industry and yachting.

The Order of 21 May 1958 repeals the Order of 16 November 1929 on the same subject, which formerly applied the Convention.  
New provisions have been laid down concerning minimum age, professional experience and examinations for the different certificates of competency.

Denmark.

Act No. 208 of 7 June 1958 respecting the manning of vessels.  
Act No. 209 of 7 June 1958 respecting examinations for navigating officers.  
Act No. 210 of 7 June 1958 respecting examinations for engineers.

Italy.

Presidential Decree No. 368 of 14 January 1958 to amend some sections of the regulations under the Maritime Code (*Gazzetta Ufficiale*, No. 97, 22 Apr. 1958).  
Decree of 10 June 1958 of the Minister of Merchant Marine to approve the syllabus of the examinations to obtain the certificate of licensed stoker (*Gazzetta Ufficiale*, No. 149, 23 June 1958).

New Zealand.

Amendments Nos. 2 and 3 (1957-58) to the Master and Mates Examination Regulations of 1952.  
Marine Engineers Examination Regulations, 1957.

The above amendments concern examinations (1) for the granting of radar observer certificates to second mates of foreign-going vessels, and (2) for certificates of competency as extra master. Thus the standards will be brought up to those applying in the United Kingdom.  
The Engineers Regulations of 1957 consolidate, with some amendments, the Examination Rules of 1939 and their amendments.

\* \* \*

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

*Finland, France, New Zealand, United States.*

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

*Brazil, Mexico, Norway, United Arab Republic (Egypt).*

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

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, Mexico, United States.*

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

## 56. Sickness Insurance (Sea) Convention, 1936

*This Convention came into force on 9 December 1949*

Countries	Date of registration of ratification
Belgium . . . . .	3. 8. 1949
Bulgaria . . . . .	29. 12. 1949
France . . . . .	9. 12. 1948
Federal Republic of Germany . . . . .	12. 12. 1956
United Kingdom . . . . .	30. 9. 1944
Yugoslavia . . . . .	13. 10. 1958

### *Belgium.*

Royal Order of 7 January 1958 to amend the Royal Order of 24 October 1936 modifying and co-ordinating the rules of the Relief and Provident Fund for seafarers employed on vessels flying the Belgian flag (*Moniteur belge*, 22 Jan. 1958).

### *Federal Republic of Germany (First Report).*

Federal Insurance Code of 15 December 1924 (*L.S.* 1924—Ger. 10), as amended and completed by numerous revisions, in particular by the Act respecting sickness insurance for seamen of 16 December 1927 (*Reichsgesetzblatt*, Part I, No. 51, p. 337) (*L.S.* 1927—Ger. 10).

Seamen's Act of 26 July 1957 (*Bundesgesetzblatt*, Part II, 7 Aug. 1957, No. 21, p. 713) (*L.S.* 1957—Ger. F.R. 4).

Act of 22 February 1951 respecting the autonomy of social insurance (*Bundesgesetzblatt*, Part I, p. 124), as amended and completed by the Act of 13 August 1952 (*Bundesgesetzblatt*, Part I, p. 427).

Act of 3 September 1953 respecting social courts (*Bundesgesetzblatt*, Part I, p. 1239), as amended by the Act of 25 June 1958 (*Bundesgesetzblatt*, Part I, p. 409).

Act of 17 August 1955 to amend certain provisions of Book II of the Federal Insurance Code and completing the Act respecting social courts (*Bundesgesetzblatt*, Part I, p. 513).

*Article 1 of the Convention.* All workers employed aboard German vessels engaged in maritime navigation and fishing are insured under a compulsory sickness insurance scheme for seafarers.

Married persons employed by their spouses are exempt from compulsory sickness insurance. Pilots are not considered as forming part of the crew of sea-going vessels and are therefore subject to the general scheme of sickness insurance.

*Article 2.* Cash benefit is granted as from the third day of incapacity for work and during not more than 26 weeks. However, it is payable from the first day when the incapacity lasts more than two weeks or when it is caused by an employment injury or an occupational disease. The institution administering the insurance scheme may pay the benefit for more than 26 weeks if, after taking reliable medical advice, it deems that the insured person will again be able to work in the near future. The rules of the insurance institution may provide for continued payment of the benefit up to a maximum of 52 weeks. Right to benefit is withheld as long as the insured person is on board or abroad and is protected in case of

illness by the provisions of the Seamen's Act. The rules of the institution may provide for the non-payment of all or part of the benefit if the insured person has contracted the illness wilfully or is at fault in having taken part in a fight or brawl during the course of the illness.

*Article 3.* The insured person is entitled, from the commencement of the illness, to medical care (medical treatment and supply of inexpensive medicaments and means of therapy). There is no limit to the period of medical care. While the insured person is on board the vessel or abroad he is entitled to proper and sufficient medical attention at the expense of the shipowner. In principle, the insured person does not pay any share of the cost of medical benefit granted by the insurance institution; he must, however, pay for each medical prescription a fee which at present amounts to 0.50 mark.

*Article 4.* The insured person continues to be entitled to payment of his salary as long as he remains on board. When a sick worker leaves the vessel in a foreign country, and therefore forfeits the right to continued payment of his salary, the shipowner is bound to pay him, during the period of incapacity for work, or of hospital care, or for as long as the worker has a right to free medical benefit, the amounts to which he would have been entitled under the sickness insurance scheme if he had fallen ill in the Federal Republic of Germany. Insured persons are entitled, during an unlimited period, to medical care for their spouse and dependent children who habitually reside in the country and who have no other claim to medical care.

*Article 5.* Women who have been insured under the sickness insurance scheme during at least ten months in the two years immediately preceding childbirth (including at least six months in the last year) are entitled to maternity allowances in cash and in kind.

*Article 6.* In case of death of an insured person an allowance which may be as high as 40 times the basic daily wage but must not be less than 100 marks is paid to the person who has taken responsibility for the funeral. Any amount left over is paid to the members of the deceased's family.

*Article 7.* If, for reasons of unemployment, an insured person withdraws from the insurance scheme when he has been covered for at least 26 weeks during the preceding year or for at least six consecutive weeks immediately before his withdrawal, he has a right to benefit, except for those benefits granted exclusively by the rules of the insurance institution, if the risk occurs within the three weeks immediately following the discontinuance of the insurance and during unemployment.

*Article 8.* Sickness insurance is financed by contributions, of which the employer and the worker each pay half.

*Article 9.* Sickness insurance institutions are self-governing institutions comprising a managing committee and an assembly of delegates. The institution charged with administering seamen's sickness insurance is the Seamen's Sick Fund (*See-Krankenkasse*), which is supervised by the Federal Insurance Office. The autonomous organisations (managing committee and assembly of delegates) consist of an equal number of representatives of employers and representatives of insured persons.

*Article 10.* Disputes concerning sickness insurance come under the jurisdiction of the labour courts. Such disputes are subject to a preliminary procedure during which the insured

person may appeal to a committee of the insurance institution.

The report also contains statistical information.

*United Kingdom.*

See report on 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 :

*France, Federal Republic of Germany, United Kingdom.*

57. Hours of Work and Manning (Sea) Convention, 1936

*This Convention is not yet in force*

Countries	Date of registration of ratification
Australia . . . . .	24. 9.1938
Belgium . . . . .	11. 4.1938
Bulgaria . . . . .	29.12.1949
Sweden <sup>1</sup> . . . . .	6. 1.1939
United States. . . . .	29.10.1938

<sup>1</sup> Conditional ratification.

The voluntary report from *Belgium* 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 <sup>1</sup> . . . . .	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
Yugoslavia . . . . .	5. 5.1958

<sup>1</sup> See footnote 3 to Convention No. 15.

*Byelorussia (First Report).*

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

Vessels flying the Byelorussian flag are only engaged in river navigation.

Section 135 of the Labour Code prohibits the employment of young persons under 16 years of age. Exceptions to the rule are allowed, however, in respect of young persons who have reached the age of 15 years, but only in special cases and in agreement with the trade union works committees, works councils or local committees.

*Cuba.*

Decree No. 1684 of 27 May 1958 (*Gaceta Oficial*, 28 May 1958, p. 9446).

The employment of minors under 15 years of age on board ship is forbidden. This prohibition does not apply, however, to warships, to vessels on which only members of the same family are employed, and to training ships.

Every shipmaster must keep a register of all persons under 15 years of age serving on board, indicating their dates of birth.

It is forbidden to grant permission to work to children under 15 years of age for any class of occupation, whether in industry or elsewhere.

#### Ghana (First Report).

Labour Ordinance of 1 October 1948 as amended in 1949 (Laws of Ghana, 1951, Vol. III, Cap. 89).

United Kingdom Merchant Shipping (International Labour Conventions) Act of 31 July 1925 (15 and 16 Geo. 5, Ch. 42) (*L.S.* 1925—G.B. 5), extended to Ghana by the Ghana Merchant Shipping (Transitory Provisions) Act No. 23 of 1957 (Supplement to *Ghana Gazette*, 7 Dec. 1957).

*Article 1 of the Convention.* The definition of "vessel" is contained in the United Kingdom Merchant Shipping Act.

*Article 2.* Section 79 of the Labour Ordinance prohibits the employment of children save where such employment is with the child's own family and involves light work of an agricultural or domestic character only. A child is defined in the Ordinance as a person under the apparent age of 15 years.

*Article 3.* The Labour Ordinance contains no provisions making exceptions in respect of school-ships or training-ships.

*Article 4.* This requirement is contained in the articles of agreement required in conformity with section 2 (3) of the Merchant Shipping Act mentioned above.

The Commissioner of Labour and shipping masters at ports are responsible for the application of the above-mentioned legislation.

The Convention has no practical application in Ghana.

#### Iceland (First Report).

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

Act No. 29 of 9 April 1947 respecting the protection of children and young persons (*Stjórnartíðindi*, 1947, A. 6).

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

*Article 1 of the Convention.* Although no definition is given in the Seamen's Act of the term "vessel", this Act is considered to cover all sea-going vessels irrespective of size.

*Article 2.* Section 39 of the Act respecting the protection of children and young persons prohibits the employment at sea of persons under the age of 15 years. No exception is permitted.

*Article 3.* No exception is made.

*Article 4.* According to section 11 of the Seamen's Act and to the Act respecting the signing on and off of seamen the signing on of seamen is compulsory for all vessels above 12 tons gross.

After signing-on a crew list must be established stating the date of birth of each seaman.

The registration authorities are the town magistrates and sheriffs in Iceland, and the consuls abroad.

The application of the above-mentioned legislation is entrusted to the registration

authorities, under the supervision of the Ministry of Communications.

#### Japan.

Regulations for Mariners' School, 1949.

In reply to a direct request made in 1958 by the Committee of Experts the Government gives the text of section 15 of the above-mentioned Regulations which lays down that candidates, in order to be admitted to the Mariners' School, must have passed the entrance examination and fulfilled two other conditions: they must be over 15 years of age and under 19; and they must have graduated from a junior high school or possess equivalent knowledge.

#### Ukraine (First Report).

Labour Code of 1922 (Kiev, 1940).

Order No. 186 of 13 October 1932 of the People's Labour Commissariat of the Union of Soviet Socialist Republics respecting the employment of young persons (*L.S.* 1932—Russ. 5 (C)).

Section 135 of the Labour Code prohibits the employment of young persons under 16 years of age. Exceptions to the rule are allowed, however, in respect of young persons who have reached the age of 15 years, but only in special cases and in agreement with the trade union works committees, works councils or local committees. Persons under 15 years of age are not admitted to employment in any branch of industry.

Section 129 of the Code prohibits the employment of young persons under 18 years of age in underground work and in industrial work which is particularly heavy or prejudicial to their health. The list of these occupations has been drawn up for all the U.S.S.R. by Order of 13 October 1932.

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

Constitution of the U.S.S.R. of 1936.

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

Ukase of 13 December 1956 of the Praesidium of the Supreme Soviet of the U.S.S.R. to provide increased protection for young workers (*Vedomosti Verkhovnovo Soveta S.S.S.R.*, 19th Year, No. 24, 21 Dec. 1956, p. 615).

Under both the law and practice in the U.S.S.R. young persons under 16 years of age are not admitted to employment. Only exceptionally and in agreement with the works committee or the local committees of the trade unions are young persons between 15 and 16 years of age admitted to work.

*Article 1 of the Convention.* In 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.* Young persons under 16 years of age are not admitted to employment. Young

persons between 16 and 18 years of age may not be employed in heavy work and they may not work overtime or at night.

Soviet legislation does not make use of the permissive provision of paragraph 2 of this Article.

*Article 3.* Law and practice admit of no exceptions to the prevailing principle on this subject.

*Article 4.* Sections 24 and 32 of the Mercantile Marine Code require a register to be kept on board vessels of more than 20 gross tons. This register must show the date of birth of every member of the crew.

The application of the above-mentioned legislation is entrusted to the State and to the inspection services. The Public Prosecutor's Department must see that the legislation is applied, particularly that affecting young persons, by all the ministries, departments, committees, etc. The Labour and Wages Committee of the Council of Ministers supervises the inspection activities of the ministries, independent agencies, undertakings, etc., and, on the result 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 implementation of the laws and regulations is vested in the port directors. Pursuant to the Decree of 10 April

1931 respecting the rights and obligations of the port directors in the U.S.S.R. mercantile marine, these directors have the right to detain a ship until any infringements reported are put right.

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

#### *Uruguay.*

In reply to the observations of the Committee of Experts the Government states that minors under the age of 18 years may not enter any employment without prior permission from the Child Welfare Council, which does not issue permits allowing juveniles to work in arduous or dangerous occupations.

\* \* \*

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

*Japan, Netherlands, United States.*

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

*Argentina, Belgium, Brazil, Canada, Denmark, France, Italy, Mexico, New Zealand, Norway, Sweden.*

## 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 <sup>1</sup> . . . . .	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

<sup>1</sup> See footnote 3 to Convention No. 15.

#### *China.*

Taiwan Mines Security Regulations.

Section 189 of the Taiwan Mines Security Regulations requires each mine to establish a roster of its miners showing, *inter alia*, their age.

#### *Cuba.*

See under Convention No. 58.

#### *Ghana (First Report).*

Labour Ordinance of 1 October 1948, as amended in 1949 (Laws of Ghana, 1951, Vol. III, Cap. 89).

*Article 1 of the Convention.* Section 75 of the Labour Ordinance defines industrial undertakings in terms almost indetical to those of Article 1, paragraph 1, subparagraphs (a) to (c), of the Convention. As regards subparagraph (d) the definition of the Labour Ordinance is as follows : "undertakings engaged in the transport of passengers or goods (excluding transport by hand) unless such undertakings are required as part of the operation of an agricultural or commercial undertaking".

The Ordinance defines the terms "commercial undertakings" and "agricultural undertakings" in compliance with paragraph 2 of Article 1 of the Convention.

*Article 2.* Section 79 of the Labour Ordinance prohibits the employment of children, save where such employment is with the child's own family and involves light work of an agricultural or domestic character only.

*Article 3.* No provision exists in the Labour Ordinance making exceptions with regard to technical schools.

*Article 4.* Section 82 of the Labour Ordin-

ance requires employers in industrial undertakings to keep a register of all young persons employed, the date of birth if known or, if not known, their apparent age. Section 75 defines the term "young person" as a person over the apparent age of 15 years and under the apparent age of 18 years.

*Article 5.* Section 80 of the Labour Ordinance prohibits the employment of young persons in any industrial undertaking on night work and in any mine on underground work save with the written permission of a labour officer, which permission shall not be granted save in exceptional circumstances.

The Commissioner of Labour is responsible for the application of the provisions of the Ordinance. Supervision is made by inspection.

*Italy.*

Referring to the comments of the Committee of Experts of 1958 concerning Conventions Nos. 59 and 60, the Government gives a summary of the provisions which ensure a certain degree of practical application of the Convention. It lists the legal provisions which set between 15 and 18 years the age of admission to certain industrial and non-industrial occupations which are dangerous for the health or morals of young persons, or to which young persons of 14 to 15 years of age can be admitted only under certain conditions.

The difference between the general minimum age, fixed at 15 years by the Convention and at 14 years by legislation, is one of form only as, in practice, with the exception of apprentices, children under 15 years of age are not employed. As labour is not scarce in Italy and employment is regulated by state bodies

which, according to Act No. 264 of 29 April 1949, must arrange for the employment of available workers giving priority to adult workers, the employment of young persons under 15 years of age is practically excluded.

*Pakistan.*

In reply to a direct request the report states that the proposed Bill to amend the Mines Act is still under consideration. For action taken under section 33 (4) of the Factories Act, 1934, reference is made to: (1) Rule 5 of the Hazardous Occupations (Lead) Rules, 1937; (2) Rule 3 of the Hazardous Occupations (Miscellaneous) Rules, 1937; (3) Rule 3 of the Hazardous Occupations (Chromium) Rules, 1937; (4) Rule 3 of the Hazardous Occupations (Cellulose Spraying) Rules, 1937; (5) Rule 4 of the Hazardous Occupations (Sand Blasting) Rules, 1937; and (6) Rule 23 (5) of the East Bengal Factories Rules, 1953, read with sub-rule (1) of Rule 32 thereof.

*Ukraine (First Report).*

See under Convention No. 58.

\* \* \*

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

*China, Italy.*

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

*New Zealand, Norway, Uruguay.*

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

*Cuba.*

In reply to the direct request made in 1958 the Government states that, under Legislative Decree No. 883 of 1953, all children, including those engaged in itinerant peddling, must obtain a labour permit from the National Women's and Children's Employment Office. In addition Decree No. 2852 of 1958, which regulates the employment of errand boys by chemists and druggists, requires such juveniles to possess an identity card.

*Italy.*

See under Convention No. 59.

*New Zealand.*

Education Amendment Act, 1957 (New Zealand Statutes, 1957, Vol. II).

The above-mentioned Act repeals section 60 (1) (e) of the Education Act of 1914, so that children of 13 years of age may no longer be exempted from the obligation to attend school nor may they take on full-time employment.

*Ukraine (First Report).*

See under Convention No. 58.

\* \* \*

The report from *Italy* supplies information on the practical effect given to the Convention.

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

## 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
Spain . . . . .	24. 6.1958
Switzerland . . . . .	23. 5.1940
Tunisia . . . . .	12. 1.1959
Uruguay . . . . .	18. 3.1954

### *Finland.*

The new Protection of Labour Act of 28 June 1958 came into force on 1 January 1959. The committee appointed to draft the Orders to implement this Act will also revise the building regulations and technical safety standards for scaffolding and hoisting equipment.

### *Federal Republic of Germany.*

In reply to the request for information made by the Committee of Experts the Government supplies the following information.

*Article 2 of the Convention.* The report refers to sections 623 and 848 (a) of the Federal Insurance Code which provide for the compulsory membership of the insurance scheme of every employer carrying out any type of work on construction sites. Workers employed on such work are insured. Safety regulations are binding on both employers and insured persons.

*Article 3, clause (c).* The report refers to section 850 of the Federal Insurance Code. Members (employers) may be fined up to 10,000 marks and insured persons (workers) up to 1,000 marks for breaches of the safety regulations.

*Article 7, paragraph 2 (a).* The report refers to section 28 (1) of the Safety Regula-

tions for Scaffolds, which provides for the erection and dismantling of scaffolds under the direction of a competent person. The terms "erection" and "dismantling" include any substantial alteration to scaffolds. Reference is also made to section 12 (2) of the Safety Regulations for the Building Industry, which includes a general provision prohibiting unauthorised alterations to industrial equipment.

Paragraph 8. The report refers to section 30 (1) of the Safety Regulations for Scaffolds and to section 4 (2) of the Safety Regulations for the Building Industry already mentioned in the first report. It states in addition that these provisions provide for the general responsibility of the employer and lay down that any scaffolding should only be used when it is "ready" (*fertig*). The word "ready" means that all required precautions have been taken. It would be impracticable to require any employer to take the necessary steps himself.

*Article 11.* The report refers to last year's report. The Regulations for Hoisting Equipment of 1 April 1934 are still in force. Since then special regulations have been issued only for winches.

*Article 13.* The term "dangerous work" as used in section 11 (1) of the general part of the Safety Regulations for the Building Industry means not only work hazardous to the worker doing this work but also work dangerous to other persons. Thus the operation of hoisting equipment and the giving of signals to crane operators are covered by these requirements. Such work may only be done by reliable and competent persons, and workers under 18 years of age are not permitted to do it alone.

*Article 14.* The report refers to section 138 (3) of the Regulations for the Building Industry which was mentioned in the first report. In addition, reference is made to section 3 of the Safety Regulations for Winches. Chains, rings, hooks, shackles, swivels and pulleys are considered to be essential parts of hoisting equip-



ment and the marking of the safe working load on these parts appears neither necessary nor possible unless they are used as a separate device for hoisting. Such separate marking of parts of hoisting equipment is considered by the Government to be a dangerous procedure leading to possible confusion.

*Articles 16 and 17.* The report refers to sections 4 (1) and 12 (1) of the Regulations for the Building Industry already mentioned in the first report. In addition, reference is made to sections 24 and 301 of the same regulations, which require protection against falls by means of fencing, protective scaffolding or safety belts and harness, and also that equipment for resuscitation shall be available when there is a risk of drowning.

Mexico.

Replying to the points raised by the Committee of Experts the Government states in its report that it has asked the Confederation of Chambers of Industry to urge its members to communicate the provisions of the Convention to the interested parties by affixing copies of the Convention where they would be readily visible. The Ministry for Internal Affairs has requested the governors of the federated states to comply with the provisions of the Convention within the province of their jurisdiction.

Section 42 (2) of the Regulations concerning Building and Urban Services (see Supplement No. 613 of 3 June 1958 to the *Gaceta Oficial del Departamento del Distrito Federal*, p. 43) contains provisions which satisfy the stipulations of the Convention with respect to adequate lighting.

Section 43 (1) of the Regulations satisfies the provisions relating to materials.

Section 42 (4) of the Regulations (p. 45 of the Supplement) contains prescriptions relating to hoisting appliances which fully satisfy the corresponding provisions of the Convention.

The national legislation also deals with the risk of drowning, and with measures for preventing such risk and treatment for victims.

Poland.

For the Government's reply to last year's observation by the Committee of Experts see *Report of the Committee*, p. 677.

In respect of Article 17 of the Convention the report states, in addition, that the management of the building project must, in conformity with the provisions published by the Ministry of Shipping, take all necessary measures to provide for the rescue of persons where there is a risk of drowning.

Furthermore, the Ministry of Building is engaged in the preparation of detailed safety instructions concerned with construction and irrigation work.

Uruguay.

Decree of 6 March 1958 to establish a permanent committee for accident prevention in the building industry (*Diario Oficial*, 13 Mar. 1948, No. 15358, p. 520-A).

\* \* \*

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, Federal Republic of Germany, Netherlands, Switzerland, Uruguay.*

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

63. Convention concerning Statistics of Wages and Hours of Work, 1938

*This Convention came into force on 22 June 1940*

Countries	Date of registration of ratification
Australia <sup>1</sup>	5. 9.1939
Austria <sup>1 3</sup>	26.11.1958
Burma	4. 3.1955
Canada	6. 4.1946
Ceylon <sup>3</sup>	25. 8.1952
Chile <sup>2</sup>	10. 5.1957
Cuba	7. 9.1954
Czechoslovakia	12. 6.1950
Denmark <sup>2</sup>	22. 6.1939
Finland <sup>2</sup>	8. 4.1947
France	28. 6.1951
Federal Republic of Germany	22. 6.1954
Ireland	9.10.1946
Mexico	16. 7.1942
Netherlands	9. 3.1940
New Zealand <sup>1</sup>	18. 1.1940
Norway <sup>2</sup>	29. 3.1940
Sweden <sup>2</sup>	21. 6.1939
Switzerland <sup>2 3</sup>	23. 5.1940
Union of South Africa <sup>1 3</sup>	8. 8.1939
United Arab Republic (Egypt) <sup>2 3</sup>	5.10.1940

Countries	Date of registration of ratification
United Kingdom	26. 5.1947
Uruguay	18. 3.1954

<sup>1</sup> Excluding Part II.  
<sup>2</sup> Excluding Part III.  
<sup>3</sup> Excluding Part IV.

Australia.

Publication of an index number of nominal weekly wage rates in agriculture has been resumed in all publications in which it previously appeared.

Burma.

Statistics of average earnings in mining and manufacturing for 1955 have been compiled

and transmitted to the I.L.O. Data for 1956 and 1957 are in process of compilation.

In reply to an observation by the Committee of Experts the report states that questionnaires have been prepared requesting information on average earnings, average hours of work and wage rates. These questionnaires are to be used to collect information from all industries, including mining and manufacturing, once a year starting from September 1958.

#### *Ceylon.*

Statistics of average earnings and of hours actually worked are being compiled separately by sex and for adults and juveniles, wherever practicable, and are to be published in the Report of the Commissioner of Labour for 1958.

#### *Cuba.*

Statistics complying with the requirements of the Convention have not been compiled and are available neither in the Ministry of Labour nor in the Ministry of Economics.

#### *Czechoslovakia.*

The report brings up to 30 June 1958 the summary statistics of average monthly wages and total and overtime hours of work which were supplied in previous reports.

#### *Denmark.*

Owing to changes in the normal working week embodied in recent collective agreements, some of which do not take full effect until 1960, the Danish Employers' Confederation (which compiles statistics of hours of work which are provided to the Government) does not find it appropriate at present to compile statistics of hours actually worked, but will be willing to do so as from 1 March 1960.

#### *Finland.*

Statistics of hours actually worked in mining are to be published in 1959. The series will start as from the beginning of 1958.

It is considered impracticable at present to collect statistics on hours of work in building and construction.

#### *France.*

With reference to the observations made by the Committee of Experts in 1956 and 1957, the Government believes that it complies with the requirements of Article 15 of the Convention, since paragraph 3 of that Article states that, where the sources of information do not indicate separate occupations, data can be shown for other categories of workers. Nevertheless, the Government plans to add other occupations in the future to the data now available only for the metal industry.

#### *Mexico.*

The report describes in detail certain technical aspects of the statistics of wages and hours of work.

Statistics of average earnings, time rates of

pay, and actual hours of work are provided for the principal mining and manufacturing industries, including building and construction, together with statistics of minimum wage rates in agriculture. Index numbers of the general movement of earnings and time rates of pay are also supplied. The report gives the legal definition of normal hours of work.

In reply to the observation made in 1958 the following information is provided.

*Article 5 of the Convention.* Statistics are compiled showing the total hours worked in the establishments covered, the number of establishments, the number of workers, and the number of hours worked per establishment.

*Article 12.* An arithmetical average of index numbers of earnings for individual industries is given to provide an index of the general movement of earnings.

*Articles 13 to 21.* Some information has now been sent to the I.L.O. on time rates of wages and normal hours of work, and broader coverage will eventually become possible as local statistical offices are developed.

#### *Norway.*

The new quarterly statistics of hours of work in the principal mining and manufacturing industries and building and construction were to be published during the summer of 1958.

#### *Sweden.*

In reply to the observation made by the Committee of Experts the Government states that statistics of actual hours of work in mining and manufacturing are compiled annually and published in the monthly bulletin *Kommersiella Meddelanden* and the yearly report *Industri* in the series *Sveriges Officiella Statistik*. The data are transmitted annually to the International Labour Office. Statistics of hours actually worked in building and construction are not compiled, but in 1958 the Board of Trade was authorised to conduct a pilot inquiry in this field.

#### *United Arab Republic (Egypt).*

Since January 1956 statistics of average earnings have been compiled by sex and age.

Index numbers showing the general movement of earnings per week are not yet compiled at regular intervals but will be provided in the near future.

#### *Uruguay.*

Statistics on wages for the years 1952 to 1957 have been published and communicated to 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 :

*Canada, Federal Republic of Germany, Ireland, Netherlands, New Zealand, Switzerland, Union of South Africa, 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 <sup>1</sup> . . . . .	26. 7.1948
Ghana <sup>2</sup> . . . . .	20. 5.1957
Federation of Malaya <sup>3</sup> . . . . .	11.11.1957
New Zealand <sup>1</sup> . . . . .	8. 7.1947
United Kingdom <sup>1</sup> . . . . .	24. 8.1943

<sup>1</sup> See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).  
<sup>2</sup> See footnote 3 to Convention No. 15.  
<sup>3</sup> See footnote 1 to Convention No. 17.

*Federation of Malaya (First Report).*  
Employment Ordinance No. 38 of 1955 (L.S. 1955—Mal. 2).

Contracts of employment within the meaning of the Convention are not entered into by indigenous workers. Section 10 of the Employment Ordinance provides that all contracts of service for a period of over one month must be in writing and that the maximum period for a contract is six months.

\* \* \*

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

*Belgium, Ghana, 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 <sup>1</sup> . . . . .	20. 5.1957
Federation of Malaya <sup>2</sup> . . . . .	11.11.1957
New Zealand <sup>3</sup> . . . . .	8. 7.1947
United Kingdom <sup>3</sup> . . . . .	24. 8.1943

<sup>1</sup> See footnote 3 to Convention No. 15.  
<sup>2</sup> See footnote 1 to Convention No. 17.  
<sup>3</sup> See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

*Ghana.*<sup>1</sup>  
The abrogation of section 4 of the Conspiracy and Protection of Property (Trades  
<sup>1</sup> See footnote, p. 48.

Disputes) Ordinance, 1941, is now under consideration, and the Government hopes that the decision will be taken in the course of this year.

*Federation of Malaya.*

See under Convention No. 29.

\* \* \*

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

*Cuba.*  
Legislative Order No. 59 of 5 August 1958 (*Gaceta Oficial*, 6 Aug. 1958, pp. 27-28).

The above-mentioned Legislative Order prohibits employers from requiring their employees to work in excess of the daily maximum hours established by the Constitution, by law or by collective agreement. The Ministry of Labour may authorise overtime in the case of specialised technical staff, but only on application by the undertaking and in agreement with the workers' organisation concerned, and also on condition that the work involved must be of

such an urgent nature that it cannot be put off until the following day.

In reply to the question of the Committee of Experts the Government states that article 66 of the Constitution relating to hours of work has automatically amended any existing contrary provisions, without the need for a declaration of unconstitutionality as provided for under article 194 of the Constitution.

Drivers often take their rest in the vehicle during the relief driver's turn of duty. In view of the actual itineraries and distances,

and also of the provisions of existing collective agreements, the conditions set out in the Convention are fulfilled in practice. In effect, drivers prefer to accumulate working hours until they have worked the maximum of 192 hours, so as to be able to rest for the remainder of the month.

\* \* \*

The report from *Uruguay* refers to 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
Netherlands . . . . .	17. 6.1958
Norway . . . . .	28. 1.1957
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
United Kingdom . . . . .	6. 8.1953

*Belgium (First Report).*

- Royal Order of 12 December 1957 respecting food on board Belgian vessels.
- Order of 16 December 1957 of the Minister of Communications respecting the minimum standard of food on board ship.
- Royal Order of 7 February 1958 respecting the organisation of state maritime schools.
- Royal Order of 21 May 1958 respecting the granting of certificates of competency in the merchant marine, the sea-fishing industry and yachting.
- Act of 5 June 1928 to issue regulations for seamen's agreements (*L.S. 1928—Bel. 5 A*).
- Act of 5 June 1928 to amend the Disciplinary and Penal Code for the merchant marine and the sea-fishing industry (*L.S. 1928—Bel. 5 B*).

*Article 1 of the Convention.* The scope of Belgian regulations includes all merchant and fishing vessels.

*Article 2.* The competent authority is the Ministry of Communications. The preparation of the above-mentioned legislation has been made by the Government after consultation with the shipowners' and seafarers' organisations. Inspection in Belgian ports is carried out by the officials of the maritime inspection service and by the maritime commissioners, while abroad such functions are discharged by the consuls. The certificates of competency are granted by official juries.

*Article 3.* There is no overlapping of jurisdiction; there is only one authority charged with the execution of the regulations.

*Article 4.* The application of the regulations is entrusted to a permanent staff of qualified officials.

*Article 5.* The corresponding provisions of Belgian legislation are to be found in sections 2 to 6, 20 and 21 of the Royal Order of 12 December 1957 and in the Order of 16 December 1957.

*Article 6.* Sections 9 to 21 of the Royal Order of 12 December 1957 apply clauses (a), (b) and (c) of this Article. The inspection of the qualification of the members of the catering department provided for by clause (d) is made according to the Orders of 7 February and 21 May 1958 by the maritime commissioners and the officials of the inspection service, following their general jurisdiction in the field of the application of maritime regulations.

*Article 7.* Section 8 of the Royal Order of 12 December 1957 applies this Article. Each week the master inspects the supplies of food and water and all spaces and equipment used for the preparation and service of meals.

*Article 8.* This Article is applied by section 45 of the Act of 5 June 1928 to issue regulations for seamen's agreements. Provisions concerning the procedure to be followed are contained in sections 12 ff. of the Royal Order of 12 December 1957.

*Article 9.* Belgian legislation follows the principle that the duty of the inspectors is a preventive one: their task is to make recommendations concerning the application of the different provisions. Section 22 of the Royal Order of 12 December 1957 and sections 30 and 31 of the Act of 5 June 1928 to amend the Disciplinary and Penal Code for the mercantile marine and the sea-fishing industry contain penalties for infringements of these provisions.

Section 10 of the Royal Order of 12 December 1957 lays down that the persons to whom supervision is entrusted must annually render an account of their work and its result. The form of these reports has not yet been determined.

*Article 10.* The first reports of the inspectors will be prepared for the year ending on 31 December 1958. On the basis of these reports the maritime administration will establish an annual general report, which will be made available to all organisations and persons concerned.

*Article 11.* Courses of training for catering personnel are organised in the two schools of navigation of the State. These courses last one year (sections 2, 3, 17 and 33 of the Royal Order of 7 February 1958).

*Article 12.* The reports mentioned under Article 9 also serve to advise the competent authority on the desirability of publishing propaganda material for seafarers and shipowners.

*Article 13.* The issue or recognition of certificates of competency is under the exclusive jurisdiction of the State.

#### *Canada (First Report).*

In amplification of the voluntary report submitted by the Government the previous year, the Order in Council P.C. 1957-284: Ships' Crews Food and Catering Regulations (L.S. 1957—Can. 1) stipulates that where section 3 or section 4 of those Regulations have been infringed the owner and master are each guilty of an offence, and for a contravention of subsection (2) of section 6 the master is guilty of an offence, such offence being punishable by a fine or imprisonment or both. In the same way every person who infringes subsection (2) of section 5 or who wilfully obstructs an inspector in the discharge of his duties is liable to a fine or to imprisonment or both.

The Regulations define an inspector as an officer of the Department of National Health and Welfare, appointed as such by the competent authority, who is the Minister of Transport; moreover, the Regulations describe the powers of that officer to inspect ships and to make an order requiring such improvements as he deems warranted.

The Regulations will be enforced with the co-operation of the shipowners' and seafarers' organisations.

#### *France (First Report).*

Seamen's Code of 13 December 1926 (L.S. 1926—Fr. 13).

Ministerial Order of 20 July 1910, as amended by the Order of 6 May 1938 on food and catering for crews on board commercial and fishing ships.

Decree of 7 December 1954 respecting the fitness for habitation and hygiene on board ships.

Order of 29 July 1953 respecting certification of ships' cooks.

Act of 6 January 1954 respecting the safeguarding of human life at sea and fitness for habitation on board ships.

Act of 17 December 1926 to issue a disciplinary and penal code for the mercantile marine (L.S. 1926—Fr. 16).

National collective agreement of 30 September 1948 (officers).

National collective agreement of 30 November 1950 (subordinate personnel).

*Article 1 of the Convention.* The Seamen's Code applies to all vessels engaged in a maritime expedition. Collective agreements apply to all shipping enterprises with the exception of those owning only ships of less than 250 gross register tons.

*Article 2.* The competent authority in respect of the matters dealt with by the Convention is the Minister responsible for the mercantile marine (Seamen's Division and Division of Economic Affairs and of Naval Equipment). Inspection is entrusted to shipping and maritime

labour inspectors and the administrators of maritime registration. The application of collective agreements is ensured by each individual shipping enterprise under the permanent control of the administrators of maritime registration.

*Article 3.* The maritime labour inspectors are charged with enforcing this Article. They report to the administrators of maritime registration who in turn inform the competent authority.

*Article 4.* The inspectors are public officials recruited among master mariners and captains of the mercantile marine having five years of service.

*Article 5.* Chapters I, II and IV of the Decree of 7 December 1954 apply this Article.

*Article 6.* Articles 8 to 16 of the Act of 6 January 1954 provide for different types of inspection visits. The Order of 29 July 1953 provides for the certification of ships' cooks by the administrators of maritime registration.

*Article 7.* The Circular of 9 January 1942 (appended to the Government's report) applies this Article.

*Article 8.* The inspectors carry out all the necessary verifications and report to the administrators of maritime registration. Section 16 of the Act of 6 January 1954 provides that any complaint must be reported early enough not to delay the ship's departure.

*Article 9.* The inspectors are empowered to order any improvements necessary within the scope of the regulations in force. Infringements are punishable by fine and by disciplinary penalties which may include permanent exclusion from occupying any post on board. Inspectors make each year a report on maritime labour, which includes their comments on the food and catering arrangements for crews on board ship.

*Article 10.* The present report is the first to be drawn up since the coming into force of the Convention.

*Article 11.* Training courses are given for all categories of persons by the maritime apprentices' schools, and for the training of specialised staff by the apprenticeship centres under the Ministry of Education. Other courses are given by the apprenticeship centres under the jurisdiction of the Chambers of Trades and by training centres set up by certain shipping companies.

*Article 12.* The measures necessary for the enforcement of this Article are taken by the various shipping concerns under the supervision of the competent authority.

*Article 13.* No work in this respect has been delegated to any organisation or authority.

#### *Ireland (First Report).*

Merchant Shipping Act, 1894.

Merchant Shipping Act, 1906.

Merchant Shipping Act, 1947.

Rules for the Inspection of Provisions and Water, 1893.

Merchant Shipping Act, 1906 (Variation of Seamen's Provisions) Order, 1941.

Merchant Shipping (Certification of Ships' Cooks) Regulations, 1949 (L.S. 1949—Ire. 1).

Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951 (L.S. 1951—Ire. 3).

*Article 1 of the Convention.* The Merchant Shipping Act, 1906, the Merchant Shipping Act, 1906 (Variation of Seamen's Provisions) Order, 1941, and the Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951, all contain provisions regulating food and catering on board ship.

The vessels to which the Convention applies are defined by national laws.

*Article 2.* The foregoing enactments regulate : the quantity of food and drinking water ; the catering accommodation ; the inspection of food, drinking water and accommodation ; and the certification of cooks.

The competent authority in all these cases is the Department of Industry and Commerce.

*Article 3.* The regulations giving effect to the provisions of the Convention were prepared in consultation with the organisations of shipowners and seafarers. The co-operation of local authorities was also obtained in connection with the certification of cooks and the inspection of food and water supplies.

Co-ordination is effected by the Department of Industry and Commerce.

*Article 4.* The marine survey staff, the superintendents of the mercantile marine offices and the health inspectors hold permanent appointments and are fully qualified to carry out their functions.

*Article 5.* The Merchant Shipping Act, 1906 (section 25), and the Merchant Shipping Act, 1906 (Variation of Seamen's Provisions) Order, 1941, regulate food and catering by specifying the quantity and quality of the food supplied. The Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951, deal with the accommodation of seafarers.

*Article 6.* The health inspectors carry out inspections at reasonable intervals. In addition, an inspection is always made whenever a ship is registered or re-registered, when the crew accommodation has been substantially altered or reconstructed, or whenever a complaint has been made by all or part of the crew, provided that it is made by three or more men. Superintendents of mercantile marine offices may inspect at any time the qualifications of cooks who require to be certificated.

The Rules for the Inspection of Provisions and Water, 1893, and the Merchant Shipping Acts, 1894 and 1906 (sections 206 and 26 respectively) regulate the inspection.

*Article 7.* Seamen's articles of agreement contain the following clause : " It is agreed that the master or an officer specially deputed for the purpose by him, accompanied by a responsible member of the Catering Department, shall inspect all food and water supplies for consumption by the crew at intervals of not more than one week. The result of each such inspection shall be recorded in the ship's Official Log Book. "

Section 18 (2) of the Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951, contains similar provisions.

*Article 8.* Section 198 of the Merchant Shipping Act, 1894, provides for inspection by a consular officer, chief officer of customs or the superintendent of a mercantile marine office,

of food and water supplies if three or more of the crew complain. Section 22 (2) (c) of the Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951, provides for a similar inspection procedure by the Surveyor of Ships.

*Article 9.* Inspectors have the right to make recommendations to the owner of a ship or to the master or other person responsible, with a view to the improvement of the standard of catering.

Sections 25 (3) and 26 of the Merchant Shipping Act, 1906, section 12 (4) of the Merchant Shipping Act, 1947, and section 26 of the Merchant Shipping (Crew Accommodation on Board Ship) Regulations, 1951, impose penalties on the responsible persons who contravene the law or hinder an inspector in the discharge of his duties.

The marine survey staff and the health inspectors are required to submit reports to the appropriate authorities showing the number of inspections and their results.

*Article 11.* Courses of training are available at approved schools.

*Article 12.* Notices are issued from time to time by the Department of Industry and Commerce to ships' masters, owners and agents. Advice from the health inspectors is also available to the industry.

#### *Italy (First Report).*

Act No. 1045 of 16 June 1939 respecting hygiene and accommodation of seafarers on board ship (*Gazzetta Ufficiale* (Ordinary Supplement), No. 177, 31 July 1939).

Navigation Code (sections 164, 165, 189, 297, 300 and 301).

Act No. 727 of 4 August 1955 and Decree No. 1065 of 14 July 1957 of the President of the Republic respecting ships' cooks' certificates (*Gazzetta Ufficiale*, No. 191, 20 Aug. 1955, and No. 288, 22 Nov. 1957).

*Article 1 of the Convention.* The application of the above-mentioned legislation is entrusted to the port captains and to local committees established to supervise the hygiene of crews, which are responsible for ensuring that the food supply on board is adequate both as to quantity and quality for the voyage to be undertaken. This inspection is made for every sea-going vessel. The collective agreements lay down in detail the amount of food to be given to each member of the crew and the menu of each meal.

*Article 2.* Clauses (a) and (b) are applied by sections 32 to 45 and 82 to 85 of Act No. 1045, and sections 164, 165 and 189 of the Navigation Code.

Act No. 727 and Decree No. 1065 apply the provisions of clause (c).

*Article 3.* According to section 82 of Act No. 1045, the port doctor and the shipowners' and seafarers' representatives, as well as the port captain, are members of the above-mentioned local committees. The health authority, the shipowners and the seafarers are also represented in the central committee set up for the same purpose. In regard to questions concerning food and hygiene, the Ministry of

the Merchant Marine works in collaboration with the Ministry of Health.

*Article 4.* Two of the members of the local committees, namely the port captain and the port doctor, are permanent officials of the State.

*Article 5.* According to section 69 of Act No. 1045 the food lists appended to the collective agreements must be drawn up according to certain principles, as laid down in sections 70 to 72 of the same Act. Sections 56 to 63 of this Act deal with water tanks; sections 32 to 35 contain provisions concerning the galley, the store-room and the bread-locker. Sections 164, 165 and 189 of the Navigation Code deal with the jurisdiction of the port captain regarding these matters.

*Article 6.* Periodical and special inspections are made by the above-mentioned local committees, which have been established in the principal ports.

Special qualifications in respect of the catering staff are required by the collective agreement. The ships' cook must be duly certificated.

*Article 7.* The master's supervision of the working of the catering department is continuous, as it is in the case of all other departments of the ship. According to section 297 of the Navigation Code the master is responsible for the efficient operation of all ship's departments. Sections 300 and 301 deal with the supervision by the master of the food provisions on board.

*Article 8.* Section 85 of Act No. 1045 provides for special inspections to be made in cases where complaints have been lodged by an organisation of seafarers or by one-third of the crew members. Section 189 of the Navigation Code deals with the same subject.

*Article 9.* The above-mentioned local committees have full authority to make recommendations intended to improve the working of catering departments. According to section 84 of Act No. 1045 an official report is drawn up in respect of every inspection; a copy of the report is communicated to the master.

Section 1251 of the Navigation Code provides for disciplinary penalties for minor offences committed in this field, while section 90 of Act No. 1045 contains provisions concerning more serious offences.

*Article 10.* The annual report on the application of the Convention will be prepared.

*Article 11.* There are three government operated professional schools for training hotel staff (at Abano, Florence and Stresa). Moreover, several courses for cooks and stewards have been organised by the National Institute for the Training of Commercial Workers.

*Article 12.* The publication of information concerning nutrition would involve great expense for the Government. To avoid such expense the Government will endeavour to interest the shipowners' and seafarers' organisations in publishing such material.

*Article 13.* According to Act No. 727 the certificate of ships' cook is issued only by the maritime authority.

Norway (First Report).

Royal Decree of 15 October 1937 (Regulations concerning diet on board ship).

Seafarers Act of 11 July 1947 (Registration of contracts and permits).

Royal Decrees of 2 June 1948 and 22 November 1957 (Regulations concerning cabins, etc.).

Royal Decree of 29 April 1949 (Regulations concerning the washing of dishes, cups, etc., in public eating places).

Royal Decree of 27 July 1956 (Regulations concerning hygiene on board ship).

Royal Decree of 19 October 1956 (Regulations concerning the location and fittings of the galley, storage, cold storage and refrigerating rooms on board ships).

*Article 1 of the Convention.* The report gives details concerning the categories of vessels covered by the various texts.

*Article 2.* The competent authorities entrusted with the functions referred to in this Article are the Minister of Commerce and Shipping and the Minister of Social Affairs.

*Article 3.* The competent authorities co-operate with the shipowners' and seafarers' organisations. In some cases provision also exists for co-operation with the competent public bodies. Co-operation with the health authorities is stipulated in the Regulations of 27 July 1956.

*Article 4.* The Ministry of Commerce and Shipping, the Ministry of Social Affairs and the Directorate of Public Health have a permanent staff of specialists. The Shipping Control Office, which operates under the authority of the Ministry of Commerce and Shipping, includes an inspection service staffed by (a) ship inspectors; (b) surveyors employed on a permanent basis or engaged for individual jobs; and (c) consuls.

*Article 5.* Effect is given to this Article by the Regulations of 15 October 1937, 2 June 1948, 19 October 1956 and 22 November 1957.

*Article 6.* Effect is given to clauses (a) to (c) by the Regulations concerning hygiene on board ship. Clause (d) is applied by section 3 of the Act of 11 July 1947.

*Article 7.* See under Article 6. Effect is given to paragraph 1 (a) by sections 5 and 6 of the Regulations concerning diet on board ship and to paragraph 1 (b) by section 21, paragraph 6, of the crew accommodation regulations.

*Article 8.* Seafarers' organisations may lodge complaints with the Maritime Office which, after investigation, decides what steps are to be taken.

*Article 9.* The surveyors are empowered to give the necessary orders. Infringements of the regulations may be punished by fines or imprisonment, together with the cancellation of the certificate. Section 7 of the Regulations concerning hygiene on board ship requires the health offices to submit at periodical intervals a list of the vessels inspected, specifying the orders given in each case.

*Article 11.* In Norway there are schools for the training of merchant marine cooks and stewards. Plans have been made for the setting up of an information service with respect to the recruitment and training of the general services personnel.

*Article 12.* One of the responsibilities of the competent authorities is to obtain advice concerning the problems of cooks and stewards and to collect information of all kinds concerning questions of nutrition and methods of buying, storing, preparing and serving food, etc. A number of information films have been made on this subject. They are used in cooks' and stewards' training schools and are also shown to all persons connected with the preparation of food at sea.

*Article 13.* The competent authority has not delegated any of its functions.

#### *Poland (First Report).*

Order of 7 December 1954 of the Minister of Shipping respecting food for crews on merchant vessels engaged in the international transport of cargo and passengers (Polish Monitor, 1954, No. 122, Text 1770).

*Article 1 of the Convention.* The provisions of the Convention apply to members of crews of Polish merchant vessels engaged in the international transport of cargo and passengers.

*Article 2.* The Ministry of Shipping is the competent authority, as far as the enactment of regulations mentioned in the Convention and the supervision of their application are concerned. The application of these regulations is the responsibility of national undertakings, acting as shipowners. Application is given to clause (d) by the Ministry of Shipping in collaboration with the competent institutions.

*Article 3.* The Ministry of Shipping supervises the co-ordination of the activities of the shipowners and their co-operation with national and local authorities and the unions in regard to the qualifications of catering personnel and the quality of catering on board ship.

*Article 4.* The Ministry of Shipping has a permanent staff of four qualified persons.

*Article 5.* According to the Order mentioned above the shipowners are obliged to provide adequate food to their crews, in accordance with fixed standards.

*Article 6.* In accordance with the Order maritime offices carry out the supervision required by this Article. By virtue of the Decree of 14 August 1954 respecting health inspection, the supervision required by clauses (a) to (c) is also carried out by the health inspectors.

*Article 7.* The Order provides for two kinds of inspections. The first of these is made by the representative of the works council entrusted with catering questions, who daily inspects the food and its storage, the galley and the preparation of the meals. The second type of inspection is made by an inspection committee composed of the master, or an officer specially deputed by him, the above-mentioned works council representative, and a responsible member (the steward) of the catering department. This committee makes inspections four times a month of the food provisions and their storage, as well as the water supplies, the galley and the utensils.

*Article 8.* The representative of the works council for catering questions may make com-

plaints to the competent maritime office concerning insufficient food provisions on board. The maritime office must immediately inspect the vessel and make appropriate recommendations.

Complaints of members of the crew are made to the master by the representative mentioned above.

*Article 9, paragraph 1.* Recommendations concerning the improvement of catering on board are made, upon proposals of the inspectors, to the shipping undertakings by the Ministry of Shipping, and to masters and other responsible persons by the shipping undertakings.

*Paragraph 2.* Penalties are provided in section 73 (1) of the Act respecting work on board merchant vessels engaged in international transport of cargo and passengers.

*Article 10.* The first annual report provided for in this Article will be prepared at the end of 1958.

*Article 11.* No course of training for employment in the catering department of sea-going ships has been organised in the period covered by the present report. Refresher courses will be organised following the checking of professional capacity which is at present under way.

*Article 12.* The department which deals with food questions maintains close relations with the institutions charged with the study of and research on, this subject, and frequently collects information on catering on board ship. The result of these efforts has been the following: (a) fruit juice is furnished to all seamen; (b) the food standards are to be revised to take account of scientific advances.

*Article 13.* None of the functions related to the Convention have been delegated to other organisations.

The application of the regulations relating to the Convention is entrusted to the maritime offices and to the shipowners.

#### *Portugal (First Report).*

Decree No. 12384 of 27 September 1926 to fix rations for crews on board merchant vessels.  
Decrees No. 23764 of 13 April 1934 and No. 91643 of 23 May 1958 containing provisions concerning the ships' cook certificate.

The Government states that application is given to the provisions of the Convention by the above-mentioned legislation.

A committee has been established with the task of bringing the legislation up to date.

#### *United Kingdom (First Report).*

Merchant Shipping Acts of 1906, 1894 and 1948 (L.S. 1948—U.K. 3).  
Merchant Shipping (Seamen's Provisions) Order, 1945 (S.R. No. 1540).  
Merchant Shipping (Seamen's Provisions) (Amendment) Order, 1946 (S.I. No. 891).  
Merchant Shipping (Crew Accommodation) Regulations, 1953 (S.I. No. 1036).  
Merchant Shipping (Crew Accommodation) (Amendment) Regulations, 1954 (S.I. No. 1660).  
Merchant Shipping (Seamen's Provisions) Order, 1957.



*Collective agreements.* Collective agreements apply the Convention to every vessel which must carry a certificated ship's cook in accordance with section 27 of the Merchant Shipping Act of 1906.

A collective agreement covers the inspection at sea of food and water.

It was necessary to make these collective agreements so as to permit of the ratification of the Convention.

The provisions of the Convention defining the vessels or classes of vessels which are to be regarded as sea-going, as well as those relating to the inspection of food and water, are implemented by collective agreements. These agreements are drawn up and administered by the National Maritime Board which is representative of the shipowners' and seafarers' organisations in the United Kingdom.

Special notices were issued by the Ministry to masters of ships, drawing attention to the requirements of the Merchant Shipping (Crew Accommodation) Regulations, 1953, and to the terms of the requirements of the collective agreements.

*Article 1, paragraph 1, of the Convention.* Section 25 and the First Schedule to the Merchant Shipping Act of 1906, lay down the scale of provisions to be provided in every British ship for which articles of agreement are required. Section 27 of the Merchant Shipping Act, 1906, requires every British foreign-going ship of 1,000 tons and upwards gross tonnage going to sea from any place in the British Isles or on the Continent of Europe between the River Elbe and Brest inclusive, to carry a duly certificated cook who is able to prove one month's service at sea in some capacity.

The definition of "foreign-going ship" is contained in section 742 of the Merchant Shipping Act, 1894.

Paragraph 2. A collective agreement applies the Convention to every vessel which must carry a certificated ship's cook in accordance with section 27 of the Merchant Shipping Act, 1906.

*Article 2.* The competent authority in the United Kingdom is the Minister of Transport and Civil Aviation.

Clause (a). The Merchant Shipping (Seamen's Provisions), Order, 1945 (S.I. No. 1540), as amended, made under section 25 of the Merchant Shipping Act, 1894, provides for the provision of food and water supplies.

Construction, location, ventilation, heating, lighting, water system, etc., are covered by Regulations Nos. 4 to 12, 19, 20, 25 and 28 to 30 of the Merchant Shipping (Crew Accommodation) Regulations, 1953, as amended.

Clause (b). Inspecting officers appointed under section 206 of the Merchant Shipping Act, 1894, are authorised under section 26 of the Merchant Shipping Act, 1906, to inspect food and water supplies either on board ship or before shipment. The Ministry's Surveyors, under section 725 of the Merchant Shipping Act, 1894, have the power to inspect galleys and catering spaces.

Clause (c). Section 27 of the Merchant Shipping Act, 1906, provides that ship's cooks employed on vessels of 1,000 tons and upwards

gross tonnage going to sea from any place in the British Isles or on the Continent of Europe between the River Elbe and Brest inclusive must be certificated.

Clause (d). Research into supply and conservation of food is carried out by the Ministry of Agriculture, Fisheries and Food, whose findings are taken into consideration whenever specifications and packaging requirements for ship's provisions are reviewed and are also borne in mind by inspectors when they are examining stores on board ship. Educational and propaganda work is undertaken by the industry which organises refresher courses for cooks and issues a brochure on the subject.

*Article 3.* The Ministry of Transport and Civil Aviation works in close co-operation with the Ministry of Agriculture, Fisheries and Food, which issues Food Standard Regulations, and also with the Ministry of Health and the local authorities, whose services are utilised as necessary.

In order to avoid any overlapping of jurisdiction, legislation proposed by these Departments which in any way affects ships or seamen is examined by the Ministry of Transport and Civil Aviation; the National Maritime Board, on which the shipowners' organisations and the seafarers' unions are equally represented, is consulted as necessary.

*Article 4.* Inspectors of Ships' Provisions are required to pass a Civil Service examination; they also receive one year's training at the office of the Chief Inspector before taking up their duties.

The Inspectors are appointed under section 206 of the Merchant Shipping Act, 1894.

Spaces on board ship in which food is stored, prepared or served are also inspected by the Ministry's Surveyors of Ships.

*Article 5, paragraph 1.* Effect is given to this paragraph by section 25 of the Merchant Shipping Act, 1906.

Paragraph 2 (a). This provision is applied by the Merchant Shipping (Seamen's Provisions) Order, 1945, and the Merchant Shipping (Seamen's Provisions) (Amendment) Order, 1946.

Paragraph 2 (b). This is applied by the Merchant Shipping (Crew Accommodation) Regulations, 1953, and the Merchant Shipping (Crew Accommodation) (Amendment) Regulations, 1954.

*Article 6, clause (a).* See above under Article 2 (b). By arrangement with the shipping industry all quantities of ten articles of food, intended to be supplied to ships at ports in the United Kingdom for crew use, must be inspected in bulk before shipment. Inspections are made at the manufacturers or the ships' store merchants' premises. There is also a systemised inspection of crew stores on board ship.

Clauses (b) and (e). These clauses are applied by the Merchant Shipping (Crew Accommodation) Regulations, 1953, as amended. See above under Article 4 with regard to inspections.

Clause (d). The certificate of ship's cook is examined by a Ministry official when the ship's cook signs the articles of agreement.

*Article 7, paragraph 1 (a).* A collective agreement provides that the master of any ship to which the Convention applies, or an officer specially deputed for the purpose by him, together with a responsible member of the Catering Department shall, not less than once per week during the currency of the ship's articles of agreement, inspect the supplies of food and water provided for the crew.

*Paragraph 1 (b).* This is applied by Regulation 34 of the Merchant Shipping (Crew Accommodation) Regulations, 1953.

*Paragraph 2.* The collective agreement requires that the results of inspections under paragraph 1 (a) and (b) be entered in the official log.

*Article 8.* The procedure established for dealing with complaints submitted to the competent authority is laid down in section 198 of the Merchant Shipping Act, 1894, and in Regulation 35 of the Merchant Shipping (Crew Accommodation) Regulations, 1953.

*Article 9, paragraph 1.* Inspectors of Ships' Provisions may make recommendations on catering to the owner of the ship.

*Paragraph 2 (a).* Sections 25 (3) and 26 (2) of the Merchant Shipping Act, 1906, provide penalties where provisions or water are not furnished or are found to be deficient in quality. Section 1 (4) of the Merchant Shipping Act, 1948, provides a penalty where crew accommodation regulations made under that section are contravened.

*Paragraph 2 (b).* Section 730 of the Merchant Shipping Act, 1894, and section 26 (3) of the Merchant Shipping Act, 1906, provide penalties for any attempt to obstruct a surveyor or inspector in the discharge of their duties.

*Paragraph 3.* Reports of bulk inspections of stores are reported daily on form P.W. 29 to the Chief Inspector of Ships' Provisions.

Reports of ships' inspection of stores are reported daily on form P.W. 29 to the Chief Inspector of Ships' Provisions.

In addition written reports are required to be made to the Chief Inspector where there is some unusual feature about the condition of food items which have been the subject of complaint.

Annual and biannual reports on the general conditions and trends are submitted to the Chief Inspector by Senior Inspectors in charge of districts.

*Article 11, paragraph 1.* The course for ships' cooks held at schools approved for the purpose lasts six weeks.

*Paragraph 2.* Facilities for refresher courses are provided by the industry at four centres.

*Article 12.* The latest information about food standards, nutrition and the preserving, cooking and serving of food is given in the courses mentioned under Article 11. Notice No. M.378 to shipowners, masters and agents of ships, and to the ships' store trade, lays down the standards to which provisions inspected, either in bulk or on board ship, must conform and indicates by specifications the Ministry's normal minimum requirements of grade and packing.

The inspections carried out by the Ministry's Surveyors and Inspectors are used for the purpose of advising, where necessary, on up-to-date methods of storing, standards of cleanliness and convenience of working.

69. Certification of Ships' Cooks Convention, 1946

*This Convention came into force on 22 April 1953*

Countries	Date of registration of ratification
Belgium . . . . .	5.12.1951
Bulgaria . . . . .	29.12.1949
Canada . . . . .	19. 3.1951
France . . . . .	9.12.1948
Ireland . . . . .	16. 6.1951
Italy . . . . .	22.10.1952
Netherlands . . . . .	23. 2.1951
Norway . . . . .	6. 3.1952
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
United Kingdom . . . . .	29. 7.1949

*Belgium.*

Royal Order of 21 May 1958 respecting the granting of certificates of competency in the merchant marine, the sea-fishing industry and yachting.

The above-mentioned Order is intended to give effect to the provisions of the Convention.

No need has been felt to grant exemptions in accordance with Article 3, paragraph 2.

Section 65 of the Order, however, provides for a special examination intended for cooks who have served on board ship three years before 31 December 1953.

The provisions concerning the organisation of examinations are contained in Part II of the Order.

The minimum age to obtain the certificate of ship's cook is fixed at 21 years. The required professional experience is laid down in section 34 of the Order.

The detailed syllabus of the examination is contained in Appendix XXV to the Order.

The examinations are organised by the State and the certificates are issued in the name of the Minister of Communications by the Director-General of the Maritime Administration.

*France.*

In reply to the question of the Committee of Experts the Government states that the certificates or diplomas mentioned in section 4 of Decree No. 25 of 29 July 1953, as amended

by Decree No. 10 of 26 March 1957, are only delivered after an examination.

#### *Poland.*

Order of 4 June 1958 of the Minister of Shipping respecting the professional capacity of officers and ratings on board Polish vessels engaged in international transport of cargo and passengers (Law Journal, No. 39, Text 178).

Owing to lack of certificated cooks, cooks without certificate but possessing professional experience have been engaged.

The checking of the professional capacity of ships' cooks has continued systematically.

*Article 3 of the Convention.* Seamen in the catering department must have been trained in vocational schools or must have followed courses (section 48 of the Order).

*Article 4, paragraph 1.* A committee has been set up empowered to decide on seafarers' certificates of qualification.

Paragraph 2. According to section 56 of the Act of 28 April 1952 respecting conditions of work on board Polish merchant vessels engaged in the international transport of cargo and passengers, persons to be engaged on board ship must be over 18 years of age. A non-certificated ship's cook must have had professional experience at sea of not less than 48 months.

Paragraph 3. The examination prescribed to obtain a certificate as ship's cook includes a test of the candidate's knowledge on various subjects concerning catering, and practical tests of his knowledge of food values and the drawing up of well-balanced menus.

Paragraph 4. The examination is conducted and the certificates are issued by the directors of the Maritime Offices.

*Article 5.* A non-certificated cook having served as cook at sea for two years may be admitted to the examination and obtain a certificate.

*Article 6.* No provision exists in the legislation to make it possible to recognise certificates of qualification issued in other countries.

#### *Portugal.*

Legislative Decree No. 41643 of 23 May 1958 to amend some sections of Legislative Decree No. 23764 of 13 April 1934.

In reply to the observation made by the Committee of Experts the report states that section 61 of Legislative Decree No. 23764, as amended by Legislative Decree No. 41643, contains provisions concerning the requirements for a candidate to take an examination as ships' cook. The candidate (for cargo vessels) must have completed 30 days' service at sea and be in possession of a seaman's book and of certificates issued by hotel proprietors to show his professional capacity. Requirements for cooks on passenger ships are slightly higher.

Section 62, as amended, contains the syllabuses for the examinations.

\* \* \*

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

*Ireland, Italy, Netherlands, Norway, Poland, United Kingdom.*

The report from *Canada* reproduces 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
Netherlands . . . . .	17. 6.1958
Norway . . . . .	17. 2.1955
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
Uruguay . . . . .	18. 3.1954

#### *Belgium.*

Royal Order of 12 December 1957 respecting maritime inspection.

*Article 4 of the Convention.* Appendix XVIII of the above-mentioned Order lays down provisions in regard to medical certificates. The

age of the person concerned and the nature of the work to be accomplished are taken into account for the granting of certificates. Certificates must be drawn up in conformity with the provisions of sections 8 and 9 of the above-mentioned appendix.

*Article 5.* According to section 7 of Appendix XVIII the medical certificate is valid for 24 months. Such period is reduced to 12 months in the case of young persons under 18 years of age.

*Article 6.* Paragraph 1 of this Article is applied by section 100 of the Order. No provision exists in Belgian maritime legislation permitting special treatment in the case mentioned in paragraph 2. The provisions concerning medical examination of seafarers have been in force in Belgium for many years so that the application of paragraph 3 gives no problem.

*Article 8.* This Article is applied by section 4 of Appendix XVIII.

*Finland.*

In reply to a direct request the Government gives the following further details concerning the application of the Convention.

*Article 3 of the Convention.* The authorisation granted to ships' masters, under Order 159/52 of the Ministry of Commerce and Industry, to continue to carry out their duties, even though their sight, hearing and colour vision are below the standards laid down, is always based on a medical certificate.

*Article 6, paragraph 1.* Measures, which are described in the report, are taken to limit to a single voyage the authorisation granted, under Decree No. 157/52, enabling seafarers to be engaged in urgent cases without a valid medical certificate.

*Paragraph 2.* The practice in Finland excludes the possibility of discriminatory treatment of a seaman who does not produce a medical certificate.

*Paragraph 3.* The possibility mentioned under this paragraph cannot occur as no provisions exist in Finnish legislation to give effect to paragraph 2 of Article 3, except in so far as the sight and the hearing are concerned.

*France.*

In reply to the request made by the Committee of Experts in 1958 the Government supplies the following additional information.

*Article 4 of the Convention.* The text of instruction No. 115 CM/4 of 25 May 1943 is appended to the report.

*Article 5.* The report states that the requirement that a medical certificate must be issued not more than a few days before the seaman is entered on the crew list implicitly follows from the text of section 8 of the Code of Maritime Labour. This section lays down that the medical examination must ascertain that the signing on of the seaman does not entail any danger to his health or to that of the rest of the crew. It follows that the seafarer must be examined at the very moment of signing on.

The provisions relating to holidays with pay which ensure that seamen do not embark for periods longer than 10 or 14 months are contained in section 18, paragraph 4, of the collective agreement of 30 November 1950. Sections 9 and 13 of the Code of Maritime Labour refer to the shipping articles.

*Italy.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that the Ministry of the Mercantile Marine has completed the study undertaken with a view to the full implementation of the provisions of the Convention and has prepared appropriate draft legislation. A copy of the draft legislation and explanatory memorandum are appended to the report.

*Japan.*

Notification No. 226 of 1947 of the Ministry of Transportation.

In reply to a direct request made by the Committee of Experts in 1958 concerning the application of Article 4, paragraph 2, and Article 8 of the Convention, the Government states in its report, as regards Article 4, paragraph 2, that the provisions concerning medical examinations contained in the Mariners' Law of 1947 are applicable not only to young persons, for whom the most rigid examination is required, but also to all persons irrespective of age.

As for Article 8, the above-mentioned Notification contains provisions concerning the doctors who, under section 81 of the Mariners' Law, are entitled to re-examine persons who have been refused a medical certificate. These doctors are selected from different groups and all the groups of doctors but one are independent of any shipowners or of any organisation of shipowners or seafarers. Persons who request a re-examination must apply to those doctors who are independent, as indicated above. According to the Doctors' Law of 1948 doctors may not refuse to examine a person when requested to do so, except for adequate reasons.

*Poland.*

Act of 28 April 1952 respecting conditions of work on board Polish vessels engaged in the transport of cargo and passengers (Law Journal, No. 25, Text 171).

Order of 20 November 1957 of the Minister of Health respecting health conditions required from persons working on board Polish vessels engaged in the transport of cargo and passengers (Law Journal, No. 9, 1958, Text 30).

The above-mentioned legislation applies to the crews of merchant vessels engaged in the international trade for the transport of cargo and passengers.

*Article 2 of the Convention.* At the request of the shipowner a medical examination is compulsory for persons who are about to be employed in a merchant vessel engaged in the transport of cargo and passengers and also for the members of the crews of such vessels, e.g. the master, officers and ratings included in the crew list.

*Article 3.* No person shall be engaged on board unless he produces a medical certificate attesting to his fitness for work on board ship. Members of the crews must undergo a medical examination at intervals of not more than two years, or after a break in the work due to illness of more than six months, or when there are reasons to suppose that they have lost their fitness for work.

*Article 4.* Medical examinations are made by the port doctor. The form of the certificate is standard. The nature of the examination and the health requirements depend on the work the candidate will perform. Two lists of illnesses have therefore been established, one for the deck and engine-room service and the other for the catering and administrative service.

If the candidate is declared unfit the certificate must indicate the illness. It must also state if the hearing, sight and colour vision are satisfactory and if the candidate is suffering from any disease likely to be aggravated by, or to render him unfit for, service at sea.

or likely to endanger the health of other persons on board. The validity of the certificate is indicated thereon.

*Article 5.* The medical certificate remains in force for a period of two years. If the period of validity of a certificate expires in the course of a voyage the certificate will continue in force until the end of that voyage.

*Articles 6 and 7.* No provisions exist applying these Articles.

*Article 8.* A person who has been found unfit may apply for re-examination by a committee of doctors. This committee is composed of three doctors appointed by the Medical Inspector.

*Article 9.* No use has been made of the provision laid down in this Article.

*Portugal.*

Legislative Decree No. 41643 of 23 May 1958 to amend some sections of Legislative Decree No. 23764 of 13 April 1934.

Section 2 of Legislative Decree No. 41643, which was adopted in order to embody in the national legislation the substance of the Convention, lays down that all vessels navigating for purposes of trade shall be considered, for the purposes of application of international maritime labour Conventions, to be sea-going vessels.

Section 119 of Legislative Decree No. 23764, as amended, requires that persons who are to be engaged as members of the crew of vessels above 200 tons gross must hold a certificate of physical fitness. Section 120 of the same Decree applies the provisions of Articles 4, paragraph 3, 5, 6 and 8 of 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 :

*Canada, Norway, 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.*

Royal Order of 21 May 1958 respecting the granting of certificates of competency in the merchant marine, the sea-fishing industry and yachting.

*Article 1 of the Convention* is applied by sections 33 and 64 of the above-mentioned Order.

*Article 2.* The minimum age required to obtain the able seaman's certificate is 21 years ; the applicant must have had at least 36 months' service on board merchant vessels or training ships. The syllabus of the prescribed examination is contained in Appendix XIV to the Order.

*Article 3.* This Article is applied by section 64 of the Order.

*Article 4.* No need has so far been felt for the recognition of foreign certificates.

*Portugal.*

Legislative Decree No. 41643 of 23 May 1958 to amend some sections of Legislative Decree No. 23764 of 13 April 1934.

The new Legislative Decree lays down that a candidate for examination as an able seaman shall have served at sea in the deck department for not less than 36 months and shall be not less than 21 years of age. For candidates who have obtained a certificate from the school for able seamen, the professional experience required is 18 months and the minimum age 18 years. For candidates having served in the Navy, the professional experience required is 24 months' service at sea in ships of war stationed outside continental ports.

A new syllabus for examinations as an able seaman has been laid down.

*United Kingdom.*

Merchant Shipping (Certificates of Competency as A.B.) (Barbados) Order No. 1371 of 1957.

Certificates of competency as able seaman issued in the Barbados and its dependencies 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 :

*Canada, France, Netherlands.*

The report from the *United States* reproduces the information previously supplied.

## 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
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

#### Cuba.

Decree No. 2318 of 5 July 1948 (*Gaceta Oficial*, 16 July 1948).

Resolution No. 85 of 2 May 1958 (*Gaceta Oficial*, 26 June 1958).

Following the observation made by the Committee of Experts in 1958 the Government has appended to its annual report the text of Resolution No. 85, which defines the responsibilities of the National Employment Office for Women and Young Workers as regards the vocational guidance and physical and vocational rehabilitation of children who are found, on medical examination, to have disabilities, abnormalities or deficiencies.

The Government states that, under the industrial hygiene regulations, periodical medical examinations in unhealthy and dangerous trades are compulsory for adults as well.

#### France.

Decree No. 58-924 of 8 October 1958 to define the position of inland waterway undertakings under the Act of 15 March 1955 extending the provisions of section 1 of the Act of 11 October 1946 to cover transport undertakings (*Journal officiel*, 9 Oct. 1958).

The report states that three decrees applying the above Act of 15 March 1955 respectively to the French National Railways, to major secondary railways, local lines and tramways, and to common carriers by road will be issued shortly.

#### Guatemala.

General Regulations of 28 December 1957 respecting occupational safety and health (*El Guatemalteco*, 31 Dec. 1957, No. 17, p. 225).

Section 5 (d) of the above-mentioned regulations require the employer to give a pre-employment medical examination to workers with a view to determining their state of health and fitness for the job concerned, as well as subsequent periodical examinations.

The Ministry of Labour and Social Welfare is re-examining the Labour Code in the light of the observations made by the Committee of Experts, with a view to bringing its provisions into harmony with the Conventions ratified by Guatemala.

#### Israel.

In reply to the request made by the Committee of Experts in 1958 with regard to Article 6 of the Convention, the Government supplies additional information concerning the working of the vocational guidance services.

#### Italy.

Parliament having been dissolved with a view to new elections, a number of Bills which were to ensure adjustment of Italian legislation to the provisions of international regulations on young workers have consequently lapsed.

The preparation of new draft Bills has been initiated with the object of amending Italian legislation as soon as possible in order to remove the present discrepancies, on particular points, between this and the relevant international regulations. The Government has decided to deal with the questions of medical examination and night work of young persons separately from that of the minimum age of admission to employment, as the solution of this last problem still gives rise to major difficulties. This decision has involved the dropping of the previous scheme to undertake a general and comprehensive regulation of the whole problem of young workers by revising Act No. 653 of 26 April 1934.

#### Poland.

Legislative Decree of 2 July 1958 respecting the employment of young persons (*Law Journal*, No. 45, Text 226).

#### Ukraine (First Report).

Constitution of 30 January 1937 (as amended in 1947).

Order of 21 November 1922 of the Council of People's Commissaries of the Ukrainian S.S.R. respecting medical examination of young workers (*Laws of the Ukrainian S.S.R.*, 1923, No. 48, p. 715).

Instructions of 22 June 1949 issued by the Ministry of Public Health of the U.S.S.R. (*Industrial Hygiene Legislation*, 1956, Vol. II, Book 2, p. 177).

The Order of 1922 stipulates that juveniles under 18 years of age may not take up employment in any state, public or private institution, undertaking or establishment unless they have been passed medically fit for employment.

Section 3 of the Order states that young workers must be medically examined periodically, in any case not less frequently than once a year.

The order in which medical examinations

are carried out is laid down by departmental instructions issued by the Ministries of Public Health of the U.S.S.R. and of Ukraine.

The Instructions issued by the Ministry of Public Health of the U.S.S.R. on 22 June 1949 provide for periodical medical examinations to be arranged and carried out by the health and hygiene departments of polyclinics (dispensaries) serving industrial undertakings, in consultation with the doctor from the first-aid post in each undertaking; these examinations must be conducted by specialists.

Persons who are found on examination to have diseases which are particularly difficult to treat are sent to clinics attached to occupational disease or medical institutes, or to other medical centres.

When workers are given their initial or periodical examinations the doctor makes out an individual card for each of them.

The polyclinics (dispensaries) also make a record of the various groups of workers required to undergo medical examination, using lists of names supplied by the undertakings themselves.

Responsibility for carrying out periodical medical examinations lies with the head of the Hygiene and Health Centre, and for enforcing the Decree on these examinations with the head of municipal or district health and hygiene department.

More frequent medical examinations—every three or six months—are carried out in the case of certain occupations.

All the regulations concerning medical examinations also apply to adults.

Under section 129 of the Labour Code persons under 18 years of age are not allowed to work in any jobs involving a risk to health.

Medical certificates issued to workers and all industrial medical facilities provided in accordance with article 100 of the Constitution of Ukraine are free of charge.

\* \* \*

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

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

*This Convention came into force on 29 December 1950*

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

*France.*  
See under Convention No. 77.

*Guatemala.*  
See under Convention No. 77.

*Israel.*  
See under Convention No. 77.

*Italy.*  
See under Convention No. 77.

*Poland.*  
See under Convention No. 77.

*Ukraine (First Report).*  
See under Convention No. 77.

*Cuba.*

A medical examination is compulsory for all minors, irrespective of the nature of their work, since every minor must produce a certificate of aptitude.

\* \* \*

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

*France, 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 of ratification
Argentina . . . . .	17. 2.1955
Bulgaria . . . . .	29.12.1949
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	7. 9.1954
Dominican Republic . . . . .	22. 9.1953
Guatemala . . . . .	13. 2.1952
Israel . . . . .	23.12.1953

Countries	Date of registration of ratification
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

Cuba.

In reply to the Committee's direct request for information the Government states that section 30 of Decree No. 798 of 13 April 1938 (*Gaceta Oficial*, 21 Apr. 1938) stipulates that contracts of employment must specify, *inter alia*, hours of work, rest periods and the time of the year when paid holidays are to be taken.

Dominican Republic.

Act No. 4933 of 6 June 1958 (*Gaceta Oficial*, Vol. LXXIX, 21 June 1958, No. 8254).

Section 224 of the Labour Code has been amended by Act No. 4933 to bring it into line with Article 3 of the Convention.

The new section 224 states that young persons under 18 years of age may not work at night during a period of 12 consecutive hours to be prescribed by the Secretary of State for Labour, which must include the interval between 8.30 p.m. and 6 a.m.

Guatemala.

In response to the observation of the Committee of Experts the report states that employers are required to hold the minor's work permit, issued by the Labour Inspectorate, at the disposal of the labour authorities. This document also serves as an individual identity paper.

Israel.

Youth Labour (Register of Juveniles) Regulations, 5718-1958 of 9 December 1957 (*Kovetz hatakanot* 760, 2 Jan. 1958).

Youth Labour (Register of Juveniles) (Amendment) Regulations, 5718-1958 of 26 May 1958 (*Kovetz hatakanot* 798, 5 Apr. 1958).

Youth Labour (Exhibition of Abstract of Law) Regulations, 5718-1958 of 26 February 1958 (*Kovetz hatakanot* 777, 13 Mar. 1958).

In reply to a request made by the Committee of Experts for information with regard to the progress made in the preparation of amendments to the Youth Labour Law, the Government states that a Bill to amend the law is under active consideration. It will in due course be brought before the Knesset.

The Youth Labour (Register of Juveniles) (Amendment) Regulations, 5718-1958 of 26 May 1958 provide for the entry of information relating to the dates of birth of young workers, as required by the Convention.

Italy.

See under Convention No. 77.

Poland.

See under Convention No. 6.

Ukraine (First Report).

Labour Code of 1922 (Kiev, 1940).

Under section 130 of the Labour Code persons under 18 years of age working either in industrial or non-industrial undertakings are not permitted to work at night. No provision is made for any exception to this general rule.

\* \* \*

The report from *Cuba* supplies information on the practical effect given to the Convention.

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

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
Denmark . . . . .	6. 8. 1958
Dominican Republic . . . . .	22. 9. 1953
Finland . . . . .	20. 1. 1950
France . . . . .	16. 12. 1950
Federal Republic of Germany . . . . .	14. 6. 1955
Greece . . . . .	16. 6. 1955
Guatemala . . . . .	13. 2. 1952
Republic of Guinea . . . . .	26. 3. 1959
Haiti . . . . .	31. 3. 1952
India <sup>1</sup> . . . . .	7. 4. 1949
Iraq <sup>1</sup> . . . . .	13. 1. 1951
Ireland <sup>1</sup> . . . . .	16. 6. 1954
Israel . . . . .	7. 6. 1955
Italy . . . . .	22. 10. 1952
Japan . . . . .	20. 10. 1953
Luxembourg . . . . .	3. 3. 1958
Morocco . . . . .	14. 3. 1958

Countries	Date of registration of ratification
Netherlands . . . . .	15. 9. 1951
Norway . . . . .	5. 1. 1949
Pakistan . . . . .	10. 10. 1952
Panama . . . . .	3. 6. 1958
Sweden . . . . .	25. 11. 1949
Switzerland <sup>1</sup> . . . . .	13. 7. 1949
Tunisia . . . . .	15. 5. 1957
Turkey . . . . .	5. 3. 1951
United Arab Republic (Egypt) . . . . .	11. 10. 1956
United Kingdom <sup>1</sup> . . . . .	28. 6. 1949
Yugoslavia . . . . .	18. 8. 1955

<sup>1</sup> Excluding Part II.

Argentina.

In reply to the questions raised by the Committee of Experts in 1958 the Government supplies the following information.

The information as regards local labour inspectorates has been requested from the pro-



vincial governments and will be supplied shortly.

*Article 3 of the Convention.* The competent inspection services in the federal capital are responsible for furnishing information and advice on the best means of observing the labour laws.

*Article 7.* In practice, a newly recruited inspector is trained by working with an experienced inspector for a fixed period.

*Article 11.* Inspectors are provided with offices and facilities in the premises of the Labour Department. Reimbursement of travel and incidental expenses is provided for by section 4 of Decree No. 18989/56.

*Article 12.* Section 4 of Act No. 8999 of 1912 empowers labour inspectors to enter workplaces during working hours. Section 10 of Act No. 11944 (hours of work) authorises the entry into workplaces of representatives of the authority responsible for application of the Act.

*Article 15.* The maintenance of secrecy as to the source of complaints is provided for in an Order of 15 May 1933.

*Article 19.* Copies of the form used by inspectors to make weekly reports on their activities are appended to the report.

#### *Austria.*

In spite of the fact that the staffs of the General Labour Inspectorate and of the Labour Inspectorate for Transport have been reinforced, the Chamber of Labour considers that the number of inspectors in the three branches of the Labour Inspectorate is still insufficient; the General Labour Inspectorate therefore announced a further increase in its staff of 23 new members.

The Chamber of Labour has moreover pointed out that, in spite of the promise of the Ministry of Commerce and Reconstruction, no doctors have been appointed to the Mines Inspectorate. The Ministry concerned replied that the inquiry into conditions of hygiene and protection against occupational diseases, such as silicosis, which took place in 1957, revealed only minor deficiencies which did not justify the appointment of a special medical officer. The two medical specialists of the General Labour Inspectorate also deal with problems concerning workers in mines.

The Chamber of Labour also pointed out that the labour inspectors of the provincial governments are not permitted to take part in the negotiations and procedure concerning plans of new establishments and thus cannot influence, from the outset, the solution of questions relating to hygienic working conditions. The General Labour Inspectorate replied that labour inspectors are invited to take part in many negotiations concerning new establishments, particularly in the case of important projects.

#### *Ceylon (First Report).*

Wages Boards Ordinance No. 27 of 1941.  
Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954 (L.S. 1954—Cey. 1).

Factories Ordinance No. 45 of 1942.

Maternity Benefits Ordinance No. 32 of 1939.

Labour Inspections (Maintenance of Secrecy) Act No. 17 of 1953.

Employment of Women, Young Persons and Children Act No. 47 of 1956 (L.S. 1956—Cey. 2).

*Article 1 of the Convention.* A system of labour inspection has been in force since 1923. Inspection is carried out by the staff of the Department of Labour, which is competent in the following matters: (a) wages and other conditions of work; (b) safety, hygiene and welfare of factory workers; (c) industrial hygiene; (d) social services.

*Article 2, paragraph 1.* All workplaces which are subject to legislation must be inspected.

*Paragraph 2.* No undertakings have been exempted.

*Article 3, paragraph 1 (a).* Enforcement of legal provisions is entrusted to the Labour Inspectorate. For the powers granted to inspectors see under Articles 12 and 13.

*Paragraph 1 (b).* The Labour Inspectorate supplies technical information and advice to employers by means of radio broadcasts and special publications; in particular, technical information is given concerning the health and safety of workers.

*Paragraph 1 (c).* Labour inspectors are bound to draw the attention of the competent authority to any defects or abuses not specifically covered by existing legal provisions.

*Paragraph 2.* Other duties entrusted to labour inspectors are: (a) registration and placement of unemployed persons; (b) conciliation and settlement of disputes. These duties do not interfere with those mentioned above. In Colombo the enforcement of legislation and the settlement of labour disputes come within the province of separate divisions and this arrangement may be extended to other areas.

*Article 4, paragraph 1.* Labour inspection is under the supervision of the Commissioner of Labour.

*Paragraph 2.* The case does not arise.

*Article 5.* There is co-operation between the Department of Labour and the Departments of Education, Health and Social Services. The staff of the Department of Labour also collaborates with organisations of employers and workers. These organisations advise their members of matters brought to their attention by the Department of Labour.

*Article 6.* The inspection staff is composed of public officials. They are permanent and are subject to disciplinary control by the Public Service Commission which is an independent body.

*Article 7.* The inspection staff is recruited on the basis of qualifications for the performance of duties. Inspectors must be graduates or be professionally qualified or have been in public service. Recently the designation "Labour Inspector" was changed to "Labour Officer". Labour Officers on recruitment first follow a training course which includes field work. The entire period of training lasts for six months.

*Article 8.* Women as well as men may be

appointed to the inspection staff; at present there is only one woman officer.

*Article 9.* There are five inspectors, who are qualified engineers, and one medical officer.

*Article 10.* The Government gives in detail the geographical distribution of the inspection staff as well as the different inspection districts.

*Article 11.* There are 12 district offices and 12 local sub-offices made available to the inspection staff. Labour Officers are granted transportation facilities for the performance of their duties. Measures exist for the reimbursement to Labour Officers of their travelling expenses and all incidental expenses incurred in the performance of their duties.

*Article 12.* In regard to this Article see the following Acts and Ordinances: Wages Board Ordinance (section 50 (1)); Shop and Office Employees Act (section 50 (1)); Factories Ordinance (sections 60 (1) and 99 (1)); Maternity Benefits Ordinance (section 12 (1)); Employment of Women, Young Persons and Children Act (section 25).

*Article 13.* The Commissioner of Labour is the authority for enacting measures under this Article of the Convention. He takes such measures on the advice of inspectors (see section 44 of the Factories Ordinance).

*Article 14.* Sections 61 and 63 of the Factories Ordinance specify that the authorities must be notified of industrial accidents and cases of occupational diseases.

*Article 15, clause (a).* Regulation No. 236 of the Manual of Procedure of the Government of Ceylon prohibits an officer from acquiring any interest, direct or indirect, in the business concerns which he would normally have to inspect.

Clause (b). See Labour Inspections (Maintenance of Secrecy) Act No. 17 of 1953.

Clause (c). Labour Officers are required by departmental order to observe the provisions of this Article.

*Article 16.* Establishments are inspected as often and as carefully as necessary in order to ensure the enforcement of the relevant legal provisions.

*Article 17, paragraph 1.* Persons who violate or neglect to observe the legal provisions are liable to immediate legal proceedings without warning. The only exception is provided for by section 15 of the Shop and Office Employees Act.

Paragraph 2. Labour Officers are given the necessary discretion and freedom of decision.

*Article 18.* The above-mentioned legislation and the Penal Code provide for penalties for infringement of the legal provisions or obstructing the Labour Officers in the discharge of their duties.

*Article 19.* Labour Officers are required to submit their inspection report within three days. In addition periodical reports must be submitted to the Commissioner of Labour by the district offices concerning their activities.

*Article 20.* The report of the Commissioner of Labour, which is published annually, is sent regularly to the International Labour Office.

*Article 21.* The report of the Commissioner of Labour deals with the subjects mentioned under this Article.

*Articles 22 to 24.* The system of labour inspection is also applicable to commercial establishments.

#### *Cuba.*

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

*Article 3 of the Convention.* The functions of inspectors include those referred to in paragraphs 1 (b) and 2.

*Articles 9 and 10.* The total staff of the inspection services, which is responsible to the Minister of Labour and operates in various provinces, includes 126 inspectors, seven doctors and one building engineer. The staff is mainly centralised in the provincial capitals and important cities, but there are also travelling inspectors who cover other provincial working centres.

*Article 14.* Since 1916 there has been a system in operation under which work accidents are notified to the municipal head of a district, and in turn to all other authorities concerned including the General Directorate of Hygiene and Social Welfare. A Decree of 1935 lays down rules for the notification by workers of any conditions relating to employment injuries and occupational diseases.

*Article 16.* The General Directorates of the National Labour and the Hygiene and Social Welfare Inspectorates order inspection visits as often as is appropriate and in accordance with what the inspection staff can do; investigations are made following upon any complaint lodged.

#### *France.*

*Article 6 of the Convention.* For recruitment and promotion conditions in the Inspectorate of Labour see the Decree of 30 September 1957 amending the Decree of 20 October 1950 (*Journal officiel*, 6 Oct. 1957).

*Article 7.* The Government gives detailed information on the competitive admission examination for labour inspectors. Candidates go through a practical training period followed by oral and written examinations.

*Article 21.* The Government has submitted its annual report (1955-56) on the work of the labour inspection services (May 1958 issue of the review *Statistiques du travail et de la sécurité sociale*).

#### *Federal Republic of Germany.*

Prussian General Mines Act of 24 June 1865.

Act of 20 September 1899 to apply the Civil Code.

Police Act of 1 June 1931.

Act of 9 June 1934 respecting the functions of mines authorities.

In response to a request from the Committee of Experts in 1958 the Government supplies the following information.

*Article 2 of the Convention.* Labour inspection in mines is governed by the legal provi-

sions of the Länder, which are based on the Prussian General Mines Act of 1865, as subsequently modified (the principles and provisions of which are still valid in the Länder), and on the other Acts mentioned above.

The transfer to the mines authorities of responsibility for labour inspection is based on the General Mines Act. According to the terms of this Act (section 189) mines inspectors have the same powers as those given to labour inspectors by section 139 of the Industrial Code. The mines authorities are moreover empowered to enact police regulations concerning the equipment and the working of mines.

*Article 12.* In accordance with the provisions of the Industrial Code labour inspectors possess the same powers as the local police authorities. In particular they are empowered to question privately or before witnesses an employer or a staff member concerning any matter relating to the application of the legal provisions. They may also supervise and order the posting of notices prescribed by law, and may take samples, for official analysis, of substances containing harmful or inflammable elements.

*Article 20.* The annual report for 1956 of the Labour Inspectorate and the most recent annual reports of the Mines Inspectorate are appended.

*Articles 22 to 24.* A Bill has been presented to the legislative authorities to amend the Industrial Code and to transfer control of all provisions relating to the protection of workers in commercial establishments to the General Labour Inspectorate. It is not possible to say when this Bill will be approved and given force of law.

#### Greece (First Report).

Act No. 4819 of 14 July 1930 respecting the organisation of the Labour Inspectorate of the Ministry of National Economy.

Act No. 6145 of 14 June 1934 respecting the organisation of the Labour Inspectorate.

Decree of 17 September 1934 to consolidate the provisions of Acts Nos. 4819, 5598 and 6145 respecting the organisation of the Labour Inspectorate (*L.S.* 1934—Gr. 1).

Act No. 560/1945 respecting the organisation of the Ministry of Labour.

Royal Decree No. 2954 of 1954 respecting the organisation of the Labour Inspectorate (*Ephemeris tes Kyberneseos*, No. 182, Vol. A, 14 Aug. 1954).

Act No. 3249 of 1955 respecting the ratification of International Convention No. 81 concerning labour inspection in industry and commerce, 1947 (*Ephemeris tes Kyberneseos*, No. 139, Vol. A, 2 June 1955).

*Article 1 of the Convention.* The wording of Royal Decree No. 2954 of 1954 takes its inspiration, in a general way, from the same principles as those of Convention No. 81.

*Article 2.* In accordance with section 1 of the Decree of 1954, officials of the Labour Inspectorate inspect all commercial and industrial establishments as well as workplaces. The Act of 1930 excludes from inspection persons employed in underground mines, excavations and quarries, as well as transport undertakings and tramways.

*Article 3.* Section 1 of the Decree of 1954 stipulates that the Labour Inspectorate is

responsible for supervising the enforcement of legal provisions concerning labour, for suggesting hygiene and safety measures for workplaces, and for applying administrative measures. The same section provides that, by virtue of a decision of the Ministry of Labour, the officials of the Labour Inspectorate may be entrusted with other functions connected with the responsibilities of the Ministry of Labour; however, these functions must not interfere with the discharge of their principal duties.

*Article 4.* The Labour Inspectorate is placed under the authority and supervision of the Ministry of Labour.

*Article 5.* The judicial, administrative, police and communal authorities must supply the officials of the Labour Inspectorate, at their request, with all necessary facilities to enable them to fulfil their functions (section 9 of the Decree of 1954). Concerning the collaboration between the officials of the Labour Inspectorate and employers' and workers' organisations, the Government states that it proposes to take legal measures in the near future to give effect to this provision. However, no systematic collaboration exists between the Labour Inspectorate and employers and workers or their organisations. Such collaboration is, however, contemplated for the near future.

*Article 6.* The staff of the Labour Inspectorate is composed of permanent public officials protected by the statutory provisions of the Public Officials Code (Act No. 1811/1951) which safeguard the stability of their employment and their independence of all external influences.

*Article 7.* The Public Officials Code stipulates that all public employees, including the officials of the Inspectorate, are engaged after having passed an examination and subject to their possessing the necessary qualifications stipulated by Decree No. 2954/1954 and by Act No. 1811/1951. According to the Decree, assistant labour inspectors must follow special courses for a period of at least six months.

*Article 8.* The Act of 1930 provides that women as well as men may be appointed labour inspectors. Special functions may be assigned to them. There are six female labour inspectors.

*Article 9.* Certain inspectors, who are doctors, mechanical engineers, electrical engineers, chemists, etc., in addition to supervising the enforcement of legal provisions and suggesting appropriate hygiene and safety measures, may also undertake investigations.

*Article 10.* The Labour Inspectorate maintains a network of 43 offices and comprises at present 144 officials.

*Article 11.* The offices of the Labour Inspectorate are equipped in the same manner as other similar public services. The Inspectorate is entitled to transportation facilities and travel allowances.

*Article 12.* According to sections 8 and 9 of the Decree of 1954, officials of the Labour Inspectorate may freely and without previous warning, at any hour of the day or night, enter any workplace liable to inspection, provided

that such inspection takes place during working hours. They may also carry out any examination, test or inquiry and may interrogate alone or in the presence of witnesses the employer or staff of the undertaking. They may require the production of all books, registers and other documents and the posting of all notices required by law. They may also require employers to advise the state chemical laboratory of any chemical products imported from abroad which they use, so that these may be analysed. (See also section 12 of Act No. 4819, consolidated on 17 September 1934.)

*Article 13.* Labour inspectors are empowered to suggest steps to remedy the difficulties observed in a plant. A reasonable time limit is set for the implementation of these measures, but in the event of imminent danger they must be carried out immediately.

*Article 14.* Employers must inform the Labour Inspectorate of all industrial accidents. No provision is made for the notification of occupational diseases.

*Article 15.* According to the Public Officials Code, officials may not undertake any work incompatible with their functions, nor may they take part in the settlement of problems in which they have an obvious interest. Disciplinary penalties are provided for officials of the Labour Inspectorate who reveal manufacturing secrets or working processes or who communicate to the employer the source of any complaint.

*Article 16.* Inspections are carried out as often as necessary.

*Article 17.* Officials of the Labour Inspectorate may initiate legal proceedings against any person who violates the legal provisions or who neglects to carry out the suggestions and recommendations of the labour inspector.

*Article 18.* Section 10 of the Decree of 1954 and the penal laws provide appropriate penalties for violation of the legal provisions and of the measures ordered by the labour inspectors.

*Article 19.* Section 7 of the Decree of 1954 provides that labour inspectors must submit to the central inspection authority annual reports on the results of their activities, containing statistics on various matters.

*Article 20.* According to the same section the Inspector-General of Labour submits within the first three months of each year a general report on the enforcement of the legal provisions during the preceding year and on the work of the Labour Inspectorate, mentioning any amendment to those provisions deemed necessary.

*Article 21.* The annual report published by the Inspector-General of Labour deals with inspection activities during the preceding year and contains statistical tables relating to the number of inspections carried out, the number of workers employed, the number of employment injuries, the number of infringements of the law and the results of those cases which have been made the subject of a court decision. The annual reports for 1957 and 1958 have not yet been published.

*Articles 22 to 24.* The system of labour

inspection also ensures the enforcement of the legal provisions in commercial workplaces.

*Article 26.* In any case where the application of the Convention is doubtful the question is settled through administrative channels or by the appropriate court or the Council of State.

*Article 27.* The term "legal provisions" comprises the Acts and other ministerial decrees or decisions, as well as collective agreements (Act No. 3239/1955).

*Article 29.* No area of the country is excluded from the application of the Convention.

No observation has been received from workers' and employers' organisations. A problem arises, however, with regard to increasing the number of labour inspectors, the solution of which has been delayed for lack of financial resources. The Government hopes that this problem will be solved in due course.

#### *India.*

*Article 7 of the Convention.* Steps have been taken to amend the model regulations relating to qualifications of labour inspectors, issued under section 8 (1) of the Factories Act, 1948.

*Article 21, clause (b).* In reply to the request made in 1958 the Government states that information concerning the staff of labour inspectorates will be included in the annual reports on the application of the Factories Act, 1948, and of the Minimum Wages Act, 1948, instead of appearing in the Labour Year Book.

#### *Ireland.*

*Articles 22 to 24 of the Convention.* The legislation concerning office workers referred to in the Government's last report has been enacted as the Office Premises Act, 1958. Consideration is being given to extending ratification to Part II of the Convention when the new Act is brought into operation.

#### *Israel.*

In response to a request made in 1958 the Government has supplied the following information.

*Article 3 of the Convention.* The need to draw the attention of the competent authority to the deficiencies or abuses not specifically dealt with by legal provisions does not frequently arise for labour inspectors since they themselves are competent to deal with these questions.

*Article 12.* Posting of notices is required by the various Acts and any breach is followed by legal proceedings.

*Article 15.* Instructions and administrative directives have been given on this subject to the labour inspectors.

#### *Italy.*

Thirty-five engineers and seven agronomists have been appointed labour inspectors, together with a number of doctors, economists and accountants. Competitive examinations are

also being held with a view to filling a number of administrative posts.

In response to the observation of the Committee of Experts the Government states that the annual report of the Labour Inspectorate for 1956 is being printed and that the necessary steps have been taken to ensure that the annual report for 1957 will be published on time. In this connection see also *Report of the Committee*, pp. 679-680.

#### Japan.

Order No. 25 of 15 April 1958 of the Ministry of International Trade and Industry, to amend the safety regulations for metal mines and other safety regulations.

The above amendments are designed to ensure safety in mines in which nuclear material is found.

#### Pakistan.

In reply to the observation and request made by the Committee of Experts in 1958 the Government supplies the following information.

*Article 10 of the Convention.* The inspection staff of the East Pakistan Government consists of some 50 officials. Similar information on West Pakistan will be sent as soon as it is available.

*Article 12.* The provisions of this Article have been included in the proposed Factories Bill.

*Article 20.* Action has been initiated to ensure timely publication of annual inspection reports. Copies of certain reports have been supplied.

#### Turkey.

Regulations No. 9968 of 7 February 1958.

The above Regulations prescribe the conditions to be fulfilled as regards sleeping, recreation and other facilities on board merchant ships and empowers labour inspectors to supervise these facilities.

The annual Inspection Report for 1956 has been published and that for 1957 is being prepared.

#### United Arab Republic (Egypt) (First Report).

Act No. 48 of 22 June 1933 to issue regulations for the employment of children and young persons of both sexes in industry (L.S. 1933—Eg. 1).

Act No. 80 of 10 July 1933 to issue regulations for the employment of women in industry and commerce (L.S. 1933—Eg. 2).

Legislative Decree No. 147 of 5 December 1935 to limit the hours of work in certain industries (L.S. 1935—Eg. 1).

Act No. 86 of 6 September 1942 respecting compulsory insurance against industrial accidents (L.S. 1942—Eg. 2).

Act No. 72 of 24 June 1946 to regulate hours of work in commercial establishments and hospitals (L.S. 1946—Eg. 1).

Act No. 89 of 5 July 1950 respecting industrial accidents (L.S. 1950—Eg. 1).

Act No. 117 of 9 August 1950 respecting compensation for occupational diseases (L.S. 1950—Eg. 4).

Legislative Decree No. 317 of 8 December 1952 respecting individual contracts of employment (L.S. 1952—Eg. 1).

Act No. 419 of 1955 to establish an Insurance Fund and a Sickness Fund.

*Article 2 of the Convention.* There are no exceptions by virtue of paragraph 2 of this Article.

*Article 3.* The functions of labour inspectors are those mentioned in paragraph 1 of this Article.

*Article 4.* The system of labour inspection is placed under the supervision and control of the "inspection section" of the Department of Labour.

*Article 5.* There is co-operation between the Department of Labour, other governmental services and employers' and workers' organisations.

*Article 6.* The staff of the Labour Inspectorate is composed of public officials who are independent of any change of government and of any undue external influence.

*Article 7, paragraphs 1 and 2.* A university degree is one of the qualifications required of labour inspectors.

Paragraph 3. Upon recruitment labour inspectors receive appropriate training during one month and later follow further training programmes.

*Article 8.* The staff of the Labour Inspectorate comprises both men and women. Supervision of enforcement of the labour laws concerning the work of women, children and young persons is in general assigned to female labour inspectors.

*Article 9.* The staff of the Labour Inspectorate includes technical specialists, in particular doctors, engineers and chemists.

*Article 10.* The total number of labour inspectors is 78, including nine doctors, nine engineers and two chemists. The geographical distribution of the inspection staff is as follows: Cairo, Benha, Alexandria, Zagazig, Mansura, Port Said, Damamhur, Suez, Beni Suef, Tanta, Asyût and Qena.

*Article 11, paragraph 1.* There are 12 inspection offices, equipped in a manner commensurate with the needs of the service and accessible to all persons concerned.

Paragraph 2. The Government supplies transportation facilities for labour inspectors.

*Article 13.* Labour inspectors have the powers mentioned in paragraph 2 of this Article.

*Article 14.* Act No. 89 of 1950 provides that employers must submit to the police circumstantial reports of all industrial accidents occurring on their premises; after investigation the police notifies the Department of Labour.

*Article 16.* The administrative instructions ensure frequent visits of inspection.

*Article 18.* The Acts and Decrees mentioned above provide for penalties for infringements of the law.

*Article 19.* The labour inspectors prepare reports on the results of their inspection. The central authority prepares monthly reports on the activities of the Inspectorate.

United Kingdom.

Baking Industry (Hours of Work) Act, 1954 (L.S. 1954—U.K. 1).

The above Act, which came into force in Great Britain on 1 January 1958, provides that inspectors operating under the Wage Councils Act, 1945, shall also act as inspectors under the new Act.

The report describes the central and local organisation of the Mines and Quarries Inspectorate now responsible under the Mines and Quarries Act, which came into force in January 1957.

A number of factory inspectors have received special training in the precautions which are necessary in connection with the use of atomic energy.

Yugoslavia.

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663) (L.S. 1957—Yug. 2).

Act of 11 December 1957 respecting civil servants. Decree of 14 February 1958 respecting the functions of labour inspectors.

Decree of 28 December 1958 modifying and completing the Act respecting employment relationships.

Sections 121 and 122 of the Act respecting employment relationships provide for the supervision of the enforcement of labour provisions by a Labour Inspectorate. In defence of his rights any worker may apply to the Inspectorate.

In response to the request of the Committee of Experts the Government supplies the following information.

*Article 12 of the Convention.* Under section 16 of Act No. 884 of 1 December 1948, which amended and completed the Act of 12 December 1946 on labour inspection, inspectors are authorised to enter any building considered as a place of work.

The provisions of the same section 16 establish the powers of labour inspectors in accordance with paragraph 1 (c) (i) and (iv) of this Article of the Convention. With respect to their authority to post up notices, almost all the provisions relating to hygiene and safety specify that such rules shall be posted in such a way as to be readily visible.

*Article 14.* In virtue of section 25 of the Labour Inspection Act the economic organisations are bound to notify the authorities of all cases of occupational diseases.

*Article 15.* Section 27 of the Act relating to labour inspection stipulates that officers of the Inspectorate are bound to consider as confidential anything they may learn in the exercise of their functions. They must therefore consider as confidential the origin of any complaint.

\* \* \*

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, Haiti, Netherlands, Sweden, Switzerland.*

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

*Guatemala, 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 <sup>1</sup> . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
New Zealand <sup>1</sup> . . . . .	19. 6.1954
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below the summary of reports on the application of 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 <sup>1</sup> . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
New Zealand <sup>1</sup> . . . . .	1. 7.1952
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below 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 <sup>1</sup> . . . . .	30. 9.1954
Belgium <sup>1</sup> . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below the summary of reports on the application of 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 <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> 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
Finland . . . . .	20. 1.1950
France . . . . .	28. 6.1951
Federal Republic of Germany . . . . .	20. 3.1957
Guatemala . . . . .	13. 2.1952
Republic of Guinea <sup>1</sup> . . . . .	21. 1.1959
Honduras . . . . .	27. 6.1956
Hungary . . . . .	6. 6.1957
Iceland . . . . .	19. 8.1950
Ireland . . . . .	4. 6.1955
Israel . . . . .	28. 1.1957
Italy . . . . .	13. 5.1958
Luxembourg . . . . .	3. 3.1958
Mexico . . . . .	1. 4.1950
Netherlands . . . . .	7. 3.1950
Norway . . . . .	4. 7.1949
Pakistan . . . . .	14. 2.1951
Panama . . . . .	3. 6.1958
Philippines . . . . .	29.12.1953
Poland . . . . .	25. 2.1957
Rumania . . . . .	28. 5.1957
Sweden . . . . .	25.11.1949
Tunisia . . . . .	18. 6.1957

Countries	Date of registration of ratification
Ukraine . . . . .	14. 9.1956
United Arab Republic (Egypt) . . . . .	6.11.1957
United Kingdom <sup>2</sup> . . . . .	27. 6.1949
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	23. 7.1958

<sup>1</sup> See footnote 4 to Convention No. 4.  
<sup>2</sup> In respect of Great Britain.

*Belgium.*  
Royal Order of 11 February 1957.  
As regards state employees the above-mentioned Order excludes certain persons from the scope of application of the Royal Order of 20 June 1955 (right of organisation of public service personnel), namely " persons responsible for the safety of the State in the field of nuclear energy and their executive assistants, including supervisors, craftsmen and supporting staff ". These persons are covered by the Act of 4 August 1955 respecting the safety of the State in the field of nuclear energy; their exclusion from the scope of the Order of 20 June

1955 is justified by the highly confidential nature of the work entrusted to them.

#### *Burma (First Report).*

Constitution of the Union of Burma.  
Trade Unions Act and the Regulations thereunder.

Section 4 of the Trade Unions Act states that seven or more members of a union may apply for registration. Section 21 entitles any person over the age of 15 to be a union member.

Section 5 stipulates the requirements that must be complied with in registering a union, viz. submission of particulars regarding the members making the application and the officers of the union, the name and address of the union, the total number of members and a copy of the rules. If the union has been in existence for more than one year, this application must be accompanied by a general statement of its assets and liabilities.

There is no statutory ban on the formation of occupational organisations by either workers or employers. The Constitution states that all citizens are entitled to form associations and unions, although it forbids any association or organisation whose object or activity is intended or is likely to undermine the Constitution.

Section 6 of the Trade Unions Act deals with the contents of the rules of a registered union. A union is entitled to registration if (a) its executive has been formed in accordance with the law, and (b) if its rules cover certain precise points, such as the name of the union and its objects, the purposes for which its general funds may be applied, the maintenance of a list of members and facilities for the inspection thereof, the admission of ordinary and honorary or temporary members as officers, the manner in which the members of the executive can be appointed and removed, etc.

This section also states that the certificate of registration may be withdrawn or cancelled if it has been obtained by fraud or mistake, if the union has ceased to exist or if it has been guilty of a breach of the law. An appeal may be made against this decision (section 11).

Section 24 prescribes the minimum number of votes required to enable two or more registered unions to amalgamate.

There are no statutory provisions governing affiliation to international organisations nor are there any regulations affecting federations and confederations, although in practice Articles 2, 3 and 4 of the Convention also apply.

Registration is not compulsory under the Trade Unions Act.

There are no laws or regulations for the armed forces and the police.

So far, there have been no decisions by the courts.

#### *Byelorussia (First Report).*

Constitution.  
Labour Code.

Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958, respecting the rights of works committees and local trade union committees.

*Article 2 of the Convention.* Article 100 of the Constitution states that citizens of Byelorussia are entitled to combine to form public

organisations, including trade unions. This applies to all citizens irrespective of nationality, race, sex, religious convictions, etc.

No conditions are attached to the formation of trade unions and section 152 of the Labour Code states that they may be formed freely without having to be registered with any government department.

Managerial staffs have the same rights as any other citizens, i.e. they are free to form their own organisations.

*Article 3.* The trade unions draw up their own rules in complete independence. They freely elect their own representatives and operate without restriction.

The report goes on to describe the part played by the trade union movement in the country's public and political life. Under section 156 of the Labour Code government agencies are required to assist trade unions, and section 162 forbids managements of undertakings, offices, farms, etc., to obstruct in any way the activities of trade unions and trade union committees.

*Article 4.* Government agencies have no power to order the dissolution or suspension of trade unions. A union may only be dissolved by a higher trade union body.

It is up to the unions themselves to decide whether or not they wish to form federations or confederations and to affiliate to international organisations.

*Article 6.* The regulations governing individual trade unions also apply to federations and confederations.

*Article 7.* The rights of trade unions as bodies corporate are defined in section 154 of the Labour Code. The granting of legal status is not subject to any conditions.

*Article 8.* The Constitution grants to citizens freedom of speech, freedom of the press, the right to hold meetings and the right to take part in public processions and demonstrations.

*Article 9.* Members of the police and the armed forces do not belong to trade unions.

#### *Cuba.*

The Government supplies copies of Decree No. 3509 of 1957, Resolutions Nos. 176, 249, 252, 270 and 272 of 1957 and Decree No. 1683 of 1958.

There has never been any confusion between the terms "political activities" and "trade union activities". The first refers to any case in which a union considers itself to be an integral part of a party or linked with its policy, and not to cases in which its members engage in political activities on their own account. As regards "trade union activities" the Government neither approves nor disapproves of them, provided they do not go beyond the unions' own rules.

If the Committee of Experts would state clearly in what way the ban on political activities interferes with the conduct of trade unions, the Government could suggest to the legislative bodies the repeal of the section of Legislative Decree No. 2605 forbidding political activities by trade unions.



*Denmark.*

As regards central government officials the Civil Servants Act of 7 June 1958, which has superseded the previous Act of 6 June 1946, provides that their right of negotiation in relation to the government departments shall be exercised through their three central organisations, which are confederations of the organisations recognised for each government department. The maximum number of civil servants' organisations entitled to negotiate in respect of each government department has been increased from two to three, and the organisations must prove that they are affiliated with one of the three central organisations. If three organisations entitled to negotiate have already been established in respect of a government department, any new organisations will have to enter into an alliance with an organisation already entitled to negotiate in order to obtain such right. Contrary to the provisions of the previous Civil Servants Act, the new Act provides that the recognised organisations are entitled to negotiate with the respective government department also on questions concerning appointment and discharge of individual civil servants.

The employment relations of local government officials are not regulated by law but by special rules laid down by the local authority concerned and confirmed by the county council (as regards the rural communes) or by the Ministry of the Interior (as regards the urban communes).

As far as the Copenhagen area is concerned, the salaries and retirement pensions of municipal officials as well as the rules governing their appointment and discharge are to be found in the Regulations of the City of Copenhagen.

The rules governing the legal status of municipal officials formerly varied from one commune to another and were often of a summary character; in the vast majority of the urban communes of the country, however, they are now drawn up in accordance with the standard rules prepared on the pattern of the (State) Civil Servants' Act. The same applies to the rules governing the right of negotiation of municipal officials.

No special conditions exist governing recognition of organisations of municipal officials, most of whom are members of countrywide organisations. Like central government officials, municipal officials are free to organise.

As regards persons in the service of a local authority who are not public officials, no restriction has been placed by law or regulation on their right to organise.

*Dominican Republic.*

Constitution, Article 8.  
Labour Code of 11 June 1951 (*L.S.* 1951—Dom. 1), Book V.

*Article 2 of the Convention.* Workers and employers may, without distinction or prior permission, form organisations to safeguard their interests. This principle is laid down in the Fundamental Charter (section 8 (8)) and in sections 296 and 297 of the Labour Code. Section 296 authorises persons of the same

occupation or allied occupations to form trade unions, while section 297 states that employers in related or allied occupations may also form associations among themselves. Sections 347 and 348 prescribe the conditions governing the formation of such organisations.

*Article 3.* Sections 304 and 305 state that occupational associations may specify in their rules the conditions governing the admission or expulsion of their members.

*Article 4.* The principle stated in this Article of the Convention is embodied in sections 352 and 356 of the Code, whereby an association may only be dissolved in accordance with its rules, by decision of its general meeting or by court order cancelling its registration.

*Article 5.* Section 357 states that occupational associations may form communal, provincial, regional or national federations which in turn may form confederations if authorised to do so by a two-thirds majority vote of the membership at a general meeting.

*Article 6.* Sections 358 and 360 specify the procedure for forming a federation or confederation; this is the same as for the formation of individual associations.

*Article 7.* The granting of legal personality is regulated by sections 311, 348 and 349. Occupational associations acquire legal personality automatically on registration with the Secretariat of State for Labour.

*Article 8.* Section 306 forbids occupational associations to restrict freedom of employment or to attempt to compel workers or employers to become or to remain members. Section 307 has been amended by Act No. 4958 of 19 July 1958 (a copy of which was appended) in order to strengthen the safeguards in respect of freedom of association.

*Article 9.* The law contains no provision extending the safeguards of the Convention to the armed forces and the police.

*Federal Republic of Germany (First Report).*

Constitution of 23 May 1949 (*Bundesgesetzblatt*, Part I, p. 1), article 9.

There is no special enactment dealing with occupational organisations and the whole German system in this respect is legally based on the above-mentioned article of the Constitution, whereby both employers and workers have an equal right to associate to form occupational organisations. It is not necessary for such organisations to register, but if they wish to operate as "registered associations" they may register themselves with the courts. There is no difference between registered and unregistered organisations and the large German trade unions belong to the latter category.

Employers, employees and civil servants all possess the right to organise.

Workers are at liberty to join the union of their own choosing and, as members, are entitled to exercise the rights specified in Article 3 of the Convention. A trade union may only be prohibited if its purpose or activities are contrary to the criminal law, the constitutional

system or the principle of understanding between the peoples.

Under article 9 of the Constitution trade unions may form federations and confederations which are subject to the same conditions as individual unions themselves. They are also free to affiliate to international organisations.

In order to acquire legal personality a union must follow the procedure laid down in the Civil Code, but this is a pure formality.

The foregoing provisions also apply to the armed forces and to the police.

#### *Honduras (First Report).*

Constitution of 19 December 1957 (*L.S.* 1957—Hon. 5) [Extracts].

Charter of Labour Guarantees of 16 February 1955 (*L.S.* 1955—Hon. 1).

Act No. 101 of 6 June 1955 respecting employers' and workers' associations (*L.S.* 1955—Hon. 2 B), as amended by Decree No. 169 (*a*) (*La Gaceta*, No. 16329, 9 Nov. 1957) and Decree No. 30 (*La Gaceta*, No. 16431, 13 Mar. 1958).

By virtue of the Constitution ratified Conventions become laws of the Republic.

*Article 2 of the Convention.* Article 112 (13) of the Constitution, section 5 of the Charter of Labour Guarantees and section 1 of the Act respecting employers' and workers' organisations guarantee to workers and employers the right to combine freely in trade unions or occupational associations, this right being governed by legislation. Sections 6 to 11 of the Act respecting employers' and workers' associations, the text of which is reproduced in the report, lay down certain conditions. Section 8 provides in particular that two-thirds of the members of each occupational association shall be nationals of Honduras. There are no special laws or regulations regarding the establishment of organisations for public officials.

*Article 3.* Section 6 of the Charter of Labour Guarantees and section 3 of the Act respecting employers' and workers' associations determine certain attributes of those organisations. Section 14 of the Act specifies what must be contained in the constitutions of such associations. Under section 2 of the same Act the aim of each occupational association must be to defend the social and economic interests of its members, while abstaining from any activities of a political nature.

*Article 4.* Honduran legislation does not allow the dissolution of an occupational association by an administrative body. Occupational associations can be dissolved only in certain cases established by section 38 and Chapter IX of the Act respecting employers' and workers' associations (carrying on business for gain, activities contrary to the democratic way of life, etc.).

*Article 5.* Section 32 of the same Act, which is quoted in the report, provides that the constitution of federations and confederations of occupational associations must be approved by the Department of Labour before their separate legal personality can be recognised.

*Article 6.* The provisions of Honduran legislation which give effect to Articles 2, 3 and 4

of the Convention are also applicable to federations and confederations for which, however, special provision is also made in Chapter X of the Act respecting employers' and workers' associations.

*Article 7.* Chapter VIII of the above-mentioned Act deals with the conditions subject to which occupational associations acquire legal personality. According to sections 25 and 27 of the same Act, the text of which is quoted in the report, occupational associations must be registered at the Department of Labour, which may refuse to register any association whose constitution is contrary to law. Moreover, according to section 26 of the same Act an occupational association "shall, if called upon to do so, produce at any time for examination by the Department of Labour the original minutes of its general meetings and the meetings of its managing committee".

*Article 8.* Article 85 of the Constitution recognises the right of assembly and public demonstration. By virtue of article 163 of the Constitution those rights may be temporarily suspended in case of war or internal disturbances. The Penal Code and Decree No. 95 of 1946, the text of which is quoted in the report, contain provisions relating to activities of a subversive nature or calculated to undermine the authority of the State.

*Article 9.* No legal provisions exist granting to members of the armed forces and of the police the rights guaranteed by the Constitution.

Free exercise of the right to organise is guaranteed by article 112 (13) of the Constitution.

If a decree should be issued restricting the right to organise, an extraordinary appeal on grounds of unconstitutional action may be lodged with the Supreme Court of Justice.

Finally, the report gives details of a decision of the Supreme Court relating to the right to organise.

#### *Ireland.*

In reply to the Committee's request for information the Government states that no special legal provisions exist regarding the establishment, functioning and dissolution of organisations of civil servants. Under an agreement concluded between the Minister for Finance and the Civil Service Staff Organisations, conciliation and arbitration in the civil service are operated, on the employees' side, by Civil Service Staff Associations recognised by the Minister for Finance. These associations are not required to hold a negotiation licence.

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

Ottoman Law of Associations of 1909.

*Article 2 of the Convention.* Under section 2 of the Associations Law no permit is needed to form an organisation; the founders must simply notify the authorities of its formation, forwarding two copies of the rules and certain prescribed particulars.

*Article 3.* Organisations enjoy complete freedom of activity so long as they do not endanger

the State, in the strict sense of that term. The right of the police to supervise associations generally (section 18 of the Law) is obsolete; there is no interference by the public authorities.

*Article 4.* The only legal provision that permitted the administrative authorities to dissolve associations (section 6 of the Law) is obsolete.

*Article 5.* The rights to form federations and confederations and to affiliate with international organisations are freely enjoyed.

*Article 6.* The system applicable to organisations applies also to their federations and confederations.

*Article 7.* Registration confers legal personality and is optional.

*Article 8.* The laws of Israel do not impair the guarantees laid down in the Convention. Section 69 of the Criminal Code Ordinance of 1936 declares organisations to be unlawful which further the overthrow of the Constitution of Israel by revolution or sabotage, the overthrow by force or violence of the Government of Israel or any other civilised country, or the destruction or injury of government property or of property used in interstate trade, or which are affiliated with organisations promoting such doctrines; organisations are also unlawful if they further the carrying out of seditious intentions as defined by section 60 of the Code. Section 79 of the Code prohibits unlawful assemblies.

*Article 9.* Members of the armed forces and police may belong to workers' organisations but may not participate in political activities or bargain collectively.

#### *Mexico.*

The status of employees in the service of the State does not apply to employees of nationalised enterprises, or decentralised bodies as they are called in Mexico, since the latter are covered by the Federal Labour Law.

With respect to the observations made by the Committee of Experts regarding freedom of association, representations are being made to the competent authorities with a view to bringing Mexican legislation into line with the Convention.

#### *Netherlands.*

The report confirms that trade unions must have legal personality in order to be able, *inter alia*, to conclude collective agreements (Act of 24 December 1927).

Under article 66 of the Constitution ratified international Conventions take precedence over Netherlands internal law. The Associations Act of 1855, however, in no way conflicts with the Convention as a whole or with Article 2 in particular. A distinction should be drawn between the formation of an association and the granting of legal personality. Moreover, applications for the latter are always sympathetically considered.

The Government adds that if a refusal to grant legal personality to a trade union were submitted to the States General it would be prepared to provide the Committee of Experts with the official record of the proceedings.

#### *Pakistan.*

In reply to the request made by the Committee for information the Government states that no legal decisions relating to the application of the Convention have come to its notice and that it has no observations to make concerning the manner in which the Convention is applied.

In reply to the Committee's observation the Government states that the Bill to amend the legislation on trade unions was discussed at a recent Tripartite Labour Conference, which made certain recommendations, and that it is now being re-examined in the light of those recommendations. The Cabinet Secretariat was informed of the Committee's views on the position of public officials in relation to Article 2. This question is still being examined and the final views of the Secretariat will be forwarded when received.

#### *Philippines.*

In reply to an observation made by the Committee of Experts the Government supplies the text of a Bill seeking to abolish the requirement that officers of labour organisations must file "non-subversive" affidavits, and to remove from Republic Act No. 875 all other provisions relating to such affidavits.

#### *Poland (First Report).*

Constitution of 22 July 1952.

Trade Unions Act of 1 July 1949 (*L.S.* 1949—Pol. 2). Order of 7 June 1927 of the President of the Republic respecting industrial law.

Order of 15 December 1950 of the Chairman of the State Planning Commission prescribing the agencies and institutions responsible for certain functions hitherto discharged by the Chamber of Industry and Commerce.

Ordinance of 8 November 1949 of the Minister of Commerce respecting the establishment of private commercial and service associations.

Statute of 19 April 1958 of the Association of Trade Unions.

In view of the social and political structure of Poland, which is characterised by socialisation of industry, commerce and banking, the part played by private enterprise is a minor one. Accordingly, the information given in the report refers only to the workers and their trade unions.

*Article 2 of the Convention.* Article 72 of the Constitution of the People's Republic of Poland, the text of which is quoted in the report, guarantees to all workers the right to organise but prohibits the establishment of any associations whose aims would endanger the political system or legal order of the People's Republic of Poland.

Trade unions operate under the Trade Unions Act of 1 July 1949.

Under this Act, and in order to facilitate as much as possible the trade unions' task of representing and protecting the workers, all wage earners and salaried employees are entitled, without any discrimination whatsoever, to form and to join organisations subject only to the proviso that they must comply with the rules.

Workers in any given occupation may only form their own trade unions on condition that

they carry out the requirements of the Trade Unions Act and the Statute of the Association of Trade Unions, particularly section 53 of the latter.

In order to form a trade union the workers appoint an organising committee, which arranges the constituent meeting at which a decision is taken to form a union, and the rules are adopted; these rules are then registered with the Central Council of Trade Unions. The principle of freedom to join a union is laid down in sections 7, 11 and 12 of the Statute of the Association of Trade Unions (these sections are quoted in the report).

There are no special legal provisions affecting civil servants and other government workers, who are covered by the relevant general principles.

*Article 3.* Under section 15 of the Statute of the Association of Trade Unions the latter are entitled to draw up their own rules, to elect their own representatives, etc., in complete freedom. Their officials are appointed by election and may be relieved of office if they act counter to the rules of the Association or the union, if they obstruct the decisions of senior trade union bodies or commit acts which conflict with the principles of trade union co-operation. Trade union officials at all levels must abide by the decisions of trade union authorities senior to them.

*Article 4.* Under the Trade Unions Act of 1949 the public authorities have no power to interfere in the internal running of a trade union. This Act repealed the Decree of 8 February 1919, together with sections 7 and 11 (2) of the Order of 27 October 1932 of the President of the Republic.

*Article 5.* Polish legislation contains no provision dealing with the affiliation of national trade unions to international workers' organisations. In practice, however, such affiliations do take place.

*Article 6.* The legislation applies equally to trade unions and to federations or confederations of trade unions.

*Article 7.* Every trade union acquires legal personality on registration of its rules with the Central Council of Trade Unions.

*Article 8.* Trade unions and their leaders are bound to respect the law.

*Article 9.* The national legislation applies to all civilians employed by the army and the police. It does not cover serving members of the armed forces and the militia.

#### *Rumania (First Report).*

Freedom to form trade unions is guaranteed by the national Constitution. Questions relating to the rights and obligations of trade unions are regulated by the legislation.

The right to join a trade union organisation is granted without previous authorisation to persons exercising the same or related professions. No one may be obliged to join, refrain from joining or resign from a trade union.

The methods of constitution, organisation and operation of the trade unions are determined by

their own statutes. These must contain the aims of the trade union, the conditions of admission and of withdrawal, and also the rights and obligations of members. The statutes may not under any circumstances derogate from the political or religious freedom of its members.

No legal provisions exist authorising the administrative organs to limit the right of association or to intervene in the activities of the trade union organisations.

#### *Sweden.*

In response to the request made by the Committee of Experts the Government supplies the following information.

The Supreme Administrative Tribunal rendered a judgment on 5 May 1958 from which it appears that the municipal civil servants appointed by the Crown may not be discharged by the municipality and that the latter is not empowered to reduce their salary; more precisely, the municipality has no right to make provision for the salaries of civil servants to be reduced in case of dispute, even with the consent of the interested parties. In acting thus the municipality would exceed its powers. On the other hand, the fullest powers are granted to the municipality in connection with the discharge and remuneration of municipal employees appointed by the municipality itself. It can, within the provisions of the law, discharge such employees in case of any dispute and may, in the matter of remuneration, take any measures which it deems to be in its interest. In the case which gave rise to the judgment of the Supreme Administrative Tribunal concerning this category of civil servants, the Tribunal deemed that the decision to reduce salaries had been taken with a view to terminating the dispute rapidly and that neither the manner of taking the decision nor the purposes it was intended to serve could be considered as improper.

The Government appends to its report a list of cases brought before the labour courts relating to attempts to prevent the exercise of the right to organise.

#### *Tunisia (First Report).*

Decree of 15 November 1956 respecting the general status of permanent employees of the State and of public bodies.

Act No. 59-4 of 10 January 1959 to issue a statute for trade unions in Tunisia (repealing the Decree of 16 November 1932 respecting trade unions).

Section 1, paragraph 1, of the Act of 10 January 1959 grants to workers and employers engaged in the same or related professions the right to associate freely in trade unions. Affiliation to trade unions is entirely free. Salaried employees and wage earners employed by the State and by public bodies also enjoy trade union rights (Decree of 15 November 1956).

Trade unions have full freedom to draw up their constitutions and rules, to organise their administration and their activities and to elect their representatives. Although a principle has been laid down that the leaders of trade unions must be Tunisian, it is nevertheless possible for

a non-Tunisian to be elected as such, if the Secretaries of State concerned so agree.

The Act of 10 January 1959 eliminates the possibility of dissolving trade unions by administrative means. Moreover, Tunisian legislation does not provide for suspension.

Trade unions may freely associate in federations and confederations (section 13 of the Act of 10 January 1959), which are then subject to the same rules as apply to the individual trade unions. No specific legal provisions exist with regard to the right of national trade union organisations to affiliate with international organisations; this right in fact exists and is freely exercised.

From the moment of their formation workers' and employers' organisations and their federations and confederations enjoy legal personality by right.

The right to organise is not granted to the armed forces. Members of the police force, however, enjoy freedom of association, only the right to strike being denied them (Decree No. 57-194 of 31 December 1957).

The principle of the freedom of association, established by legal usage, is accepted in current practice and meets with no obstacle. It is laid down in all collective agreements in force.

All types of occupational and employers' and workers' associations are grouped in powerful central organisations whose position is strong enough to preserve them from interference.

#### *Ukraine (First Report).*

Constitution of 30 January 1937 (as amended in 1947).  
Labour Code of 1922 (Kiev, 1940).  
Constitution of the Soviet Trade Unions.

The right to organise is guaranteed by law and in particular by the Constitution and the Labour Code. Thus article 106 of the Constitution lays down the right of the workers to form trade unions, and Part XV of the Labour Code states that the unions are organised on the basis determined at assemblies of the trade union organisations concerned. The Code also stipulates that neither the unions themselves nor their rules need to be registered with any government agency.

It follows that any citizen employed in industry, transport, building, agriculture, commerce, administration, etc., is entitled to join a trade union without any restriction whatsoever. Membership is not subject to any conditions or to any discrimination based on race, religion, sex, etc.

Although the socialist economic system makes it pointless to establish any special organisation to safeguard the interests of managers of undertakings, the law imposes no restriction on the right of managerial staffs to form associations of their own. Article 105 of the Constitution entitles them (in common with all other citizens) to combine to form societies, unions or clubs.

Under section 51 of the Constitution of the Soviet trade unions, each union is empowered to draw up its own rules having regard to its special circumstances. It is also entitled to elect its own representatives freely and to conduct its own affairs.

The right to draw up these rules is exercised directly by the Central Council of Trade Unions and by the central committees of the individual unions. No restrictions are imposed by government agencies on the internal running of the trade unions.

There is no legislative provision for the suspension or dissolution of trade unions by administrative order or for the curtailment of their activities. Section 123 of the Penal Code renders any person who obstructs the lawful activity of the trade union committees or their representatives liable to a term of imprisonment of up to one year.

There is no law preventing trade unions from forming federations or taking part in the work of international trade union organisations.

Trade unions are formed on a industry-wide basis; in other words, all persons employed in the same undertaking or institution belong to the same union, and each union comprises persons employed in a particular branch of the national economy. The unions are run by national, regional, municipal and district committees, the members of which are elected by the appropriate trade union conference. Co-ordination is achieved by means of national and regional councils, the members of which are elected by inter-trade union conferences. Trade union committees have legal personality.

Section 154 of the Labour Code empowers trade unions to acquire and administer property, to be parties to agreements and to conclude transactions which are valid in law.

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

Constitution of the U.S.S.R. of 1936.  
Constitution of the R.S.F.S.R. of 1937 and the Constitutions of other Soviet Federated Republics.  
Labour Code of the R.S.F.S.R. of 1922, as amended (L.S. 1936—Russ. 1) and the Labour Codes of other Soviet Federated Republics.  
Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958, respecting the rights of works committees and local trade union committees.  
Civil Code of the R.S.F.S.R.

Freedom of association and protection of the right to organise were guaranteed to Soviet workers by the Constitution of the R.S.F.S.R. of 1918. The U.S.S.R. ratified Convention No. 87 without having to make any change in the existing Soviet legislation.

Soviet legislation does not contain any provisions restricting the right of workers to constitute trade unions or the activities of those unions. All workers, without any discrimination whatsoever, have the right to set up organisations of their own choice without any prior authorisation and to join such organisations in full freedom. They are also entirely free not to join a union. The right to organise is guaranteed in particular by article 126 of the Constitution of the U.S.S.R. Section 152 of the Labour Code of the R.S.F.S.R. (and the corresponding sections of the Labour Codes of other Soviet Federated Republics) provide that "trade unions (productive unions) shall not be liable to registration by state offices". The guarantee of the right to organise extends to public servants, employees of the communications services and railways, etc.

No special regulations exist in Soviet legislation concerning the constitution or the activities of organisations of heads of undertakings (employers). Private ownership of means of production having been eliminated, there cannot exist employers' organisations in the sense in which that term is used in capitalist countries; in other words, there is no concept of organisations to defend the interests of employers as distinct from those of workers. However, heads of undertakings, like all Soviet citizens, have the right to establish their own organisations in full freedom.

The State protects the freedom of action of the trade unions and strictly prohibits interference in any form with the exercise of trade union rights. In the U.S.S.R. trade unions are given the full right to draw up their own constitutions and rules, to elect their representatives, to organise their administration and activities and to formulate their programmes of action, free from government intervention (Labour Code of the R.S.F.S.R., sections 152 and 153).

Section 161 of the Labour Code of the R.S.F.S.R. states that the management of undertakings, institutions or businesses shall not hinder the activities of the trade union committees of wage-earning and salaried employees or the union meetings entitled to elect them. Any attempt to prejudice trade union rights is punishable under the Penal Code (section 167 of the Labour Code and section 135 of the Penal Code of the R.S.F.S.R.).

Trade unions are not liable to dissolution or suspension by administrative authority, no such measures being contained in Soviet legislation. Suspension and dissolution come entirely within the competence of the trade union organisations themselves and not within that of the state authorities. Trade unions can only be dissolved by their members in conformity with their constitution, the registration being annulled only by the federation which made it in the first place.

Trade unions have the right freely to set up their own associations or federations, no distinction being made by the Constitution of the U.S.S.R. between the right to organise granted to individuals and that granted to associations. Moreover, sections 152 and 153 of the Labour Code of the R.S.F.S.R. refers explicitly to central federations of unions to which the trade unions are affiliated. Federations of trade unions exist and operate under the same principles as individual trade unions.

The acquisition of legal personality by trade unions is not subordinated to any conditions which might interfere with the application of Articles 2, 3 and 4 of the Convention. The rights of trade unions as bodies corporate are defined in section 154 of the Labour Code of the R.S.F.S.R. (see also section 13 of the Civil Code). The right of works, factory and local trade unions to possess legal personality is also provided for by the Regulations concerning the rights of works, factory and local trade unions which were confirmed by the above-mentioned Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R. dated 15 July 1958.

Soviet trade union legislation guarantees

more extensive rights than are provided for in the Convention. Among the provisions of a general nature relating to public organisations mention may be made of Chapter I of the Constitution (Social structure) and Chapter X (Fundamental rights and duties of citizens) of the Constitution of the U.S.S.R. In particular article 125 guarantees Soviet citizens freedom of speech, freedom of the press, freedom of assembly, as well as freedom to take part in street processions and demonstrations. By these constitutional provisions the trade unions are assured of being able to carry on their activities in full freedom.

The guarantees mentioned in the Convention do not extend to members of the armed forces and the police; there are no trade unions in the Soviet armed forces or police.

The Soviet State attaches great importance to the activity of public organisations; it grants them the effective right to take an active part in the economic, political and cultural life of the country. In the U.S.S.R. the right of workers to associate and organise is guaranteed both in order to enable them to secure and defend their interests and to develop initiative and political activity amongst the masses (section 126 of the Constitution of the U.S.S.R.).

At the present time there are 22 industrial unions representing the various sectors of the national economy. These unions help to elaborate laws relating to social and economic matters and do all they can to ensure constant application of those laws.

In view of the increased role of trade unions in state and economic organisations the Praesidium of the Supreme Soviet of the U.S.S.R. confirmed, on 15 July 1958, the Regulations concerning the rights of works, factory and local committees, which had been elaborated by the Central Council of Trade Unions. These Regulations extend the rights of these committees in respect of the management of undertakings and measures for improving the living and working conditions of wage earners. The Decree of the Praesidium of the Supreme Soviet of the U.S.S.R. dated 15 July 1958 concerning the extension of the rights of the above-mentioned committees, and the Joint Order of the Council of Ministers of the U.S.S.R. dated 9 July 1958 to create "permanent production conferences" constitute two important steps towards the extension of the rights of trade unions which, at present more than ever, participate actively in the elaboration of national, social and economic policy and its implementation.

Up to the present time no decisions have been given by courts of law on questions relating to the application of the Convention as no such questions have arisen.

\* \* \*

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

*Austria, Finland, France, Guatemala, Iceland, 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
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 Arab Republic (Egypt) . . . . .	3. 7. 1954
United Kingdom . . . . .	10. 8. 1949
Yugoslavia . . . . .	23. 7. 1958

#### Cuba.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 682.

#### Czechoslovakia.

Government Order No. 50 of 31 July 1957 to abolish the Ministry of Manpower and the Manpower Commissariat.

The functions of the above Ministry, in so far as they affect the planning and organisation of the recruitment and allocation of manpower, together with government control of employment, have been transferred to the State Planning Office and to the councils of the regional people's committees; the other functions respecting the recruitment and allocation of manpower and government control of employment have been transferred to the executive agencies of the people's committees.

#### France

Act No. 57-1223 of 23 November 1957 respecting the reclassification of handicapped workers (*Journal officiel*, No. 273, 24 Nov. 1957, pp. 10858-10862).

#### Greece (First Report).<sup>1</sup>

Legislative Decree of 8 October 1932 to consolidate in a single text Act No. 5288 of 31 August 1931 respecting the regulation of the labour market and the provisions of section I of Act No. 5598 of 27 August 1932 to amend and supplement certain Acts for the protection of workers (L.S. 1932—Gr. 7).

<sup>1</sup> The report for the period 1956-57 having arrived too late to be summarised in 1958, the present summary covers a period of two years; it also includes the information supplied by the Government in reply to a direct request made by the Committee of Experts in 1958.

Act No. 560/1945 respecting the organisation of the Ministry of Labour (*Ephemeris tes Kyberneseos*, No. 237, 26 Sep. 1945).

Emergency Act No. 1542/1950 of 29 October 1950 respecting the establishment at the Ministry of Labour of a Technical Section and Council of Apprenticeship and Technical Education (*Ephemeris tes Kyberneseos*, No. 251, 29 Oct. 1950).

Legislative Decree No. 2656/1953 of 17 October 1953 respecting the organisation and supervision of the employment market (*Ephemeris tes Kyberneseos*, No. 299, 31 Oct. 1953) (L.S. 1953—Gr. 4), as supplemented and amended by Act No. 3252/1955 (see below).

Legislative Decree No. 2961/1954 of 10 August 1954 to create an Employment and Unemployment Insurance Organisation (*Ephemeris tes Kyberneseos*, No. 197, 25 Aug. 1954) (L.S. 1954—Gr. 2).

Act No. 3198/1955 of 20 April 1955 to amend and supplement the provisions relating to the termination of contracts of employment (*Ephemeris tes Kyberneseos*, No. 98, 23 Apr. 1955) (L.S. 1955—Gr. 1).

Act No. 3252/1955 of 2 June 1955 respecting the administration of the Employment and Unemployment Insurance Organisation, the organisation of employment offices and amendment of some Acts (*Ephemeris tes Kyberneseos*, No. 142, 3 June 1955).

Act No. 3464/1955 of 31 December 1955 to amend and supplement the provisions on unemployment insurance (*Ephemeris tes Kyberneseos*, No. 380, 31 Dec. 1955) (L.S. 1955—Gr. 3).

**Article 1 of the Convention.** The Employment Directorate, established within the Ministry of Labour by section 5 of Act No. 560/1945, is responsible for studying, suggesting, drawing up, and ensuring the application of, measures for the placement of the unemployed, and for studying the employment situation. Under section 1 of Act No. 3252/1955 the Ministry's employment policy is carried out through the Employment and Unemployment Insurance Organisation (O.A.A.A.), the public employment offices (which are placed under O.A.A.A.), and the vocational education offices. The Employment Directorate also operates an office for the placement of persons discharged from the army, as well as a section for emigration. The placement of workers in agriculture is not undertaken by the employment offices as these operate only in urban centres.

**Article 2.** Under section 7 of Act No. 3252/1955 the employment offices are considered as external services of the Ministry of Labour and come under its Employment Directorate.

**Article 3.** Employment offices are set up by Royal Decree under section 7 of Act No. 3252/1955. There is provision for the establishment or closure of employment offices where reasons exist for such a course. These offices are located in the most important urban centres.

**Article 4.** Under section 2 of Act No. 3252/1955, the O.A.A.A. is administered by a governing body of nine members, including three representatives of employers and three of workers. The employers' and workers' representatives are appointed by their respective organisations. Moreover, advisory committees, comprising workers' and employers' representatives in equal numbers, have been established and operate in all employment offices.



*Article 5.* The placement policy of the O.A.A.A. is controlled and followed up by its governing body and by the employment office advisory committees.

*Article 6.* Under section 5 of Legislative Decree No. 2656/1953, unemployed persons able to work and seeking employment must register with the nearest employment office, and employers must engage workers through the appropriate employment offices. Following a decision of the Minister of Labour, placement is carried out on a priority basis determined in accordance with employment market conditions and the general views of the State regarding utilisation of the country's manpower. Under section 3 employment offices are responsible for the placement of wage earners and salaried employees; for giving vocational guidance to persons seeking employment; for giving vocational training to the unemployed; for guiding those interested to existing possibilities of vocational development; for informing the public regarding existing possibilities of the employment market from the vocational point of view; for following the trends of employment, unemployment and new engagements, and evaluating these statistically by carrying out surveys from time to time; for suggesting to the Ministry of Labour measures to assist the co-ordination of labour supply and demand in the different branches of the economy and regions of the country, including the transport of unemployed to places where work is available; for informing prospective emigrants of labour conditions and employment opportunities in immigration countries; for providing monthly statistics of the employment market with an analysis of economic developments; and for giving opinions as to the extension of unemployment insurance and any measures relating to employment and unemployment. Under section 7 of Legislative Decree No. 2961/1954 the Minister of Labour is empowered to order the movement of unemployed persons to take up employment in other areas within the framework of the productive employment policy.

*Article 7.* Within each employment office there are sections dealing with (1) workers and technicians, (2) scientific staff, and (3) women and young persons.

*Article 8.* Vocational guidance has been introduced by sections 3 and 4 of Legislative Decree No. 2656/1953. Thirty vocational guidance officers trained in a special school set up by the Ministry of Labour in Athens are working in employment offices to guide young people towards suitable jobs.

*Article 9.* Section 8 of Act No. 3252/1955 provides that all employment office staff come directly under the Ministry of Labour, and that their placement, transfer and disciplinary penalties must comply with the regulations applying to officials of the external services of that Ministry. A scheme of gradual post-engagement training has been prepared and is to be put into application in the near future. Circular letters are sent giving advice to the staff on the conduct of certain operations. A number of employees have had training through the I.L.O. fellowship programme.

*Article 10.* The establishment of new employment offices is announced in the Government Gazette. The O.A.A.A. sends letters to employers and trade unions inviting them to co-operate with the employment service.

*Article 11.* There are no private employment agencies, as their establishment and operation was prohibited following the establishment of public employment offices in 1931.

*Article 12.* The Convention applies to the whole of the country.

#### *Italy.*

Presidential Decree No. 773 of 18 July 1957 (Regulations concerning the placement of hotel workers). Act No. 264 of 13 March 1958 to extend the employment service to domestic workers.

The above two texts introduce specialised placing arrangements for the workers concerned.

In reply to the observations made by the Committee of Experts the Government states once more that it is prepared to examine the possibility of amending legislation on the lines suggested by the Committee of Experts, provided the parties concerned are agreed on the matter, in accordance with the hope expressed by the Committee itself. It must, however, have regard to the negative attitude of the workers' organisations, as shown by their representative at the Conference, who called for the application of article 19, paragraph 8, of the Constitution of the I.L.O. In any case, the question has been referred by the Ministry of Labour to its competent services, which have been informed of the views of the Committee of Experts and of the organisations concerned.

#### *Philippines.*

The Department of Labour is working out plans for the establishment of ten regional employment market information offices in key centres of the country. These offices will attend to the collection, processing and dissemination of information of the development and utilisation of manpower. They will be financed from the Asian development funds of the I.C.A. for a period of one year.

#### *Turkey.*

*Article 7, clause (b), of the Convention.* Some of the larger employment offices have done experimental work in the placement of disabled persons.

*Article 8.* The Istanbul employment office has carried out some experimental work in the field of vocational guidance.

\* \* \*

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, Guatemala, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey, United Arab Republic (Egypt), United Kingdom.*

The report from the *Dominican Republic* reproduces the information previously supplied.



## 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
Spain . . . . .	24. 6.1958
Switzerland . . . . .	6. 5.1950
Tunisia . . . . .	15. 5.1957
Union of South Africa . . . . .	2. 3.1950
United Arab Republic (Syria) . . . . .	1.12.1949
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	20. 6.1956

#### *Austria.*

For the Government's reply to observations by the Committee of Experts see *Report of the Committee*, p. 682.

#### *Dominican Republic.*

Act No. 4933 of 6 June 1958 (*Gaceta Oficial*, Vol. LXXIX, No. 8254, 21 June 1958).

The above Act has amended section 219 of the Labour Code to bring it into line with Article 2 of the Convention.

The new section 219 stipulates that women may not be employed at night during a period of 11 consecutive hours to be prescribed by the Secretary of State for Labour; this period must include the interval between 10 p.m. and 7 a.m. This same section also empowers the Secretary of State for Labour to fix different intervals for different areas, industries or undertakings.

Exceptions to this prohibition are allowed in a limited number of cases specified in the Act.

#### *Netherlands.*

In connection with a direct request made by the Committee of Experts the Government supplies two extracts from decisions of the Court of Appeal, taken in 1922 and 1930 respectively, which give an interpretation of section 83 (7) of the Labour Act, 1919 (exceptions to the prohibition on night work). In the first case the Court held that the subsection applied only to circumstances in which, in the opinion of the judge, an exception was justified; in the second case the Court considered that it related to circumstances calling for immediate action.

#### *New Zealand.*

In reply to a request made to the Government by the Committee of Experts in 1958 concerning the application of Article 2 of the Convention, the Government supplies the following information.

The 1956 amendment to section 19 (2) (a) of the Factories Act was designed to secure more flexibility as regards starting hours for women, but the paragraph must still be read in conjunction with subsection (1) of section 19, which provides for an ordinary eight-hour day. A woman's working day will terminate at a time which ensures that she receives the minimum rest period provided by the Convention, because of the limitation in section 20 (2) and the fact that the Inspector of Factories acting under administrative instructions will not permit a 7 a.m. starting time unless the 11 hours' rest period is provided for.

#### *Rumania (First Report).*

Labour Code of 30 May 1950 (*L.S.* 1950—Rum. 1), as amended by Decree No. 369 of 13 July 1956 (*Buletinul Oficial*, 24 July 1956, No. 20, p. 137) (*L.S.* 1956—Rum. 1).

Section 91 of the amended Labour Code prohibits the night work of women in industrial workplaces.

A committee of experts is at present examining ways and means to harmonise legislation with the Convention as regards the definition of the term "night".

#### *Union of South Africa.*

Mines and Works Act No. 27 of 1956, section 2 (*Government Gazette (Extraordinary)*, 4 May 1956, No. 5676).

Industrial Conciliation Act No. 28 of 1956 (*L.S.* 1956—S.A. 1).

Wage Act No. 5 of 1957 (*L.S.* 1957—S.A. 1).

The above Acts replace corresponding earlier legislation.

#### *Yugoslavia (First Report).*

For legislation see under Convention No. 5.

*Article 1 of the Convention.* The Act of 12 December 1957 respecting employment relationships prohibits the night work of women in economic organisations connected with industry and construction.

The term "industrial organisations" refers to the economic organisations connected with the manufacturing, mining and extraction industries.

*Article 2.* In accordance with the provisions of the Act, the period during which the employment of women on night work in economic organisations is prohibited comprises at least 11 consecutive hours, of which seven must be between 10 p.m. and 7 a.m.

The statutes or internal rules of the economic organisations specify the time of commencement of the period during which the employment of women on night work is prohibited.

An economic organisation may not fix the time of commencement of the period during which the employment of women on night work is prohibited at later than 11 p.m. without first consulting the trade union organisation and the competent chamber or association of economic organisations (section 250 of the Act respecting employment relationships).

*Article 3.* By virtue of the Act respecting employment relationships the prohibition of the employment of women on night work applies to all women, without distinction of age, who are employed in industry and construction. No exception is provided for by the Act concerning undertakings which employ only members of the same family.

*Articles 4 and 5.* By way of exception, night work of women employed in economic organisations connected with industry and construction may be authorised (1) in case of *force majeure*, causing a stoppage of work which could not have been foreseen and which is not of a recurring nature ; (2) if it is necessary to save perishable raw materials or goods ; (3) if on account of particularly serious circumstances the public interest so requires (section 251 of the Act).

The decision to introduce temporary night work for women in the cases referred to in points (1) and (2) is taken by the management board of the economic organisation.

The management board is required to inform the labour inspectorate in writing of the temporary introduction of night work for women within 24 hours of taking the decision (section 252 of the Act).

Any decision taken in relation to the case referred to in point (3) is taken by the Federal Executive Council after consulting the Central Council of the Trade Union Confederation of Yugoslavia and the competent federal chamber or the Confederation of Chambers.

The Secretariat of Labour of the Federal Executive Council is empowered to decide that night work is to be temporarily introduced for women in a specific economic sector, in specified economic organisations or in specified departments or sections of such organisations (section 253 of the Act).

*Article 6.* In undertakings which are subject to seasonal influences and in cases where particular circumstances so require, the period during which the employment of women on night work is prohibited may be reduced to ten hours for a maximum of 60 days a year (section 254 of the Act).

*Article 7.* This Article of the Convention does not apply in Yugoslavia.

*Article 8.* The prohibition on the employment of women on night work in economic organisations connected with industry and construction does not apply to (1) women holding managerial posts or responsible posts of a technical nature ; (2) women working in health and social services, if they do not normally perform manual labour.

Supervision of the enforcement of the legal provisions is entrusted to the Labour Inspectorate. The organisation and working of the labour inspection service are determined by the Act concerning 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, India, Ireland, Italy, New Zealand, Pakistan, Philippines, Switzerland, United Arab Republic (Syria).*

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

*Cuba, Czechoslovakia, France, Guatemala, 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

Countries	Date of registration of ratification
Philippines . . . . .	29.12.1953
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	20. 2.1957

*Czechoslovakia.*

The Government states that, although Act No. 45 of 1956 reducing hours of work for young persons contains no provisions specifically prescribing a rest period of 16 con-

secutive hours for juveniles, this duration is in fact implicit in the provisions of the Act dealing with hours of work and their distribution over the week.

As regards the Committee's observation relating to night work by young persons under 16 years of age, the Government states that this is forbidden under Act No. 91 of 1918 in the case of boys under 16 years of age and in the case of girls under 18 years of age; there are no exceptions to this prohibition.

Guatemala.

In reply to the observations made by the Committee of Experts the Government refers to section 278 of the Labour Code, which provides that the General Inspectorate of Labour must ensure the enforcement of legal provisions relating to labour and to section 281 of the Code by virtue of which labour inspectors and social welfare workers may examine the account books, registers of wages, vouchers of payment and all other documents which may be of use to them in the discharge of their duties.

India.

Notification No. 1191 of 2 April 1957 to amend the Employment of Children (Major Ports) Rules, 1955.  
Notification No. 1192 of 2 April 1957 to amend the Employment of Children (Railways) Rules, 1955.

Israel.

See under Convention No. 79.

Italy.

See under Convention No. 77.

Mexico.

In reply to the observation made in 1958 the Government states that the discrepancy between section 68 of the Federal Labour Act of 18 August 1931 and Article 2, paragraph 1, of the Convention has now been removed as a result of the action of the Chamber of Senators of the Union Congress (under article 133 of the Constitution) in conferring the force of law upon the terms of the Convention.

As regards the application of Article 6, paragraph 1 (a) and (e), of the Convention, the Government states that in matters of labour

law employers have been notified that they must be guided in the first instance by article 123 of the Constitution and by the Federal Labour Act.

The regulations governing dangerous and unhealthy work by women and juveniles stipulate that in order to facilitate the supervision of the enforcement of these provisions the Inspection Office of the Department of Labour and Social Welfare, as well as the corresponding bodies at the federal level, will keep a detailed list of all undertakings in which work is carried out which is prohibited for women and young persons. In addition, the Women's and Young Workers' Protection Division of the said Department maintains a register of all labour permits issued by it in respect of young persons.

Netherlands

The Royal Order forbidding night work by juveniles acting as drivers' mates was promulgated a short time ago and will come into force on 1 January 1959.

Pakistan.

In reply to the observation made by the Committee of Experts the Government states that amendment of the Employment of Children Rules, 1955, is under examination.

Ukraine (First Report).

Labour Code of 1922 (Kiev, 1940).

Under section 130 of the Labour Code persons under 18 years of age working in industrial undertakings are not permitted to work at night. No provision is made for any exception to this general rule.

\* \* \*

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

India, Mexico, Netherlands, Pakistan, Philippines, Ukraine.

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

Cuba, 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
Netherlands . . . . .	17. 6. 1958
Norway . . . . .	29. 6. 1950
Poland . . . . .	13. 4. 1954
Portugal . . . . .	29. 7. 1952
Sweden . . . . .	18. 7. 1950
United Kingdom . . . . .	6. 8. 1953

Cuba.

The Government states that vessels flying the Cuban flag have been inspected on arrival at Havana by officials of the port authority and the Directorate of Health and Social Welfare; these officials have called attention to any points of importance. Report forms have been prepared covering the various Articles of the Convention and these have been supplied to the port and customs authorities to enable detailed accounts to be given regarding the vessels inspected.

Poland.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 683.

\* \* \*

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

to the Convention or on minor changes in its application :

*France, United Kingdom.*

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

*Brazil, Denmark, Finland, Ireland, Norway, Portugal, 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
United Arab Republic (Syria) . . . . .	7. 6.1957
United Kingdom . . . . .	30. 6.1950
Uruguay . . . . .	18. 3.1954

Austria.

The revision of the regulations respecting public contracts is nearing completion, and is likely to be approved by the Cabinet in the autumn of 1958.

Cuba.

Decree No. 2041 (*Gaceta Oficial*, No. 453, 28 July 1943, p. 13500).  
Resolution No. 845 (*Gaceta Oficial*, No. 106, 15 Feb. 1945, p. 3300).  
Resolution No. 73 (*Gaceta Oficial*, No. 140, 19 July 1956, p. 14004).

Tenders for the allocation of contracts by public authorities must contain all the relevant particulars relating to the conditions of work.

Denmark.

In answer to an observation of the Committee of Experts the Government states that the question of introducing the necessary rules for the application of the Convention has been taken up for consideration.

Finland.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 683.  
A special "I.L.O. Committee" has been set up to examine the observations made by the Committee of Experts.

Guatemala.

In reply to the direct requests made by the Committee in 1958 the Government states as follows.

*Article 1 of the Convention.* There is no special provision relating to the inclusion of labour clauses in public contracts. The obligation which exists in this respect proceeds from the Labour Code (section 14) which states that its provisions are statutory rules of a public nature to which all public or private undertakings in Guatemala are subject. Prevailing custom has made it necessary to include in public contracts a clause relating to the obligation of the contractor to grant his employees the protection set forth in the Labour Code.

*Article 2.* Labour laws and regulations apply universally. According to the Labour Code the provisions of collective agreements respecting conditions of employment and those of arbitration awards are binding (sections 49, second paragraph, and 50, subsection (c); and sections 397, 405 and 406).

Conditions of employment may not be less favourable than those laid down in the Labour Code. Information has yet to be obtained as to whether, in accordance with paragraph 3 of this Article, employers' and workers' organisations have been consulted with respect to the terms of the labour clauses in such contracts.

*Articles 4 and 5.* Laws and regulations are made public by the reproduction of their texts in full in the *Diario Oficial* and by the campaign of dissemination carried out by the Ministry of Labour and Social Welfare. The Labour Code provides for penalties for non-fulfilment of labour contracts. The Ministry of Labour and Social Welfare will undertake the necessary studies to enable it to enact appropriate provisions in order to supplement existing legislation concerning labour clauses.

Israel.

*Article 1, paragraph 1, of the Convention.* In reply to a request made by the Committee of Experts the Government states that government departments are obliged to adapt the standard government building contract to meet the requirements of contracts for other types of work, including those covered by

Article 1 (c) (ii) and (iii), of the Convention. As most contracts are building contracts no standard form has been adopted for other categories of work, but in all instances effect is given to provisions of the Convention through insertion of labour clauses.

Paragraph 3. Under the contract annexed to the Treasury Regulations a subcontractor is subject to all the contractor's obligations.

#### *Morocco (First Report).*

Standard Set of Clauses and General Conditions imposed on contractors carrying out work at the expense of a public administration (1957 edition).

Dahir of 18 June 1936 respecting the minimum remuneration of wage-earning and salaried employees (*L.S.* 1936—Mor. 3), as amended by the Dahirs of 1 September 1937 (*L.S.* 1937—Mor. 3), 23 June 1938 (*L.S.* 1938—Mor. 1) and 16 June 1952 (*Bulletin officiel*, 25 June 1952, No. 2258, p. 106).

Dahir of 13 February 1958 (*Bulletin officiel*, 7 Mar. 1958, p. 434) to extend the Dahir of 18 June 1936 to the province of Tangier and to the former Spanish protectorate.

Dahir of 2 July 1947 to regulate employment (*L.S.* 1947—Mor. 1), as amended by the Dahirs of 21 September 1949, 5 August 1950 (*L.S.* 1950—Mor. (Fr.) 2), 10 August 1952 and 27 April 1953.

Dahir of 18 June 1936 respecting hours of work (*L.S.* 1936—Mor. 1), as amended and completed by the Dahirs of 8 June 1937, 16 October 1947 (*L.S.* 1947—Mor. 3), 2 June 1939 and 3 September 1945 (*Bulletin officiel*, No. 1274, 9 Nov. 1945, p. 783).

*Article 1 of the Convention.* The Standard Set of Clauses and General Conditions imposed on contractors carrying out work at the expense of public administrations apply to all workers where one party is a public administration (sections 1, 45 and 46) spending public funds, and when the contractor supplies his own workers (section 10). Most public contracts are building or construction contracts, but the Standard Set of Clauses and General Conditions apply also to contracts for the supply of services. Section 6 of the General Conditions provides that a contractor cannot assign any part of his contract without the authorisation of the Minister of Public Works, or the head of the administration concerned. The contractor remains in any case liable to the administration, workers and third parties.

*Article 2.* All calls for tenders refer to the Standard Set of Clauses and General Conditions referred to above, a copy of which is annexed to the contract. No person employed by a contractor engaged in public works is excluded from the protection afforded by national legislation, whilst additional guarantees concerning minimum wages are provided for these workers in the Dahir of 18 June 1936, the terms of which are referred to in section 12 of the Standard Set of Clauses and General Conditions. Family allowances are paid by the state social assistance fund, which is an official body. Administrative Circular No. 514 S.G.P. of 7 October 1947 provides that persons tendering for contracts must insure their workers against accidents.

*Article 3.* Provisions relating to safety and welfare are contained in sections 28, 28bis and 29 (now being revised), of the Dahir of 2 July 1947, as well as in section 13 of the Standard Set of Clauses and General Conditions.

*Article 4.* The Standard Set of Clauses and General Conditions and the relevant legislation are brought to the notice of contractors through the normal methods of publicity.

By virtue of sections 51 and 53 of the Dahir of 2 July 1947 the Labour Inspectorate is responsible for ensuring compliance with the legislation mentioned above. Section 54 confers similar authority on judicial police officials.

Records of hours of work and wages paid to workers are provided for by the Dahir of 24 January 1953, section 10 of which prescribes the obligatory holding of work cards by workers not employed under written contracts.

*Article 5.* Penalties are laid down in section 3 of the Dahir of 18 June 1936 respecting the minimum remuneration of wage-earning and salaried employees and section 12 of the Standard Set of Clauses and General Conditions. A list of contractors temporarily or permanently excluded from public contracts is kept by the Secretariat-General of the Government.

Workers employed under public contracts who have been underpaid are paid directly by the administration out of sums due to the contractor or out of the latter's deposit.

*Article 7.* The Dahir of 18 June 1936 with regard to minimum wages applies to the entire country; it was extended to cover the province of Tangier and the former Spanish protectorate by the Dahir of 13 February 1958.

*Article 8.* The Dahir of 18 June 1936 has never been suspended.

#### *Philippines.*

In reply to observations made by the Committee of Experts the Government has supplied a copy of the standard contract form for construction work, revised in 1936. Wages, hours of work and other conditions of labour are governed by the Minimum Wage Law and other labour laws of general application.

#### *Uruguay.*

In reply to observations made by the Committee of Experts in 1958 the Government states that the subject-matter of the Convention falls within the competence of various Ministries and departmental councils; methods of obtaining the relevant information from these authorities will be studied.

\* \* \*

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, Morocco, United Kingdom.*

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

*Belgium, 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
Republic of Guinea <sup>1</sup> . . . . .	21. 1.1959
Hungary . . . . .	8. 6.1956
Israel . . . . .	12. 1.1959
Italy . . . . .	22.10.1952
Mexico . . . . .	27. 9.1955
Netherlands . . . . .	20. 5.1952
Norway . . . . .	29. 6.1950
Philippines . . . . .	29.12.1953
Poland . . . . .	25.10.1954
Spain . . . . .	24. 6.1958
Tunisia . . . . .	28. 5.1958
United Arab Republic (Syria) . . . . .	7. 6.1957
United Kingdom . . . . .	24. 9.1951
Uruguay . . . . .	18. 3.1954

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

*Ecuador.*

In reply to observations made by the Committee of Experts in 1958 the Government supplies the following information.

*Article 4, paragraph 1, of the Convention.* Section 49 of the Labour Code provides that wages shall be paid in legal tender and shall in no case be made in kind or by means of promissory notes, vouchers or any other token alleged to represent legal tender.

*Article 6.* Section 40 (c) of the Labour Code provides that no employer shall “require an employee to buy articles of consumption in a specified shop or place”. Sections 40 (b), 51, 249 and 265 of the Labour Code relate to deductions from wages, and sections 52 and 53 to attachment.

*Article 7, paragraph 1.* This paragraph is applied by section 40 (c) of the Labour Code.

*Article 14.* The duty of the employer to inform the worker, before engagement, of the particulars concerning his wages and the times of payment is provided for by the following sections of the Labour Code : 8, 137 and 143 ; 188, 189, 192 and 195 ; 228 ; and 82, 424 and 428.

*Greece (First Report).*

Civil Code.  
Royal Decree of 14-20 September 1912 respecting the payment of wages and salaries.  
Act No. 2112 of 11 March 1920 respecting obligatory notice of the termination of the contract of employment of private employees (L.S. 1920—Gr. 3-4).  
Royal Decree of 16 July 1920 extending Act No. 2112 respecting obligatory notice of the termination of the contract of employment to workers, craftsmen and servants of all kinds (L.S. 1920—Gr. 3-4).

Royal Decree of 24 July-21 August 1920 consolidating the laws concerning the payment of wages to wage earners, domestic workers and salaried employees.

*Article 1 of the Convention.* The term “wages” is defined in various Greek laws, notably section 3 of Act No. 2112 of 1920 and section 2 (6) of Legislative Decree No. 2511 of 1953.

*Article 2.* No categories of persons are excluded from the application of the Convention.

*Article 3.* Section 2 (3) of the Royal Decree of 24 July-21 August 1920 provides that wages shall be paid only in legal tender and not in kind.

*Article 4.* Wages may not be paid in kind and it is not customary for payment to be made in the form of liquor or noxious drugs. However, certain collective agreements provide for payment exclusively in kind (wheat, olive oil), but this is for the benefit of workers, as the price of such goods is government controlled and the value attributed to them can be checked.

*Article 5.* Sections 2 and 3 of the Royal Decree of 24 July-21 August 1920 apply this Article of the Convention.

*Article 6.* Any limitation of the worker’s freedom to dispose of his wages would be void in virtue of section 178 of the Civil Code.

*Article 7.* Workers are free from coercion to make use of works stores ; the prices charged in such stores are much lower than the prices fixed by law.

*Article 8.* Section 3 of the Royal Decree of 24 July-21 August 1920 lays down the deductions which may lawfully be made. Legislative Decree No. 3789/1957 provides that details of deductions shall be posted up in conspicuous places.

*Article 9.* The deductions to which this Article refers are excluded by section 3 of the Royal Decree of 24 July-21 August 1920.

*Article 10.* This Article is covered by sections 1 to 4 of Act No. 4694 of 1930.

*Article 11.* This Article is covered by section 12 of Act No. 3252 of 1955 in conjunction with Act No. 2112 of 1920 and Royal Decree of 16 July 1920.

*Article 12.* Paragraph 1 of this Article is covered by section 2 (2) of the Royal Decree of 24 July-21 August 1920. As to paragraph 2, upon the termination of a contract of employment the final settlement is made in accordance with collective agreement or arbitration award.

*Article 13.* This Article is covered by section 2 of the Royal Decree of 24 July-21 August 1920.

*Article 14.* Section 1 of the Royal Decree of 14-20 September 1912 provides that employers shall post up notices stating the time and days

on which payment is made. Employers are required to keep staff lists which are placed at the disposal of the Labour Inspectorate. Payrolls must be kept in virtue of the regulations concerning social insurance coverage (I.K.A.) and section 10 of Legislative Decree No. 2954 of 1954.

*Article 15.* All legislation is published in the Government Gazette, and the enforcement of its provisions is entrusted to the Labour Inspectorate. Act No. 690 of 1945 provides penalties for the non-payment of wages and further penalties are provided by section 10 of Legislative Decree No. 2954 of 1954, which also provides for the maintenance of adequate records.

#### *Guatemala.*

Constitution of 6 February 1956 (*L.S.* 1956—Gua. 1 [Extracts]).

In answer to a direct request made in 1958 the Government supplies the following information.

*Article 8, paragraph 2, of the Convention.* Deductions may only be made under section 61 (*i*) of the Labour Code when authorised by a judicial decision or with the worker's consent freely given. Workers are informed of these conditions through the provisions of labour legislation and the Ministry of Labour sends reports made annually on ratified Conventions to the employers' and workers' organisations.

*Article 9.* Section 62 (*b*) of the Labour Code is deemed to extend to employers' representatives and intermediaries.

*Article 12, paragraph 2.* Section 99 of the Labour Code lays down that a final settlement shall be made on the termination of a contract; any delay would constitute the withholding of wages and is subject to penalties in the labour and social welfare courts.

*Article 15, clause (a).* Legislation relating to the Convention is brought to the notice of workers in undertakings employing fewer than ten persons, and to workers in undertakings whose rules of employment do not refer to such legislation, by the publication of legislation in the Official Gazette and by special pamphlets drawn up by the Ministries and the trade unions.

#### *Mexico.*

*Article 7, paragraph 2, of the Convention.* The Co-operative Societies Act does not stipulate that societies may not be founded in centres with fewer than 200 inhabitants. On the other hand, the term "rural centre" used in the Federal Labour Act of 18 August 1931 (section 111, subsection IX) does not imply that the societies established in them are purely agricultural; it is designed to cover non-urban centres where other shops and services may be non-existent.

*Article 13, paragraph 1.* The Federal Labour

Act (section 102, subsection VII) stipulates that works regulations and collective agreements must specify the day and place of wage payments. In practice, all works regulations and collective agreements provide for payment to take place on working days.

*Article 14, clause (a).* Section 28 of the Federal Labour Act requires the employer to keep a fortnightly register of the number of days worked by, and the wages paid to, casual workers who have been hired on verbal contracts, if the workers request him to do so.

*Clause (b).* This clause is implemented by section 91 of the Federal Labour Act which stipulates that any change in wages must be specifically accepted by the worker. He is notified of the change when he draws his pay.

#### *Philippines.*

In reply to an observation made in 1958 the Government supplies the following information.

With respect to conditions of labour of certain categories of workers not covered by the Minimum Wage Law, employees in retail or service enterprises employing not more than five persons are covered by the Civil Code (contract of labour section). This provides that the payment of wages must be made in legal currency, prohibits the withholding of wages by an employer except for a debt due and stipulates that labourers' wages are subject to execution or attachment only with respect to debts incurred for food, shelter, clothing and medical attendance.

Farm tenancy is governed by Republic Act No. 1199.

Domestic servants are covered by sections 1689 to 1691 of the Civil Code which provide that household servants shall be reasonably compensated. Besides wages a servant should be given lodging, food, medical attendance and other compensation.

The Department of Labour will recommend the inclusion of a provision in the Minimum Wage Law giving effect to Article 7, paragraph 2, of the Convention.

There are no legislative provisions covering Article 13, paragraphs 1 and 2, but it has always been the practice to pay wages on working days only and at the place of work; nor is it customary to pay wages in taverns, stores, etc., which are less than 1 km from the undertaking.

\* \* \*

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

*Cuba, Ecuador, Philippines, United Kingdom.*

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

*Austria, France, Italy, Netherlands, Norway, Poland, Uruguay.*

96. Fee-Charging Employment Agencies Convention (Revised), 1949

*This Convention came into force on 18 July 1951*

Countries	Date of registration of ratification
Belgium <sup>1</sup> . . . . .	4. 7.1958
Bolivia <sup>1</sup> . . . . .	19. 7.1954
Brazil <sup>1</sup> . . . . .	21. 6.1957
Ceylon <sup>2</sup> . . . . .	1. 5.1958
Cuba <sup>1</sup> . . . . .	3. 2.1953
Finland <sup>1</sup> . . . . .	22.12.1951
France <sup>1</sup> . . . . .	10. 3.1953
Federal Republic of Germany <sup>1</sup> . . . . .	8. 9.1954
Guatemala <sup>1</sup> . . . . .	3. 1.1953
Italy <sup>1</sup> . . . . .	9. 1.1953
Japan <sup>2</sup> . . . . .	11. 6.1956
Luxembourg <sup>1</sup> . . . . .	15.12.1958
Netherlands <sup>1</sup> . . . . .	20. 5.1952
Norway <sup>1</sup> . . . . .	29. 6.1950
Pakistan <sup>1</sup> . . . . .	26. 5.1952
Poland <sup>1</sup> . . . . .	25.10.1954
Sweden <sup>1</sup> . . . . .	18. 7.1950
Turkey <sup>2</sup> . . . . .	23. 1.1952
United Arab Republic (Syria) <sup>1</sup> . . . . .	7. 6.1957

<sup>1</sup> Has accepted the provisions of Part II.  
<sup>2</sup> Has accepted the provisions of Part III.

Cuba.

In reply to a direct request the report states that fee-charging employment agencies were suppressed at the end of the five-year period provided for in Act No. 191 of 1935.

Italy.

Act No. 339 of 2 April 1958 to regulate labour relations in the field of domestic employment (*Gazzetta Ufficiale*, No. 93, 17 Apr. 1958).

The new Act prohibits intermediaries in the placement of domestic workers, even where their activities were formerly authorised. In future domestic workers must be engaged directly by the employer. However, national organisations of domestic workers and welfare organisations may be authorised by the Ministry of Labour to undertake to procure employment, free of charge, for this category of workers. The Ministry of Labour and the police will supervise closely the activities of these organisations to ensure that their activities are lawful and are not conducted with a view to profit. Should it appear that an agency is acting as an intermediary, that agency will be liable to the penalties provided for by the Penal Code (section 565) for the establishment of a business enterprise engaging in unauthorised or prohibited activities.

Japan (First Report).

Employment Security Law No. 141 of 30 November 1947 (*Official Gazette*, 30 Nov. 1947, Extra, p. 1) (*L.S.* 1947—Jap. 4).  
Law No. 88 of 20 May 1949 to amend the Employment Security Law (*Official Gazette*, 20 May 1949, Extra, No. 46, p. 8) (*L.S.* 1949—Jap. 2).  
Cabinet Order prescribing matters to be dealt with by the Prefectural Governors from among the provisions of the Employment Security Law.  
Enforcement Ordinance of the Employment Security Law.

Ministry of Labour Establishment Law.  
Ministry of Labour Organisation Order.

*Article 1, paragraph 1, of the Convention.* Under section 5, paragraph 3, of the Employment Security Law, as amended, the expression “fee-charging employment exchange” covers both fee-charging employment exchanges not conducted for profit and fee-charging employment exchanges conducted for profit. This provision applies to all fee-charging employment exchange business, except where otherwise provided in other national laws.  
*Paragraph 2.* The Employment Security Law does not apply to seamen.

*Article 10, clause (a).* Provision is made for inspection of fee-charging employment exchanges and examination of all pertinent documentation, ledgers, etc.  
*Clause (b).* Licences for conducting such exchanges are renewable annually.  
*Clause (c).* No person who operates a fee-charging employment exchange business can levy actual expenses or any kind of fee or remuneration other than those determined by the Minister of Labour on the recommendation of the Central Employment Security Council.  
*Clause (d).* So far, no fee-charging employment exchange agency has ever placed or recruited workers abroad.

*Article 11.* See under Article 10.

*Article 12.* Any person who desires to operate a fee-charging employment exchange must obtain a licence from the Minister of Labour; provision is made for inspection of premises and examination of pertinent documents, ledgers, etc.

*Article 13.* The Minister of Labour may suspend employment exchange activities or cancel the licence if he deems that the employment exchange business is conducted in violation of the law or is likely to injure public interest. Moreover, persons who infringe the provisions concerning the employment exchanges are subject to penal servitude of not more one year or a fine of not more than 10,000 yen for each offence.

*Article 14.* Information is supplied regarding the number of authorised fee-charging employment agencies as of June 1958, and the number of applications made, licences given, inspections made, infringements, and cancellations of licences during 1957.

Pakistan.

Proposed legislation to ensure full application of the Convention is under way.

Sweden.

In reply to the direct request formulated by the Committee of Experts in 1958 the Government states that a satisfactory public employ-



ment service is already in existence in respect of the occupations concerning which fee-charging employment agencies conducted with a view to profit are authorised. The period within which such agencies should be abolished has been extended mainly in consideration of the difficulties which their owners would meet if deprived of their sole or main source of income. In any case, the number of these agencies has decreased considerably during the last ten years and there are now only seven.

Turkey.

The Bill to regulate the activities of persons acting as intermediaries between agricultural workers and agricultural employers referred to in the previous reports was submitted to the

Grand National Assembly; it is now being examined by the competent committees of the Assembly.

\* \* \*

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

Germany (Federal Republic), Netherlands, Sweden.

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

Finland, France, Guatemala, Norway, Poland.

97. Migration for Employment Convention (Revised), 1949

*This Convention came into force on 22 January 1952*

Countries	Date of registration of ratification
Belgium . . . . .	27. 7.1953
Cuba . . . . .	29. 4.1952
France <sup>1</sup> . . . . .	29. 3.1954
Guatemala . . . . .	13. 2.1952
Israel . . . . .	30. 3.1953
Italy . . . . .	22.10.1952
Netherlands . . . . .	20. 5.1952
New Zealand <sup>2</sup> . . . . .	10.11.1950
Norway . . . . .	17. 2.1955
United Kingdom <sup>2 3</sup> . . . . .	22. 1.1951
Uruguay . . . . .	18. 3.1954

<sup>1</sup> Has excluded the provisions of Annex II.  
<sup>2</sup> Has excluded the provisions of Annex I.  
<sup>3</sup> Has excluded the provisions of Annex III.

France.

For the Government's reply to the observations made by the Committee of Experts in 1958 see *Report of the Committee*, p. 684.

In reply to the Committee's request the Government states that foreign nationals are entitled to become articulated apprentices or to enter technical education establishments in exactly the same way as French nationals.

Should any steps be taken by the French Government to arrange for its nationals to emigrate the International Labour Office will immediately be informed.

Finally, the Government states that the inclusion of international labour Conventions dealing with social security matters in the annex to the Social Security Code listing international social security Conventions will be examined during the forthcoming revision of the Code.

Guatemala.

In reply to the observations and requests made by the Committee of Experts in 1958 the Government gives the following information.

*Article 2 of the Convention.* There is no such service as that mentioned in this Article. The

National Employment Service furnishes the information requested by migrants for employment.

*Article 4.* The Government refers to the Act respecting immigrants as giving effect to this Article.

*Article 5.* The Guatemalan consul acts as migration agent and is responsible for the state of health of the migrants for employment.

*Article 6, paragraph 1 (a) (iii), and (b), (c) and (d).* Equality of treatment of migrants for employment and nationals is ensured by sections 11, 13 and 17 of the Act respecting aliens and by sections 6, 10 and 12 of the Labour Code.

*Article 7.* The National Employment Service operates free of charge.

*Article 8.* In view of the small amount of migration which takes place there are no special laws or regulations in application of this Article.

ANNEX I

*Article 6.* With regard to emigrants this Article is applied by the provisions of the Labour Code. The protection of immigrants will be made the subject of future regulations.

ANNEX II

There has been no recruitment as defined in this Annex.

ANNEX III

The report refers to the information given under Article 4.

Israel.

In reply to the request made by the Committee of Experts in 1958 the Government states that there is no migration of workers in the normal sense of the term. In the case of individuals sent to work in Jewish



*Austria.*

See under Convention No. 11.

*Belgium.*

Royal Order of 5 January 1957.

As this Order has set up new joint committees and modified the powers of certain other committees already in existence, the question of trade union representation is now being reviewed by these new committees.

*Brazil.*

In reply to the request for information made by the Committee of Experts the Government states that, in accordance with section 566 of the Consolidation of Labour Laws, state employees and those of semi-public institutions may not form occupational associations. An exception is, however, made in respect of employees of the national shipping fleet and privately owned transport undertakings (Legislative Decree No. 7889 of 21 August 1945).

*Byelorussia (First Report).*

Constitution.

Labour Code.

Order of 4 February 1947 of the Council of Ministers of the U.S.S.R. respecting the conclusion of collective agreements in undertakings.

Order of 5 April 1958 of the Council of Ministers of the U.S.S.R. respecting the conclusion of collective agreements in undertakings and in the communications services, state farms, machine and tractor stations and machine and tractor repair workshops.

Joint Regulations of the Council of Ministers of the U.S.S.R. and of the All-Union Central Council of Trade Unions, dated 9 July 1958, concerning permanent production conferences in industrial undertakings, construction projects, state farms, machine and tractor stations and machine and tractor repair workshops.

Regulations respecting the rights of works committees and local trade union committees, confirmed by Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958.

Article 93 of the Constitution guarantees the right of work to all citizens, irrespective of whether they are trade union members or not. It therefore follows that no head of an undertaking has the right to make the employment, retention or discharge of a worker subject to the condition that he shall join or shall not join a union or shall relinquish membership therein. No worker may be given notice of termination by the management of his undertaking without the consent of the works committee or of the local trade union committee.

The legislation in force and current practice, in particular sections 156 and 162 of the Labour Code and section 141 of the Penal Code, guarantee to trade union organisations the right to act freely in the defence of workers' interests and the right to conclude collective agreements.

By virtue of section 13 of the Labour Code collective agreements are binding in respect of the conditions of employment of workers in any undertaking, business, etc. The agreements also determine the conditions of the future individual contracts of employment. They are drawn up by the management and the trade union committee, who take into account the proposals put forward by the workers. The

draft thus prepared is examined in a trade union meeting and, after revision, is resubmitted to the general meeting of the employees. It is then signed by the head of the undertaking and by the chairman of the trade union committee. Supervision of the operation of collective agreements rests with the trade unions, or, more precisely, with the trade union of the undertaking covered by the agreement.

All disputes and divergencies of opinion relating to the application of collective agreements are examined by the disputes committees, which are composed of an equal number of representatives of the management and of trade union members. The decisions of such committees are taken solely on the basis of agreement between the two sides; they have legal force.

There are no collective agreements applicable to members of the police or the armed forces.

*Denmark.*

The report, which is in reply to the direct request made to the Government in 1958 by the Committee of Experts, supplies the following information.

There are no complete figures available regarding the proportion of the labour force covered by the September Agreements, but there can be no doubt that this proportion is substantial. Not only are the main central trade union organisations covered (together with their former members) but a wide range of other occupations which do not belong to the main organisations have in one way or another adopted rules similar to those of the September Agreements. Many employers who do not belong to the Danish Employers' Federation also abide by the September Agreements in their dealings with the trade unions.

Apart from the September Agreements, collective agreements have been negotiated in virtually all branches of the economy.

The Permanent Court of Arbitration, which deals with cases of breach of collective agreements, including the September Agreements, has, taking the latter as its basis, laid down that the right to organise is a general rule. The Court held that the fact that two parties have concluded a collective agreement implies mutual recognition and that, accordingly, any act of anti-union discrimination would constitute a breach of contract.

In the relatively limited section of the economy which is covered neither by the September Agreements nor by an ordinary collective agreement, there are at present no general rules respecting the right to organise. This right is covered by the Act of 9 June 1948, which specifically states that it may not be waived even by mutual agreement. No case of anti-union discrimination against these workers has ever come before the courts and, in fact, the question is of theoretical rather than practical interest.

The report adds that the terms of reference of the Committee on the right to work, which was set up by the Government in 1956, include the possibility of placing all parties in the labour market on the same footing. The Committee has not yet finished its work.

The report goes on to say that infringements of Article 1 of the Convention are not covered by section 260 of the Criminal Code (which prescribes penalties for any person found guilty of unlawful coercion) except in so far as the means of coercion employed are of the type covered by this section—which is not usually the case with infringements of Article 1 of the Convention.

#### *Dominican Republic.*

The Government states that, in accordance with section 266 of the Labour Code, section 67 of Regulation No. 7676 (implementing the Code) applies all the provisions of the Labour Code (including those respecting the right to organise and to bargain collectively but with the exception of those relating to hours of work, holidays with pay, the closing of establishments and the employment of minors and apprentices) to all undertakings with more than ten workers engaged in crop production and processing.

#### *France.*

Act No. 57-833 of 26 July 1957 (*Journal officiel*, 28 July, 1 Aug. and 22 Sep. 1957).

Under the foregoing Act, which extends the scope of the mediation procedure, a fine may be imposed if a party fails to appear before a conciliation board or panel of mediators, or refuses to provide the latter with whatever documents they may require.

#### *Federal Republic of Germany (First Report).*

Freedom of association is guaranteed by section 9(3) of the Constitution of 23 May 1949. Workers and employees in the public service are also entitled to form occupational associations. Section 9 likewise applies to civil servants.

Under the Act of 9 April 1949 only independent occupational associations (without reciprocal influence) may conclude collective agreements. The labour courts are empowered to decide whether or not an organisation is entitled to negotiate such agreements. Employees and workers in the public service are entitled to conclude collective agreements but this does not apply to civil servants, whose conditions of employment are governed by the relevant laws and regulations (which are, however, drafted in consultation with the appropriate organisations).

Apart from section 9 of the Constitution the right to organise is also safeguarded by the Works Constitution Act of 11 October 1952. Freedom of association for workers in the public service is guaranteed by section 56 of the Staff Representation Act of 5 August 1955. Section 91 of the Federal Officials Act affords the same safeguard to civil servants. Any breach of these laws by the employer is null and void and may be punished by a fine.

Section 56 of the Staff Representation Act does not apply to army units in barracks. Permanent civilian employees, however, are subject to section 70 of the Soldiers Act of 19 March 1956, which guarantees their right to

associate. Members of the police are similarly protected by section 91 of the Staff Representation Act.

#### *Haiti (First Report).*

Constitution.

Act of 19 July 1947 respecting employers' and workers' associations (*L.S.* 1947—Haiti 1), as amended by the Act of 2 March 1948 respecting industrial associations (*L.S.* 1948—Haiti 3).

Act of 2 March 1948 respecting labour disputes (*L.S.* 1948—Haiti 1) to amend the Act of 23 October 1947 respecting labour disputes (*L.S.* 1947—Haiti 5).

Act of 17 September 1958 to regulate conditions of work.

Article 24 (3) of the Constitution provides that all workers have the right to participate, by the intermediary of their delegates, in the collective determination of conditions of work. Moreover, the Act of 17 September 1958 to regulate conditions of work provides that, in certain cases, employers must come to an understanding with trade union organisations, where these exist, with a view to determining conditions of work.

Section 2 of the Act of 2 March 1948, laying down the procedure to be followed in case of collective labour disputes, stipulates: "Workers (either directly or through their trade union) and employers shall endeavour to adjust disputes of a collective character by direct negotiation between them or with the assistance of arbitrators. For this purpose, the workers concerned (or their trade union) may send to the employer a delegation of not more than three representatives, charged with communicating their complaints or requests verbally or in writing to the employer or his representative. The employer or his representative shall not have the right to refuse to receive them. If he is unable to undertake discussions immediately, he shall be allowed a period of 48 hours in which to do so."

The Arbitration and Conciliation Service of the Labour Office intervenes as arbitrator in collective disputes in order to assist the workers and employers in their efforts to settle their dispute by peaceful means. This service also offers its assistance to parties concluding collective contracts of employment.

Moreover, section 26 of the Act of 19 July 1947 stipulates: "If any employer, for the purpose of preventing a paid employee from joining a union, organising a union or exercising his rights as a union member, dismisses, suspends, or downgrades him or refuses his remuneration, the said employer shall be liable to a fine . . . imposed by the competent court of summary jurisdiction, without prejudice to any compensation to which the employee is entitled. In the event of a repetition of the offence, the fine shall be doubled."

#### *Honduras (First Report).*

The report repeats the statement made by the Government in the report on Convention No. 87 to the effect that the terms of an international Convention automatically come into force in Honduras as soon as Congress has passed a law ratifying it.

Article 113 of the Constitution gives the workers stability of employment and in the

event of unjustified dismissal a worker is entitled either to compensation or to reinstatement, as he prefers. Section 51 of the Individual Contracts of Employment Act states that a worker may be deemed to be dismissed and entitled to compensation if the employer refuses to allow him time off to perform his duties as a union official or victimises him because of his union membership or activities. Section 35 (f) forbids workers to impair in any way the freedom of others to work or not to work, to join or not to join a union or to remain in it or resign. The penalties in this connection are laid down in Chapter II, Part IV, of the Act. Article 11 of the Labour Charter stipulates that it may not be made a condition of employment for a worker to refrain from joining, or to resign from, a trade union. Article 12 states that no person may be coerced by force or intimidation into joining or not joining any organisation whatsoever. Section 5 of the Trade Unions Act adds that no person may be forced to join or not to join a trade union and that a union member may resign at any time.

Section 24 of the same Act stipulates that members of the Executive Committee of a union may not be dismissed from the time they are elected until six months after they relinquish their office, unless it can be proved in court that there is good cause for doing so.

Section 9 of the Labour Charter gives all organisations adequate protection against any form of reciprocal interference.

The right to organise is enforced by the General Directorate of Labour which is staffed by inspectors, lawyers, technicians and labour supervisors.

Collective bargaining is guaranteed by article 112 (14) of the Constitution, by Chapter V of the Labour Charter, by the Act establishing the General Directorate of Labour, and by the Collective Bargaining Act of 29 August 1957 which an I.L.O. expert helped to draft.

The terms of the Convention do not apply to the armed forces, the police or workers in public employment. The latter will be subject to a special Civil Servants Act to be promulgated in due course.

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

Collective Agreements Act, 1957 (L.S. 1957—Isr. 2).  
Settlement of Labour Disputes Act, 1957 (L.S. 1957—Isr. 1).

Civil Wrongs Ordinance, 1944.  
Criminal Code Ordinance, 1936.

*Article 1 of the Convention.* Almost all employers are parties to collective agreements providing that new workers will be employed only through labour exchanges, which are maintained and financed by workers' organisations, and almost all workers admitted through such exchanges are organised. After his trial period a worker can be dismissed only in prescribed cases—negligence, breach of discipline, etc. The dismissal needs the consent of the works committee and of the union concerned—subject to arbitration, if agreement is not reached. Effect is therefore given to this Article of the Convention by established practice. In addition, the custom of according "severance pay" in the event of dismissal is given legal recognition and applied by the courts.

*Articles 2 and 3.* The strength and influence of the organisations ensures the application of this Article. If this ceased to be the case the legislature would take action. Under the Collective Agreements Act only an organisation of workers—and not of employers—is entitled to maintain that another workers' organisation party to a collective agreement is not representative within the meaning of the Act.

*Article 4.* Collective agreements may be registered under the Collective Agreements Act. In certain cases the Minister of Labour may order extension of the application of an agreement. Under sections 1 and 2 of the Settlement of Labour Disputes Act, Labour Relations Officers, who are always available to aid negotiations between the parties, may institute conciliation proceedings in disputes. There is also provision for arbitration. A bipartite advisory council advises the Minister of Labour on all matters relating to industrial relations.

*Article 5.* Members of the police and armed forces may not take part in political activities within the scope of their service. They may belong to trade unions but there is no collective bargaining in these services.

*Article 6.* Civil servants may organise. Amendments to their statutory conditions are fixed by agreement between the Government and the Civil Servants Union.

Courts of law have decided only on issues as to severance pay, which relate to the Convention only indirectly.

#### *Morocco.*

Dahir of 17 April 1957 (16 Ramadan 1376) respecting collective labour agreements.  
Dahir of 16 July 1957 (18 Hija 1376) respecting occupational associations.  
Dahir of 24 February 1958 (4 Shaaban 1377) prescribing the status of civil servants (Chapter III).  
Decree of 5 February 1958 (15 Rejeb 1377) respecting the right of civil servants to organise.

Under section 7 of the recommendations of the Higher Council for Collective Agreements employers undertake not to discriminate against workers because of their membership or non-membership of a trade union. Sections 8 and 10 allow union members to be given leave to attend congresses and meetings of their organisations without affecting their annual leave. In the event of temporary absence on union business a worker must be reinstated in the same job and on the same terms once his leave expires. A worker may only be laid off or dismissed after consultation with the union officials in the undertaking. In cases where dismissals have been made because of trade union activities the officials of the Labour Inspectorate or the authorities responsible for the settlement of disputes have secured reinstatement.

Workers and employers have undertaken to ensure that the right to organise is fully respected. There are no trade unions run with the backing of employers' organisations.

There is no agency with special responsibility for enforcing the right to organise. However, the establishment of an organisation of this kind would be unwarranted and has not been called for, either by the employers or the workers.

Section 20 of the Dahir of 17 April 1957 states that the Minister of Labour and Social Affairs may, on application from employers and workers who are negotiating a collective agreement, designate an official of his department to take part in their discussions and assist them in reaching an agreement. Similarly, section 22 provides that at the request of a trade union or employers' organisation the Minister may call a meeting of a joint committee to conclude a collective agreement. In point of fact this procedure is very often followed. The Minister may likewise take the lead in calling joint committees of employers and workers to induce them to conclude collective agreements in order to forestall social unrest.

Officials responsible for the security of the State and the maintenance of law and order may not form trade unions (section 2 of the Dahir of 16 July 1957 and section 4 of the Decree of 5 February 1958).

All other officials may form trade unions provided they respect the general provisions of the law. Under the Decree of 5 February 1958 they must, however, comply with certain additional requirements, e.g. within two months of forming the union they must file its rules and a list of its officials with the superior authority to which its members are answerable.

#### *Norway.*

Labour Disputes (Civil Servants) Act of 18 July 1958.

This Act establishes special regulations to deal with disputes between the State and civil servants.

Appended to the report is a copy of a verdict given by a labour court on 5 May 1958 respecting the right to organise.

#### *Pakistan.*

In reply to the Committee's request for information the Government states that no legal decisions relating to the application of the Convention have come to its notice and that it has no observations to make concerning the manner in which the Convention is applied.

In reply to the observation of the Committee the Government states that the matters dealt with in Articles 1 and 2 of the Convention will be covered by the Bill to amend the Trade Unions Act, the draft of which is still being examined.

#### *Poland (First Report).*

Act of 1 July 1949 respecting trade unions.  
Decree of 6 February 1945 to institute works councils.  
Act of 14 April 1937 respecting collective contracts of employment.  
Code of Obligations of 1933.  
Decree of 24 February 1954 respecting works arbitration committees.  
Act of 20 December 1958 respecting labour management.

*Article 1 of the Convention.* The national legislation guarantees adequate protection to workers against all discrimination in the matter of employment, whether they are members of a trade union or not. This equality is guaranteed, *inter alia*, by section 5 (2) of the Act respecting collective contracts of employment which provides that the collective contract lays

an equal obligation on the employer in respect of a worker not a member of a trade union in the sector of activity governed by the contract. Section 28 of the Decree of 6 February 1945 respecting works councils stipulates that a contract of employment concluded between an employer and a member of the works council may not be terminated except on serious grounds or by the fault of the employee. Such termination is not valid unless the consent of the conciliation and arbitration committee of the district labour inspector has been obtained. In the same way, according to section 28 of the Act respecting labour management, a contract of employment concluded with a member of the works council may not be terminated without the consent of that council.

*Article 2.* By describing in detail the rights and powers of trade union organisations and of managements, the legislation affords an effective guarantee against unwarranted intervention in the affairs of the organisations by the management, and vice versa. This obviously does not entail any restriction of the rights of works committees or works councils with regard to the representation of staff interests and to co-management of undertakings.

*Article 3.* It is not necessary to create special bodies to ensure the enforcement of the rights set forth in the Convention.

*Article 4.* In recent years many trade unions have concluded new collective agreements.

All questions relating to conditions of employment and wages are dealt with by the national administrative bodies after consultation with the various trade unions and the Central Council of Trade Unions. All disputes which arise within an undertaking between the workers and the management are examined and settled by the works arbitration committee set up by virtue of the Decree of 24 February 1954.

*Article 5.* The legislation is not applicable to the armed forces or the militia.

*Article 6.* Collective agreements do not cover state employees, whose conditions of employment are governed by the Act of 1922.

#### *Sudan (First Report).*

Trade Unions Ordinance, 1948.  
Trade Unions (Amendment) Ordinance, 1958.  
Trade Disputes Ordinance, 1949.  
Trade Disputes (Arbitration and Enquiry) Ordinance, 1949.  
Societies Registration Act, 1957.

*Article 1 of the Convention.* The right of free association and combination, subject to the law, is embodied, as a legitimate right of every citizen, in article 5 (2) of the Transitional Constitution of the Republic of the Sudan. Registered organisations of workers or employers have full legal personality. By section 4 of the Trade Unions Ordinance, 1948, the purposes of trade unions shall not, by reason merely that they are in restraint of trade, be unlawful. By section 6 of the same Ordinance an act in contemplation or furtherance of a trade dispute shall not be actionable in the civil courts on the ground only that it induces some other person to break a contract of service, or that it is an interference with the trade, business or

employment of some other person or with the right of some other person to dispose of his capital or his labour as he wills. But the avowed policy of the Government is to prohibit any discrimination in employment or otherwise for the reason of union membership. After the promulgation of the Trade Unions Ordinance the Government issued the following statement: "The Government's attitude to victimisation is that there are many circumstances in which a strike is legal and that in such cases victimisation of any kind is wrong and instances of it will not be supported. It is to be hoped that private employers will follow the lead which the Government as an employer is giving in this connection and that they will refrain from victimising individuals who participate in legitimate strike action." Since then, this statement has been fully adhered to by the Government and by private employers.

*Article 2.* Workers' and employers' organisations are independent legal entities enjoying full protection against external interference. Registered unions must, under the Trade Unions Ordinance, provide for certain prescribed matters in their rules. Under section 20 (3) of the Ordinance any officer or member of a registered union who performs or seeks to perform any act in furtherance of the purposes of such registered union, which act is not in all respects in conformity with its registered rules, or fails or neglects without good and sufficient cause to observe such rules in the conduct of the affairs or business of the union, shall be guilty of an offence punishable by fine and/or imprisonment.

*Article 3.* The Trade Unions Ordinance, 1948, gives effect to this Article.

*Article 4.* The sole objective of trade unions is negotiation. A trade union's principal purposes are the regulation of relations between workmen and employers, or between workmen and workmen, or between employers and employers. By section 4 of the Trade Disputes (Arbitration and Enquiry) Ordinance, 1949, any trade dispute, whether existing or apprehended, may be reported by or on behalf of either party to the Commissioner of Labour, who may then take such steps as he deems expedient, within 21 days, to promote a settlement. Under section 11 (1) the Commissioner may inquire into any dispute, whether reported or not, and may refer any relevant matters to a board of inquiry, which shall report thereon to him.

The Trade Unions (Amendment) Ordinance, 1958, provides for the formation and registration of federations and confederations. Registered federations are expected to provide useful and practical machinery for negotiation.

The enactment of the Societies Registration Act, 1957, permits the registration of associations and societies which cannot register under other laws, including the Trade Unions Ordinance. In particular, the Act will permit Tenants and Pump Scheme Owners to form associations with a view to developing systems of negotiation and joint consultation.

*Article 5.* Under section 3A of the Trade Unions Ordinance, members of the armed forces, the police and the prison service may

not be members of a trade union or take any part in the promotion or formation of a trade union.

So far, no courts of law have given any decisions involving questions of principle relating to the application of the Convention.

No observations have been received from employers' or workers' organisations concerning the practical fulfilment of the conditions prescribed by the Convention.

### *Tunisia.*

Decree of 5 November 1949 respecting collective agreements (*Journal officiel*, No. 91, 8 Nov. 1949, p. 1679; corrigenda, *ibid.*, No. 96, 25 Nov. 1949, p. 1873) (*L.S.* 1949—Tun. 1).

Decree of 15 November 1956 respecting the general status of permanent wage earners employed by the State and public bodies.

Act No. 59-4 of 10 January 1959 to issue a statute for trade unions in Tunisia (repealing the Decree of 16 November 1932 respecting trade unions).

The principles of the Convention are enforced partly by the foregoing enactments and partly by current practice (mainly by collective agreements).

Any person is at liberty to join or not to join a trade union or to leave it (Decree of 16 November 1932 respecting industrial associations). Acts of discrimination infringing freedom of association in respect of employment are treated as an abuse of power and give rise to payment of damages. The right to organise was granted to workers employed by the State and public bodies by the Decree of 15 November 1956.

Interference by employers' and workers' organisations in each other's affairs is out of the question in practice because these organisations are powerful enough to prevent it.

There are no special agencies for enforcing the right to organise. In fact, this is done by the courts, to which any infringement of freedom of association can always be taken.

The Decree of 5 November 1949 establishes a comprehensive procedure for the negotiation of collective agreements. In the event of any difficulty, the Secretary of State for Public Health and Social Affairs intervenes to help in reaching a settlement. The Minister is assisted by an advisory committee on collective agreements.

Members of the armed forces are not entitled to organise; members of the police may do so but are not allowed to strike.

### *Turkey.*

The Government states that a Bill dealing with collective agreements, modelled largely on the Collective Agreements Recommendation, 1951 (No. 91), is about to be considered by Parliament.

In reply to the observation made by the Committee of Experts respecting proposed legislation to protect intellectual workers against anti-union discrimination, the Government states that there has been some delay owing to pressure of more urgent parliamentary business, so that it has not yet been possible to proceed further with the Bill in question. The same is true of the Bill to amend the Trade Unions Act, 1947, referred to in the Committee's



request for information. With respect to the position of intellectual workers, the purpose of the intended legislation is to regulate the employment relations of certain categories and to ensure that they shall enjoy social security rights and not to provide them with protection against anti-union discrimination, because they benefit already from the same protective measures as apply to non-manual workers.

#### *Ukraine (First Report).*

Constitution of 30 January 1937 (as amended in 1947).  
Labour Code of 1922 (Kiev, 1940).  
Ukase of the Council of Ministers of 15 March 1947.

At the end of every year the All-Union Central Council of Trade Unions and the Ukrainian Council of Trade Unions issue instructions regarding the conclusion of collective agreements.

The works and local trade union committees, acting on behalf of the wage-earning and salaried personnel of each undertaking, conclude collective agreements with the management.

The right of the workers to associate in trade unions being a constitutional right, the engagement of a worker or his retention in employment is not, and cannot be, made subject to the condition that he shall not join a trade union or shall relinquish trade union membership. A worker is never and cannot be dismissed by reason of his union membership or participation in union activities.

The statutory right to organise and conclude collective agreements does not extend to the army and the police.

The trade unions supervise the implementation of the right to organise and to conclude collective agreements, as well as the registration of such agreements.

State supervision in respect of these matters is exercised by the Public Prosecutor's Office.

#### *United Arab Republic (Egypt).*

Nothing in the relevant legislation gives the right to workers' and employers' organisations to interfere in each other's functioning, establishment or administration, and no cases of such interference have arisen. Section 18 of Decree No. 39 of 1952 respecting workers' organisations prohibits any trade union from accepting any financial aid without the consent of the Minister of Social Affairs and Labour.

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

Constitution of the U.S.S.R. of 1936.

Constitution of the R.S.F.S.R. of 1937 and the Constitutions of other Soviet Federated Republics.  
Labour Code of the R.S.F.S.R. of 1922 as amended (L.S. 1936—Russ. 1) and the Labour Codes of other Soviet Federated Republics.

Order of 4 February 1947 of the Council of Ministers of the U.S.S.R. respecting the conclusion of collective agreements in undertakings.

Order of 5 April 1948 of the Council of Ministers of the U.S.S.R. respecting the conclusion of collective agreements in undertakings and in the communications services, state farms, machine and tractor stations and machine and tractor repair workshops.

Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R., dated 15 July 1958, respecting the rights of works committees and local trade union committees.

Joint Regulations of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions, dated 9 July 1958, respecting permanent production conferences in industrial undertakings, construction projects, state farms, machine and tractor stations and machine and tractor repair workshops.

Since the earliest days of the Soviet State all workers have been fully guaranteed the right to organise and bargain collectively. These rights arise out of the very nature of the socialist state. Mass organisations like the trade unions have extensive rights with regard to the solution of problems relating to the working and living conditions of workers. In particular, trade unions have the right to conduct collective bargaining and to conclude collective agreements. This right is recognised by the legislation and is exercised in practice. The provisions contained in the Convention were applied in the U.S.S.R. long before that Convention was ratified by it; no amendments have therefore been necessary in the national legislation.

*Article 1 of the Convention.* In the Soviet Union, owing to the very nature of the régime, there can be no discriminatory acts directed against the interests of the workers. This applies particularly to rights in the sphere of freedom of association and engagement for employment. No head of an undertaking has the right to make the employment or the retention in employment of a worker subject to the condition that he shall join or shall not join a union or shall relinquish membership therein. The right to work is an inalienable right of every citizen in the U.S.S.R. Any direct or indirect restriction of this right is punishable by law.

Moreover, the trade unions themselves safeguard the interests of the workers with particular reference to questions of engagement and discharge. In accordance with the Ukase of the Praesidium of the Supreme Council dated 15 July 1958, no worker can be dismissed until the management has received the approval of the workshop, works or local trade union committee.

*Article 2.* The absence of capitalist undertakings in the Soviet Union excludes the possibility of interference in the affairs of workers' organisations by employers' organisations or vice versa.

Soviet legislation provides special penalties for attempts to restrict the rights of trade unions and their representatives (Penal Code). In accordance with section 161 of the Labour Code of the R.S.F.S.R. (and the corresponding sections of the Labour Codes of the other Soviet Federated Republics), the managements of undertakings and institutions cannot prevent the activities of trade union committees and the union organs which elect them.

*Article 4.* The right to conclude collective agreements is guaranteed by sections 15, 28 and 151 of the Labour Code of the R.S.F.S.R. and the corresponding sections of the Labour Codes of the other Soviet Federated Republics. A collective agreement must specify the contents of future individual contracts of employment (section 15). Clauses in a contract of employment which provide conditions less favourable to the employee than those stipulated by laws



or collective agreements shall be null and void (section 28).

The Soviet Government takes the necessary steps to enable the right of conducting collective bargaining and concluding collective agreements to be fully developed and implemented in this respect (see also the Regulations of the Council of Ministers of the U.S.S.R. dated 4 February 1947 and 5 April 1948).

On the basis of legislation and established practice, workshop, works and local trade union committees conclude collective agreements every year with the managements of undertakings.

Preparations for concluding collective agreements are carried on in such a way that workers are kept fully informed of the conditions to be laid down and can themselves take an active part in the drafting of the agreement. A first draft is worked out in common by the representatives of the trade union organisation and those of the management of the undertaking; it is discussed at the workshop meetings and general meetings of employees, where it is supplemented and amended. The supplemented text is then signed by the representatives of the trade union organisation and by the management.

The management and the heads of the competent public authorities are liable to disciplinary action if the obligations of the collective agreement are not fulfilled. If a collective agreement is intentionally violated the guilty persons on the management staff can be punished. The obligations of the workshop trade union committee, which have been accepted in the name of the employees as a whole, are of a social and moral nature and do not involve legal liability either for the trade union or for the employees (section 20 of the Labour Code of the R.S.F.S.R.).

*Article 5.* The guarantees of the Convention are not applicable to members of the armed forces, nor to members of the police, who are subject to special regulations.

The courts of law have given no decisions involving questions of principle relating to the

application of the Convention. All disputes connected with the application of collective agreements are examined by labour disputes committees, which are set up in undertakings and comprise an equal number of representatives of the trade union organisation and of the management. The decisions of these bodies are reached only by agreement between the two sides; they have legal force.

The application of collective agreements is supervised by the trade union organisations. This ensures fulfilment of the mutual obligations deriving from the agreement. The supervision aims at making impossible any violation of rights concerning occupational safety and ensuring observance of the conditions stipulated in collective agreements and in labour legislation. As an important place is allotted in collective agreements to questions of wages, the permanent wage committees play a large part in supervising the enforcement of collective agreements. These committees are set up within the undertaking by the works and workshop trade union committees; they comprise manual workers, salaried employees and technicians and are headed by a member of one of these committees. Moreover, in the course of the year the trade unions carry out a permanent and systematic check on the application of collective agreements. As a rule, all the employees in an undertaking are included in this check. The reports of heads of undertakings (managements) and the co-reports of the officers of the trade union organisations concerning the results of these checks are discussed at the general meetings of the employees of the undertaking.

\* \* \*

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

*Cuba, Finland, Guatemala, Iceland, Ireland, Japan, Philippines, Sweden, United Kingdom, Uruguay.*

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
Tunisia . . . . .	12. 1.1959
United Kingdom . . . . .	9. 6.1953
Uruguay . . . . .	18. 3.1954

*Federal Republic of Germany.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that employers who are parties to collective agreements make no distinction between organised and unorganised workers. As other employers also often pay collective agreement rates, it may be assumed that the number of workers paid according to these agreements is very close to the total of those employed.

As many forestry and horticultural workers are affiliated to the same unions as agricultural workers, and given the existence of some smaller unions whose membership cannot be ascertained, it is hardly possible to determine

the number of organised agricultural workers covered by collective agreements.

#### *Netherlands.*

*Article 1, paragraphs 2 and 3, of the Convention.* Apprentices have been excluded from the application of the Convention under these paragraphs.

*Article 3, paragraphs 2 and 3.* In reply to a direct request made in 1958 as to the consultation of employers' and workers' organisations when the Conciliation Board acts on its own motion in making wage regulations, the Government states that in practice the Conciliation Board only makes wage regulations with the agreement of the employers' and workers' organisations concerned. Section 19 of the Extraordinary (Labour Relations) Decree, 1945, also obliges the Conciliation Board to consult

the Labour Foundation (on which employers' and workers' organisations are equally represented) in cases of more general importance.

Paragraph 5. Each contract fixing the wages of a handicapped worker must be submitted to the local social committee of the Economic Organisation for Agriculture (*Landbouwschap*).

\* \* \*

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, France, Federal Republic of Germany, New Zealand, Philippines, United Kingdom, Uruguay.*

The report from *Mexico* reproduces 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
China . . . . .	1. 5.1958
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
India . . . . .	25. 9.1958
Indonesia . . . . .	11. 8.1958
Iceland . . . . .	17. 2.1958
Italy . . . . .	8. 6.1956
Mexico . . . . .	23. 8.1952
Panama . . . . .	3. 6.1958
Philippines . . . . .	29.12.1953
Poland . . . . .	25.10.1954
Rumania . . . . .	28. 5.1957
Ukraine . . . . .	10. 8.1956
U.S.S.R. . . . .	30. 4.1956
United Arab Republic (Syria). . . . .	7. 6.1957
Yugoslavia . . . . .	21. 5.1952

#### *Austria.*

In reply to a request by the Committee of Experts for particulars of collective agreements in which different rates of remuneration are fixed for men and women workers (including the approximate numbers of workers of each sex covered by these agreements and the extent of the differential between men's and women's rates of remuneration established by them), the Government states that an examination of the individual collective agreements is being made,

but that, as this examination will cover some 2,000 agreements, it is not yet possible to supply the required information. Moreover, it will be difficult to indicate the approximate number of men and women workers covered by collective agreements fixing different rates for men and women, as separate statistics of the number of employees in the various parts of trades for which collective agreements have been concluded are not available.

The Government reiterates that any differences in men's and women's rates to be found in collective agreements are based on differences in performance of men and women workers.

#### *Belgium.*

The Minister of Labour has once more circularised each of the joint committees already in existence asking them to report by October 1958 on the stage reached in negotiations over equality of remuneration for work of equal value; he has urged that this principle should be progressively introduced. A general report on the subject cannot be supplied before the end of 1958.

#### *Cuba.*

*Article 3 of the Convention.* In reply to a direct request by the Committee of Experts as to the measures taken to promote the objective appraisal of jobs on the basis of the work to be performed, the Government states that any disagreement as to comparability which cannot be resolved by the employer and trade union concerned is referred to the Ministry of Labour to determine whose evaluation is correct. This system, of practical value in implementing the Convention, has been fully accepted by the employers' and workers' organisations.

The present position as regards equality of remuneration is that the basic wage corresponds

to the job, and in addition there may be bonuses or higher remuneration for seniority, capability or other special factors.

#### *Dominican Republic.*

The most recent minimum wage rates fixed by the National Wages Board for workers in the textile industry, which employs a large percentage of women, are the same for men and women.

In reply to a direct request made by the Committee of Experts the Government states that, under section 67 of Regulation No. 7676 applying the Labour Code, the provisions of the Code relating to wages are applicable to agricultural undertakings employing more than ten workers. Wage rates fixed for agricultural workers by the National Wages Board apply without any distinction to men and women.

#### *France.*

Replying to a request made by the Committee of Experts the Government states that the slight difference which exists between the effective wage for men and for women corresponds basically to a different grade of skill and in particular of length of service in each skill. It appears in effect that a man's active working life is continuous between the ages of 20 and 59 years (93 to 97 per cent. of men in this age group are active). On the other hand, although 64 per cent. of women aged 20 years work, the percentage drops to 38 per cent. at the age of 34 by reason of the discontinuance of activity (sometimes temporary) which often results from marriage and maternity. The percentage of activity among women rises again slightly between 35 and 50 years of age. There is therefore a relatively higher proportion of workers with seniority among men than among women, which enables the former to acquire a higher degree of specialisation, particularly in skilled occupations. In this connection it may be noted that the greater the skill, the greater the difference between the average wage for men and for women: for unskilled labourers the difference was only 5 per cent. on 1 April 1958.

The General Confederation of Labour has reported that equal remuneration for men and women workers for work of equal value is hardly applied in fact. It states that there is discrimination not only in the matter of wages or salary proper for the same degree of skill and output, but also in numerous other respects: lower bonus rate for women, lower job grading for women in respect of the same work, downgrading of an entire industry if it employs mainly women, non-recognition of the equal value of the work, lower salary increases granted to women, and non-eligibility of women for qualified posts.

In reply to these observations the Government points out that since the promulgation of the Act of 11 February 1950, which freed wages from government control, it intervenes only to determine the minimum national inter-occupational guaranteed wage, which is equal for workers of both sexes. The same Act provides that collective agreements liable to be rendered compulsory by ministerial order for

all employers and salaried workers in the professional sector concerned must contain a clause relating to ways and means to apply the principle of equal wages for equal work to women and young persons. Any differences which may be observed between salaries paid to men and to women workers can be ascribed to differing degrees of skill. Moreover, bonuses and job-grading are governed by collective bargaining within each sector of activity, whether at national, regional or local level or within the undertaking.

#### *Federal Republic of Germany (First Report).*

Constitution of the Federal Republic of Germany of 23 May 1949 (*Bundesgesetzblatt*, 23 May 1949, Part I, p. 1) (L.S. 1949—Ger.F.R. 1).

Article 3 of the Constitution provides that men and women have equal rights and that no one shall be prejudiced or favoured, *inter alia*, on the ground of sex. The Federal Labour Court has held in a series of decisions that this principle of equality includes equal remuneration for men and women and also binds the parties to collective agreements.

The principle of equal remuneration is also contained in almost all the constitutions of the Länder.

*Article 2 of the Convention.* Wages are fixed mainly by collective agreements. Provisions in such agreements which are contrary to the principle of equal remuneration laid down in article 3 of the Constitution are void; provisions of this kind previously contained in collective agreements have been eliminated in the last few years.

*Article 3.* Equal remuneration for men and women workers is likely to be obtained by means of job evaluation only in undertakings where such methods are applied generally (i.e. including jobs performed by men). This is the case only in certain industries (e.g. in the iron and metal processing industries and mining) and even then generally only in certain larger undertakings. As a rule wages are fixed without recourse to these methods, but the underlying principle has always been to appraise the value of a job in terms of the demands made on the worker, with the over-all requirements of the job determined on the basis of experience.

*Article 4.* In connection with the ratification of the Convention, and on the initiative of the Federal Government, a study committee, composed of equal numbers of representatives of central organisations of employers and workers, has been set up. At the parties' request the Ministry of Labour and Social Affairs is co-operating in the committee's work. In view of the existing position the committee is of significance only in so far as the problem of equal remuneration goes beyond the implementation of the principle of "equal pay for equal work".

The Government considers that the principle of "equal pay for equal work" is already generally applied in the Federal Republic. There remains, however, the question whether, in those cases in which women and men perform different work, the relation between their wages reflects the relative value of their work.

The parties to collective agreements are trying to find a solution to this problem, both in theory and practice. In existing agreements, some tendency may be found to appraise jobs on the basis of their requirements with a view to evaluating women's work on the same basis as that of men, but efforts in this direction are still at an initial stage.

The application of the principle of equal remuneration is ensured through the Labour Courts, which hear claims for equal remuneration.

Appended to the report are copies of a judgment of the Federal Labour Court of 6 April 1955, collective agreements in the printing trade and the chemical industry indicating the elimination of previous provisions for different rates of remuneration for men and women workers, and a booklet of articles on the problem of women's remuneration published by the German Federation of Trade Unions.

The Government also refers to the report on the Convention supplied by it in 1955 under article 19 of the Constitution of the I.L.O.<sup>1</sup>

#### *Honduras (First Report).*

Constitution of 19 December 1957 (L.S. 1957—Hon. 5). Charter of Labour Guarantees of 16 February 1955 (L.S. 1955—Hon. 1).

Legislative Decree No. 224 of 20 April 1956 to promulgate the Act respecting individual contracting for employment (L.S. 1956—Hon. 1).

*Article 1 of the Convention.* Section 61 of the Act respecting individual contracting for employment specifies that "wages include not only the fixed and ordinary remuneration but also all payments received by the worker in cash or kind as a consideration for his services, irrespective of the form or denomination thereof".

*Article 2.* Article 112 of the Constitution guarantees to workers the application of the principle of equal remuneration for equal work without any discrimination. All laws governing relations between employers and workers come under the heading of law and order.

The Act respecting individual contracting for employment does not fix any rate of remuneration but provides, in section 65, that in fixing the amount of the wages payable in each type of work account was first to be taken of the quantity and quality of the work and then of the length of service of the worker. Equal remuneration shall be paid for equal work done in identical conditions. It shall not be lawful to discriminate on grounds of sex.

Collective agreements do not generally contain clauses concerning equal remuneration, but they may not contain any provisions contrary to the principles laid down in section 65 of the Act respecting individual contracting for employment.

The principle is applicable to all workers. Its enforcement is ensured by the General Directorate of Labour and by the labour courts.

<sup>1</sup> 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. 41-42.

In view of the high illiteracy rate among the working population the Government has organised educational classes for workers in all important industrial centres with a view to instructing them concerning their rights and obligations deriving from the labour legislation.

*Article 3.* No objective evaluation of types of work based on the legislation in force is carried out except at the request of the interested parties in the course of proceedings before the labour courts.

No investigation has been made which could furnish incontrovertible proof of progress made in the application of the principle.

*Article 4.* The means used to ensure that the provisions of the Convention are given effect are, firstly, state arbitration in labour disputes and secondly, consultations between the State and employers' and workers' organisations with a view to solving the problems arising out of the application of labour laws and regulations. Another method of ensuring their application is state intervention in the negotiation and signature of collective agreements, considered as means of settling disputes between employers and workers.

#### *Italy (First Report).*

Constitution of 22 December 1947 (L.S. 1947—It. 5). Act No. 67 of 26 February 1952 (*Gazzetta Ufficiale*, No. 52, 1952).

Act No. 23 of 4 February 1958 (*Gazzetta Ufficiale*, No. 40, 15 Feb. 1958, p. 632).

The Constitution of 1947 provides that "working women have the same rights as men and are entitled to equal pay for equal work" (article 37). The courts have held that this principle is binding and of immediate application. Extracts from relevant decisions by the Milan Court and the Milan Court of Appeal of 9 December 1955 and 11 October 1956 respectively are appended to the report.

The principle of equal remuneration is applied in the public administration and, by Act No. 67 of 26 February 1952, to wage earners employed by the State. Act No. 23 of 4 February 1958 applies the principle of equal pay to caretakers and other workers engaged in the cleaning and guarding of buildings in urban centres. In industry wages are fixed almost entirely by collective bargaining agreements. Equal pay prevails for women salaried employees in the highest categories, while in the case of other salaried employees and wage earners the presumption is that normally jobs are assigned to men or women workers in accordance with the type of work to be done and the aptitudes and abilities of the workers, and rates of pay are fixed on the basis of an objective appraisal of the jobs. Where the "equal value" of the work is open to question recourse is had to the rule laid down in agreements between the employers' and workers' confederations (dated 6 December 1945 for the northern provinces, 23 May 1946 for the central and southern provinces), namely that, whenever women are assigned to jobs traditionally performed by male workers, they shall be paid the wages

laid down by agreement for men, provided that the conditions of work are the same and the output is equal in quantity and quality; for piece-work this condition is considered to be met if equal rates are paid. This rule is also embodied in substance in the main national occupational agreements. In particular, the textile agreements of 6 December 1950 contain the additional rule that where male workers are assigned to jobs for which only women's rates are laid down they are to be paid the wages specified for the corresponding male grade.

In all branches of industry the rates for jobs done exclusively by women are about 85 per cent. of the rates for men's jobs. However, in the post-war period the rates for women's jobs have increased more than the rates for men's jobs: the former are more than 100 times (and even up to 125 times) greater than the pre-war rates, while men's rates are only about 70 times greater than before the war.

The public authorities have taken action to promote the application of the principle of equal pay in the private sector of the economy where wages are fixed by collective bargaining between employers' and workers' organisations. Following ratification of the Convention, the Ministry of Labour sent a circular to employers' organisations and trade unions on 21 June 1957, requesting them to co-operate actively to ensure that, in the negotiation or renewal of collective agreements, regard is had to the necessity of applying the principle of equal pay for men and women for work of equal value.

As a result of problems of application and interpretation arising out of this circular and other government action, the employers' and workers' confederations agreed to undertake a general examination of the problem of equality in the industrial sector and set up a joint technical committee for this purpose, which was expected to report in November 1958.

The relevant legislation is enforced by the Labour Inspectorate of the Ministry of Labour. Observance of contractual provisions is ensured by the trade unions and works committees.

### *Philippines.*

The Department of Labour has undertaken a time-and-motion study of piece rate work in industries employing mainly women workers in order to determine the extent of compliance by employers with the equal pay provision of Republic Act No. 679, as amended, and in particular whether the workers are receiving the minimum wage rate of four pesos a day. This study is in effect an objective appraisal of jobs on the basis of the work to be performed. The results of a study covering workers in cigar and cigarette factories (forwarded with the report) indicate that there is no discrimination in rates of pay on the ground of sex. However, in manufacturing industries generally, piece rates are still fixed on an arbitrary basis by management, or by management and labour, rather than on the basis of scientific methods of job analysis and evaluation, with the result that a variety of rates exists from factory to factory for almost the same kind of work.

### *Ukraine (First Report).*

Constitution of 30 January 1937 (as amended in 1947).

Under article 102 of the Constitution women are accorded equal rights with men in all fields of economic, public, cultural, social and political life. The possibility of exercising these rights is ensured to women by granting them an equal right with men to work and to payment for work. The legislation of Ukraine makes no provision for exceptions to this constitutional principle and there are no discrepancies between the legislative provisions in force and the standards set by the Convention.

### *Yugoslavia.*

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663) (*L.S.* 1957—Yug. 2).

Act of 12 December 1957 respecting public employees (*Službeni List*, 25 Dec. 1957, No. 53, Text 664).

The Act of 12 December 1957 respecting employment relationships provides that workers shall enjoy all the rights attaching to their employment relationship without regard to differences of sex or other criteria such as age, creed, etc. (section 8 of the Act). For equal work and work performed under equal conditions workers have the same rights (section 9 of the Act). It is obvious that these provisions also include equality of remuneration.

The personal income or wage of a worker is determined in accordance with the quantity and quality of his work (sections 10 and 185 of the Act). He is entitled to this personal income in accordance with the rate of remuneration or other criterion prescribed in the rules of remuneration of the economic organisation which employs him, either for the time spent at work or for the output achieved during that time (section 190 of the Act).

The rate of remuneration is fixed on the basis of the skill required for the performance of the jobs connected with the post, the responsibility for the conduct of operations and other criteria adopted for the purpose of job evaluation (section 198).

The rates of remuneration for workers in the service of private employers are fixed by collective contracts concluded between the trade union and the appropriate economic chamber (section 379 of the Act); these contracts may not contain provisions whereby the workers are accorded less extensive rights than those granted by the Act (section 382).

No legislation in Yugoslavia could contain provisions contrary to the fundamental principles of equal remuneration set forth in the Act respecting employment relationships.

The Act respecting public employees establishes a system of remuneration the basic principles of which are the same for all public employees.

\* \* \*

The report from *Poland* supplies information on the practical effect given to the Convention.

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

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
France . . . . .	29. 3.1954
Federal Republic of Germany . . . . .	5. 1.1955
Hungary . . . . .	8. 6.1956
Israel . . . . .	14. 7.1953
Italy . . . . .	8. 6.1956
Netherlands . . . . .	27.11.1958
New Zealand . . . . .	24. 7.1953
Norway . . . . .	30. 9.1954
Poland . . . . .	8.10.1956
Sweden . . . . .	12. 8.1953
United Arab Republic (Egypt) . . . . .	9. 4.1956
United Kingdom . . . . .	25. 6.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	30. 4.1955

*Belgium.*

Royal Order of 5 April 1958 respecting the implementation of the Acts governing annual vacation of salaried employees (*Moniteur belge*, 21-22 Apr. 1958).

Section 36 of the above-mentioned Decree provides for 12 days of annual vacation for every 275 days of employment, as compared with six days for every 12 months of employment under the previous legislation.

*France.*

In reply to the request for information made by the Committee of Experts the Government states that the Decree of 26 September 1936, which had been maintained in force by section 4 of the Act of 31 July 1942, was repealed by section 8 of the Act of 27 March 1956, which extends to agriculture the régime existing for other occupations. Moreover, the importance of sections 11 and 12 of the Decree in question was limited in view of the fact that the legislation on holidays with pay is subject to law and order, as is proved by a number of decisions of courts of law; consequently any agreement for the suspension of the right to a holiday must be considered as null and void.

*Federal Republic of Germany.*

Works Constitution Act of 11 October 1952 (*Bundesgesetzblatt*, Part I, 14 Oct. 1952, No. 43) (*L.S.* 1952—Ger.F.R. 6).  
Collective Agreements Act of 9 April 1949 (*Wirtschaftsgebietgesetzblatt*, p. 55) in the version appearing in the Federal Act of 11 January 1952 (*Bundesgesetzblatt*, Part I, p. 156).

*Article 8 of the Convention.* According to the legislation in force in the different Länder, no person may forgo his right to an annual holiday with pay. This right is also guaranteed as regards holidays with pay provided for in a collective agreement, in accordance with section 4, paragraphs 1 and 3, of the Collective

Agreements Act. Thus any arrangements concluded between a wage earner and employer regarding the renunciation of holidays are null and void.

*Article 10.* According to section 54 of the Works Constitution Act the general duties of the works council include the task of seeing that effect is given to Acts, Ordinances, collective agreements and works agreements in favour of the employees. In accordance with section 56, paragraph 1 (a), of this Act, the works council must also participate in the preparation of the leave schedule. Moreover, employers' and workers' organisations are required to implement the clauses of collective agreements relating to holidays with pay. Finally, any wage earner may bring an action before the labour courts with regard to his right to holidays with pay and, if he leaves his employment, his right to compensation for such holidays. This system of supervision has proved satisfactory up to now and it is considered as sufficient with regard to the future also.

*Italy (First Report).*

Constitution of 22 December 1947 (article 36) (*Gazzetta Ufficiale*, No. 298, 27 Dec. 1947) (*L.S.* 1947—lt. 5).  
Civil Code, section 2109.  
Code of Agrarian Laws, section 296.  
Royal Legislative Decree No. 1825 of 13 November 1924 (*Gazzetta Ufficiale*, No. 273, 22 Nov. 1924).

The report states that in Italy paid holidays are guaranteed general application by article 36 of the Constitution and by section 2109 of the Civil Code, which establish on the one hand the compulsory nature of such holidays after one year of continuous work and on the other hand the impossibility of forgoing such holidays. Holidays with pay for employees are guaranteed by section 7 of the Royal Legislative Decree No. 1825 of 13 November 1924.

Besides these provisions of a general nature, which apply also to agricultural workers, there exist in Italy clauses relating to holidays with pay in agriculture contained in collective agreements. The report refers first of all to old collective agreements which, although concluded by trade union organisations that have since been dissolved, are maintained in force by virtue of Legislative Decree No. 369 of 23 November 1944. These agreements are applicable *erga omnes*, that is in respect of all workers in the category to which they relate. The first of these agreements applies to workers in agricultural undertakings and was signed on 16 January 1934 in Rome; it provides that the worker is entitled to a minimum annual rest period which varies from ten to 30 days according to length of service. The employer may, in agreement with the worker, set the date of the holiday and may divide it, provided that the worker receives all the holiday due to him.

The other pre-war collective agreement dates back to 8 January 1937 and applies to the employment relationships of day-labourers, semi-permanent workers and permanent salaried employees; it guarantees an annual paid holiday of five days to permanent workers after one year of continuous employment in the same agricultural undertaking. The employer may set the date of the holiday.

With regard to new collective agreements the report specifies that they are applicable only to the members of the contracting associations. The first of these Conventions relates to permanent salaried employees and was concluded on 31 July 1951 between the *Confagricoltura* and the National Confederation of Direct Cultivators, on one hand, and the trade union organisations affiliated to the Italian General Confederation of Labour (C.G.I.L.), the Italian Confederation of Workers' Unions (C.I.S.L.) and the Italian Workers' Union (U.I.L.) on the other hand; it stipulates a minimum holiday of eight days for salaried employees who have worked one year without interruption for the same agricultural undertaking. In case of premature termination of the contract of employment, the holiday shall be calculated according to the number of months of service. The annual holiday is independent of weekly rest periods, public and customary holidays and periods of absence due to sickness or accident but, contrary to the provisions of collective agreements in industry, public holidays which fall within the period of the holiday are not deducted from it.

The national collective agreement concerning employment for day labourers in agriculture, concluded on 15 February 1957 between the organisations cited above, grants to such workers an indemnity of 11 per cent. of their wage in place of the annual holiday and of the other benefits which in view of the nature of their employment do not accrue to them.

The collective agreement concerning workers in agricultural and forestry undertakings, signed on 19 July 1949 by the organisations affiliated to the *Confagricoltura* and to the National Federation of Directors and Technical and Administrative Personnel of Agricultural and Forestry Undertakings, stipulates that workers are entitled, after at least one year of continuous employment, to an annual holiday of 20 or 30 days according to the number of years of service. Such holiday periods exclude public holidays only if these fall on the beginning or ending date of the holiday, and periods of absence if due to sickness, accident or other causes recognised as valid. In principle, the holiday must be taken all at once, but it may be divided into periods of at least ten days.

The collective labour agreement of 6 August 1957 for heads of agricultural and forestry undertakings (signed by the organisations previously mentioned) provides for a fixed annual holiday of 30 days, which may be replaced by pecuniary compensation if the interested party is unable to take the holiday.

Young workers do not enjoy any more favourable treatment in the matter of holidays unless they are apprentices. In that case, the holiday period may not be less than 30 days for apprentices under 16 years of age or 20 days

for those over 16 years of age (section 14 of Act No. 25 of 19 January 1955, as amended by Act No. 706 of 8 July 1956 and by Decree No. 1668 of 30 December 1956).

The report specifies that the exercise of rights deriving from the law and from collective agreements applicable *erga omnes* is guaranteed by the Labour Inspection Service of the Ministry of Labour and Social Welfare, while the rights granted by the new collective agreements are guaranteed by the trade union organisations themselves. The report mentions other means of protecting the worker: arbitration within the trade union, arbitration by the labour offices and appeals to the courts.

The report also states that, according to a survey carried out on 8 May 1957 by the I.S.T.A.T., agriculture in Italy employed at that time 35,000 persons as management staff or as employees, and 1,638,000 as "dependent workers".

#### *Poland (First Report).*

Collective agreement concluded on 4 July 1957 between the Ministry of Agriculture and the Executive Committee of the Agricultural Workers' Union.  
Act of 2 July 1958 respecting vocational training, preparation for work and conditions of work of young persons in undertakings (Law Journal, No. 45, Text 226).

The collective agreement of 4 July 1957 grants to permanent workers the right to an annual holiday with pay of 12 working days after one year of continuous employment, increased to 15 working days after three years and 30 working days after ten years of service. Seasonal workers are entitled to paid holidays reckoned on the basis of one day for each 25 days of work. Salaried employees are entitled to an annual holiday of 30 days after one year of continuous service.

The Act of 2 July 1958, applicable to nationalised agricultural undertakings, grants to young persons between 14 and 16 years of age the right to two weeks of paid holidays after six months of service and 30 days after one year, irrespective of the holiday secured after six months. For young persons between 16 and 18 years of age the annual holidays consist of seven days after six months of service and 14 days after one year, irrespective of the holiday secured after six months. Salaried employees between 16 and 18 years of age are entitled to two weeks of paid holiday after six months of service and 30 days after one year of service, irrespective of the holiday secured after six months.

The enforcement of the above provisions is entrusted to the Labour Inspection Service of the trade unions.

#### *United Arab Republic (Egypt) (First Report).*

Act No. 131 of 16 July 1948 to promulgate the Civil Code (*Journal officiel*, 29 July 1948 (Extraordinary), No. 108bis A) (L.S. 1948—Eg.2).  
Legislative Decree No. 317 of 8 December 1952 respecting individual contracts of employment (*Al-Waqa'u al Massriya*, No. 157bis, 8 Dec. 1952) (L.S. 1952—Eg. 1).

*Article 1 of the Convention.* Section 1 of Legislative Decree No. 317 defines the persons to whom its provisions apply.



*Article 2.* Section 20 of the Legislative Decree refers to the annual holidays.

*Article 3.* The minimum duration of the annual holiday is 14 days after a full year of service with an employer (section 20).

*Article 4.* All categories of workers are covered by the Legislative Decree except those working in establishments where no machinery is used, where less than five workmen are normally employed and where less than E£20 is paid in tax per annum. The Superior Advisory Labour Council, in which employers and workers are represented, is consulted before the promulgation of any labour law.

*Article 5.* Young persons are entitled to a holiday of 14 consecutive days. The holiday of all workers is increased to 21 days after ten years of continuous service with the same employer. Public and customary holidays, weekly rest periods and temporary interruptions of attendance at work due to such causes as sickness or accident are not included in the annual holiday.

*Article 6.* Section 20 of the Legislative Decree provides that the annual holiday should include at least six continuous days.

*Article 7.* Under section 20 of the Legislative Decree persons taking holidays are entitled to full pay during their holiday. Section 4 defines pay as the wage plus all other remuneration such as commissions and bonuses, mentioned in sections 683 and 684 of the Civil Code.

*Article 8.* Section 50 of the Legislative Decree provides that any agreement that is contrary to the provisions of the Decree is null and void unless it is more advantageous to the worker.

*Article 9.* The worker is entitled to submit a claim before the labour court if he fails to secure an annual holiday from the employer. Section 54 of the Legislative Decree exempts workers from claims fees.

*Article 10.* Labour inspectors visit establishments to ensure that the provisions regarding annual holidays are applied.

The application of the above-mentioned legislation is entrusted to the Labour Department of the Ministry of Social Affairs and Labour.

#### *United Kingdom (First Report).*

Agricultural Wages Act, 1948 (11 and 12 Geo. 6, ch. 47) (*L.S.* 1948—U.K. 5).

Agricultural Wages (Scotland) Act, 1949 (12 and 13 Geo. 6, ch. 30).

Scottish Agricultural Wages Board Regulations (No. 2), 1937 (Statutory Rules and Orders, 1937/1126).

Agricultural Wages (Regulation) Act (Northern Ireland), 1939 (2 and 3 Geo. 6, ch. 25).

Agricultural Wages (Regulation) Act (Northern Ireland), 1940 (4 Geo. 6, ch. 19).

Agricultural Workers' Holidays Act (Northern Ireland), 1956 (ch. 3).

Orders of the Agricultural Wages Boards made from time to time under the above Acts.

*Article 1 of the Convention.* In England and Wales and in Scotland holidays with pay for agricultural workers are granted by Orders of the Agricultural Wages Boards established under the Wages Act, 1948 (England and Wales) and the Wages Act, 1949 (Scotland).

In Northern Ireland workers employed in agriculture are granted annual holidays with pay by legislative provision.

*Article 2.* The Agricultural Wages Boards, which in England and Wales and in Scotland have the power to fix holidays with pay and in Northern Ireland to fix minimum rates of holiday remuneration, comprise representatives of agricultural workers' and employers' organisations in equal numbers.

*Article 3.* In England and Wales whole-time workers and regular part-time workers are granted holidays at the rate of one day for each month of employment in the holiday year, which is defined as the year beginning on 1 November and ending on the following 31 October. In Scotland and in Northern Ireland agricultural workers under a contract of service are entitled to one day's holiday with pay for each eight weeks of continuous employment with a minimum of seven days in a year.

*Article 4.* The scope of the holidays with pay machinery is determined by the Agricultural Wages Acts. In this connection the most representative organisations of employers and workers were consulted. The range of application covers all persons employed under a contract of service in agriculture. There are no excepted occupations or categories of persons, but members of the farmer's family who are not under a contract of service are in practice excluded.

*Article 5, clauses (a) and (b).* No special provisions have been made for additional holidays for young persons or in respect of the length of service.

Clause (c). Provisions for proportionate holidays with pay at the rate of one day for each month of service have been made by the Wages Boards in England and Wales. In Scotland and in Northern Ireland a worker is entitled to proportionate holidays at the rate of one day for each eight weeks of employment.

Clause (d). Under legislation or Wages Boards' Orders customary holidays and weekly rest periods are excluded from the annual holidays with pay. In Great Britain absences from work due to such causes as sickness or accident are matters for settlement at common law or in the terms of individual contracts of service. Such absences in relation to holidays with pay are not dealt with by the Wages Boards. In Northern Ireland the Agricultural Wages (Regulation) Act, 1939, provides that absences from work not exceeding in the aggregate eight days in any period of eight consecutive weeks are disregarded for the purpose of entitlement to holidays with pay if the worker has not been employed by another employer.

*Article 6.* In England and Wales the annual holidays must be taken during the same holiday year as that in which they are allowed. A worker may at his option on not more than one occasion during a holiday year take up to one-half of his holidays on consecutive days. The Orders of the Scottish Wages Board provide that a holiday shall include at a minimum three consecutive days provided that the worker is entitled to a holiday of that duration. In Northern Ireland the legislation provides that all holidays with pay must be taken within the holiday year.



*Article 7.* Provisions for the payment of holiday remuneration are contained in the Orders of the Agricultural Wages Boards. The methods of calculation ensure the workers, in respect of each day allowed as a holiday, their normal wage for the week in which the holiday is taken.

The Orders of the Scottish Wages Board contain provisions to the effect that the value of milk or board reckoned as wage payment in lieu of cash shall not be counted as payment in lieu of cash for the purpose of holiday remuneration when such advantages are not received during the holiday.

*Article 8.* For the position in England and Wales reference is made to the reply under Article 6. The Agricultural Wages (Scotland) Act, 1949, provides in its section 11 (1) (b) that any agreement as to holidays that is inconsistent with the direction of the Wages Board or for abstaining from exercising the right to holidays conferred by such decision shall be void. The Agricultural Wages Act for Northern Ireland, 1939, makes void any agreement to abstain from the right to holidays given by the Act.

*Article 9.* When the employment terminates before the holidays have been taken the worker is entitled to holiday remuneration in respect of the outstanding days. A worker who does not receive the remuneration due to him can make a complaint to the Wages Inspectorate.

*Article 10.* Compliance with the requirements of the Act and Orders in England and Wales is obtained through an Inspectorate under the Ministry of Agriculture, Fisheries and Food. The Wages Act also lays down the procedure to be followed in cases of contravention and provides for penal sanctions. In Scotland inspectors appointed by the Secretary of State carry out the control in respect of annual holidays provisions in agriculture, and in Northern Ireland an inspectorate appointed by the Ministry of Agriculture secures observance of the provisions of the legislation.

#### *Yugoslavia.*

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663) (*L.S.* 1957—Yug. 2).

Regulations of 14 March 1958 issued in application of the Act of 12 December 1957 respecting employment relationships (*Službeni List*, No. 21/58).

The Act of 12 December 1957 respecting employment relationships repeals the legisla-

tion which previously gave effect to the Convention with the exception of the Act of 1 December 1948 respecting labour inspection. The main provisions governing annual holidays with pay in agriculture are retained, but certain modifications in the application of the Convention result from the new Act.

*Article 2 of the Convention.* The Act of 12 December 1957 provides that economic organisations (community owned and co-operative undertakings) shall include in their statutes regulations governing annual holidays with pay, and prescribes the conclusion of collective agreements as an obligatory means for regulating annual holidays with pay in the private sector of the economy.

*Article 5.* Provisions of general application are made for an increase in the duration of the annual holiday consistent with the length of service. The above-mentioned Act also provides for more favourable treatment in the case of young workers below the age of 18 years employed in economic organisations. The duration of the holiday is now specified in working days, and public holidays are now included among the periods which may not be counted as annual holiday.

*Article 6.* On request a worker may have his annual holiday divided into two approximately equal parts.

*Article 7.* For workers employed by private employers the method of fixing the holiday remuneration shall be laid down in collective agreements.

*Article 8.* Section 13 of the Act of 12 December 1957 provides that rights under the Constitution and legislation may not be limited by any arrangement between the worker and the employer.

\* \* \*

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

*Austria, Federal Republic of Germany, Israel, Norway, Sweden, Yugoslavia.*

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

*Cuba, New Zealand, Uruguay.*

## 102. Social Security (Minimum Standards) Convention, 1952

*This Convention came into force on 27 April 1955*

Countries	Date of registration of ratification
Denmark <sup>1</sup> . . . . .	15. 8.1955
Federal Republic of Germany <sup>2</sup> . . . . .	21. 2.1958
Greece <sup>3</sup> . . . . .	16. 6.1955
Israel <sup>4</sup> . . . . .	16.12.1955
Italy <sup>5</sup> . . . . .	8. 6.1956
Norway <sup>6</sup> . . . . .	30. 9.1954
Sweden <sup>7</sup> . . . . .	12. 8.1953
United Kingdom <sup>8</sup> . . . . .	27. 4.1954
Yugoslavia <sup>9</sup> . . . . .	20.12.1954

<sup>1</sup> Has accepted the provisions of Parts II, IV, V and IX.

<sup>2</sup> Has accepted the provisions of Parts II to X.

<sup>3</sup> Has accepted the provisions of Parts II to VI and VIII to X.

<sup>4</sup> Has accepted the provisions of Parts V, VI and X.

<sup>5</sup> Has accepted the provisions of Parts V, VII, and VIII.

<sup>6</sup> Has accepted the provisions of Parts II to VII.

<sup>7</sup> Has accepted the provisions of Parts IV, VI and VII.

<sup>8</sup> Has accepted the provisions of Parts II to V, VII and X.

<sup>9</sup> Has accepted the provisions of Parts II to VI, VIII and X.

### Denmark.

#### PART II. MEDICAL CARE

Regulation No. 79 of 26 March 1958 to amend Regulation No. 30 of 14 February 1956 concerning payment for medicines, etc., by the recognised sickness insurance funds.

#### PART IV. UNEMPLOYMENT BENEFIT

Act No. 46 of 27 February 1958 to amend the Employment Exchanges and Unemployment Insurance Act No. 179 of 23 June 1932.

In reply to a request made by the Committee of Experts in 1958 the report gives the following information.

#### PART II. MEDICAL CARE

*Article 9 of the Convention.* The number of active members covered by sickness insurance, i.e. insured persons entitled to medical care benefits, was 2,496,000 at 31 December 1956, and the number of children under 15 years of age covered by their parents' insurance was 1 million. The total number of residents protected was consequently 3,496,000. The total population on 1 November 1957 was 4,477,000 and the percentage of coverage was consequently 78.1. The number of passive members covered by sickness insurance was 275,000.

Under subsection 1 of section 1 of the National Insurance Act the citizens are required to apply for membership of a sick fund or sickness benefit society. If this obligation is fulfilled only by passive membership, however, the member is entitled at any time, irrespective of age or state of health, to require transfer to active membership, subject to the specified qualifying period. Accordingly passive membership also ensures the member's right in case

of sickness. Thus, it should not be necessary to give the information under Article 6 (b) mentioned by the Committee of Experts. Further, all of the insured persons mentioned above are active members whose income does not exceed the wage of a skilled worker.

*Article 10.* As regards the right to prenatal care according to paragraph 1(b) of this Article, the report refers to Act No. 472 of 1 October 1945 respecting maternity care, as amended by Act No. 182 of 20 May 1952, under which any pregnant woman is entitled to free preventive health examinations by a doctor and a midwife. In the event of any morbid condition during the pregnancy requiring medical treatment, such treatment is granted under the general provisions governing medical care under the sickness insurance scheme.

The provisions of subsections 2 to 5 of section 27 of the National Insurance Act, which provide for a certain cost-sharing by the members in case of financial difficulties of the sick fund concerned, relate to sick funds which do not administer the medical benefit in a proper manner, and that the possibility of withdrawing free medical care will not be utilised until all other means for a reduction of the medical expenses of the sick fund have been exhausted. Furthermore, it will always be possible for a fund to make administrative changes which preclude demands for discontinuation of free medical care.

#### PART IV. UNEMPLOYMENT BENEFIT

*Article 21.* Civil servants are included among the number of protected persons in accordance with Article 6 (c) of the Convention and there can be no question of *periods* of unemployment as far as civil servants are concerned. By virtue of his appointment the civil servant is guaranteed full employment during his years of service until the termination of the employment. If the employment ceases because of age (normally at the age of 70) or sickness, the civil servant will retire with a pension. If the post is abolished before that time, the civil servant is protected under the provisions of the Civil Servants Act governing compensation for temporary unemployment, etc., during a transitional period, at the end of which he is granted a retirement pension or takes over a post corresponding to his age and training.

As regards the information to be supplied under Article 6 of the Convention the unemployment funds are supervised by the Directorate of Labour.

As a typical skilled manual male worker a mechanic in the engineering industry has been selected. His annual earnings (including holiday pay and all supplements, except overtime) amounted, on the basis of 2,284 working

hours a year, to 14,480 crowns in Copenhagen and 12,380 crowns in provincial towns for the period 1 April 1957 to 31 March 1958. As regards rural areas a similar calculation cannot be made, as agriculture, which is the predominating industry in these areas, employs workers whose training cannot be compared with that of skilled workers in Copenhagen and provincial towns.

There exist no special income statistics relating to persons insured against unemployment. Apart from a small number of high officials, practically all members of the unemployment insurance scheme have incomes not exceeding that of a skilled worker.

*Article 22.* As a person deemed typical of unskilled labour a full-time metal worker in the engineering industry (No. 36 of the International Standard Classification of all Economic Activities) has been selected for Copenhagen and provincial towns. The wages of such a worker for the period 1 April 1957 to 31 March 1958 amounted to 11,900 crowns annually or 228.85 crowns weekly in Copenhagen, and to 10,900 crowns annually or 209.62 crowns weekly in provincial towns. It is not possible to make any distinction between the conditions of the unskilled workers of this industrial group and those of related industries. The total number of the unskilled workers in the metal trades constitutes the largest group of unskilled workers in the towns. As a typical unskilled worker in the rural areas a full-time day labourer in agriculture (aged 26 to 39 years) has been selected who does not receive board and lodging as part of his wages. The wage of such a worker amounted to 8,400 crowns a year or 161.55 crowns a week.

The weekly amounts of benefits and family allowances for the standard beneficiary were as follows for the period under review :

	Copen- hagen	Provin- cial towns	Rural areas
Maximum rate of unemployment allowance . . . . .	79.20	79.20	79.20
Supplement in respect of children . . . . .	17.40	17.40	17.40
Rent allowance . . . . .	22.50	22.50	15.00
Fuel allowance . . . . .	2.00	2.00	2.00
Family allowances . . . . .	6.35	6.15	5.77
Total amount of benefits plus family allowances . . . . .	127.45	127.25	119.37
Standard wage plus family allowances . . . . .	235.20	215.77	167.32
Percentage of benefits to standard wage . . . . .	54	59	71

A list of the rates applied by the various funds is annexed to the report ; the great majority of the funds paid benefits up to the statutory maximum rates, in certain cases, however, subject to a qualifying period. As a general rule, rates lower than the statutory maximum were paid in very few cases and such cases which do not comply with the standards of the Convention relate only to minor funds whose members are chiefly engaged in seasonal trades. All members of all funds receive equal treatment within seniority groups. The funds

exercise no individual judgment as regards the amount of benefit.

*Article 24.* The Employment Exchanges and Unemployment Insurance Act of 1947 has been amended by the Act of 27 February 1958, with the effect that the number of weekdays for which a member may draw benefit within a year cannot be fixed at less than 90. In addition, the provisions respecting continuation insurance have been abolished. The maximum number of days for which a member may draw benefit has thus been fixed as the total of the number of days of the previous general insurance and the continuation insurance.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 685.

PART V. OLD-AGE BENEFIT

*Article 28.* As regards the selection of the typical worker see under Article 22 above.

With respect to the size of the benefit, the annual amounts of old-age benefit, including personal supplements, during the period 1 April 1957 to 31 March 1958, for a married couple both of whom are entitled to a pension, were 5,316 crowns in Copenhagen, 5,040 crowns in provincial towns and 4,620 in rural areas. As the annual standard wage in the three areas was 11,900, 10,900 and 8,400 crowns, respectively, the percentage of benefit to standard wage was 44.7 in Copenhagen, 46.2 in provincial towns and 55.0 in rural areas.

*Article 29.* The payment of the national old-age pension is not subject to five years' residence in the country.

PART IX. INVALIDITY BENEFIT

*Article 56.* As regards the selection of the typical worker see under Article 22 above.

The annual amounts of benefits (including supplements in respect of wife and dependent children) for the period 1 April 1957 to 31 March 1958 were 6,516 crowns in Copenhagen, 6,072 crowns in provincial towns and 5,484 crowns in rural areas. The general family allowances for the standard beneficiary amounted to 330, 320 and 300 crowns respectively for the same period, so that the amount of benefit plus family allowances was 6,846 crowns in Copenhagen, 6,392 crowns in provincial towns and 5,784 crowns in rural areas. The standard wage plus family allowances amounted to 12,230, 11,220 and 8,700 crowns respectively in the three areas. The percentage of benefit to standard wage was consequently 56.0 in Copenhagen, 57.0 in provincial towns and 66.5 in rural areas.

PART XIII. COMMON PROVISIONS

*Article 69, clause (f).* Section 17, subsection (1) 3 of the Employment Exchanges and Unemployment Insurance Act, 1947, which provides that an unemployment fund shall not pay

benefit to members whose unemployment is due "to excessive indulgence in intoxicating liquor or quarrelsome behaviour with the employer or fellow workers, or other misconduct", is applied in conformity with clause (f) of this Article of the Convention. If misconduct of the nature dealt with in the provisions concerned is held not to be wilful it does not involve forfeiture of the right to unemployment benefit.

The amounts of the Danish old-age and invalidity pensions being regulated according to the financial conditions of the beneficiary, it must be regarded as a necessary supplement to the rules of the National Insurance Act governing calculation of the pensions that there exists a special rule, in paragraph 1 of subsection (2) of section 38, under which persons who wilfully take any action depriving them of their means of subsistence do not as a matter of course qualify for income-related old-age pension. In this connection it should be noted that the provision concerned is always applied in such a manner as to grant the applicant an old-age or invalidity pension with the amount to which he would have been entitled if he had *not* deprived himself of his means of subsistence. The minimum amounts of the old-age and invalidity pensions are paid in all cases.

The provisions of paragraph 3 of subsection (2) of section 38 of the National Insurance Act are so limited in scope as in fact only to cover persons who are guilty of wilful misconduct, it being required that the person concerned shall have been guilty of misconduct several times, and that this misconduct shall be of such nature as to give offence to wide public circles.

The provision of paragraph 4 of subsection (2) of section 38 of the National Insurance Act, under which persons who within specified periods of time have been in receipt of either poor relief or of communal relief entailing the loss of right to vote and of eligibility for public assemblies and councils are precluded from drawing old-age or invalidity pension will, as far as poor relief is concerned, apply only to persons being guilty of wilful misconduct. As regards communal relief entailing loss of the right to vote and of eligibility for public assemblies or councils, though under the National Assistance Act there is in theory nothing to prevent the provision from applying also to persons who are not guilty of misconduct, the Act provides for exemptions to be made from such legal effects in these very cases, and it is therefore possible within the scope of the existing legislation to administer paragraph 4 of subsection (2) of section 38 of the National Insurance Act in conformity with the Convention. With reference to cases where it is particularly doubtful whether it is a question of wilful misconduct the Government, on 13 December 1957, recommended the local authorities to utilise the said authority to grant exemption.

*Article 71.* The cost of benefits provided under the ratified Parts of the Convention for the period 1 April 1955 to 31 March 1956 is 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) . . .	875,327	205,195
IV. Unemployment benefits (excluding employment services) .	309,561	110,817
V. Old-age benefit (pensions only) . . . .	668,482	—
IX. Invalidity benefit (pensions only) . .	167,151	13,883
Total . . .	2,020,521	329,895

The insurance contributions borne by the protected persons (B) therefore represent 16.3 per cent. of the total resources (A).

With regard to Part II (medical care), it is not possible to break down the amounts, as all expenditure included under this item forms an integral part of the Danish system of social security relating to medical care.

Section 15 (3) of the Employment Exchanges and Unemployment Insurance Act, 1947, refers to cases where the rules of an unemployment fund provide that all or some categories of members shall receive daily cash benefits at rates lower than the statutory maximum rates. The provision is applied so that the proportion between the benefit rates of non-breadwinners and breadwinners in the individual funds shall not exceed the proportion between the statutory maximum rates payable to non-breadwinners and breadwinners.

*Article 77.* Recourse is not had to paragraph 2 of this Article.

#### Greece (First Report).<sup>1</sup>

##### PART II. MEDICAL CARE

##### PART III. SICKNESS BENEFIT

##### PART V. OLD-AGE BENEFIT

##### PART VIII. MATERNITY BENEFIT

##### PART IX. INVALIDITY BENEFIT

##### PART X. SURVIVORS' BENEFIT

Law No. 1846 of 1951 (*Ephemeris tes Kyberneseos*, Part I, No. 179, 21 June 1951) (L.S. 1951—Gr. 4), as amended and supplemented by Legislative Decree No. 2698 of 1953 (*ibid.*, Part I, No. 315, 10 Nov. 1953), Legislative Decree No. 3083 of 1954 (*ibid.*, Part I, No. 247, 11 Oct. 1954), Legislative Decree No. 3210 of 1955, Legislative Decree No. 3710 of 1957 (*ibid.*, Part I, No. 100, 12 June 1957), and Legislative Decree No. 3762 of 1957.

##### PART IV. UNEMPLOYMENT BENEFIT

Legislative Decree No. 2961 of 1954 (*Ephemeris tes Kyberneseos*, Part I, No. 197, 25 Aug. 1954) (L.S. 1954—Gr. 2).

Act No. 3252 of 1955 (*Ephemeris tes Kyberneseos*, 3 June 1955).

Act No. 3464 of 1955 (*Ephemeris tes Kyberneseos*, Part I, No. 350, 31 Dec. 1955) (L.S. 1955—Gr. 3).

<sup>1</sup> This first report was received too late to be summarised in 1958.

## PART VI. EMPLOYMENT INJURY BENEFIT

Ministerial Order No. 24699/I. 164 of 30 May 1952  
(*Ephemeris tes Kyberneseos*, Part II, No. 130,  
5 June 1952) (L.S. 1952—Gr. 2), as amended.

The Greek social security system is divided into three main sectors, viz.:

(1) *The general compulsory social insurance scheme* covering wage earners in general, apprentices, trade union personnel, government employees other than those having permanent status and aliens who have a settled place of residence in Greece. The scheme provides insurance in respect of the contingencies of sickness, maternity, invalidity, old age, death and employment injuries.

(2) *The special schemes*, that is to say those run by the sickness funds, provident funds and pension funds, which provide insurance for wage earners in certain occupations (bakers, drivers, flour-millers, etc.) or in particular undertakings such as banks, railways, etc. There are about 40 of these special schemes, which are recognised provided that they grant benefits not lower than those granted under the general scheme; workers who are members of the funds with special schemes are automatically insured under the general scheme in respect of any contingencies not covered by the special schemes.

(3) *The unemployment insurance scheme* run by a specialised organisation, the Unemployment Insurance Organisation, which was set up in 1954 and operates in close liaison with the employment service and placement offices.

## PART I. GENERAL PROVISIONS

*Article 2 of the Convention.* Greece has ratified all the Parts of Convention No. 102, except Part VII (Family Benefit).

## PART II. MEDICAL CARE

*Article 9.*

Number of employees protected by the general scheme (1957) . . . . .	630,000
Number of employees protected by special schemes (1957). . . . .	110,000
Total . . . . .	740,000
Total number of employees (population census of 1951) (including government employees and seamen) . . . . .	1,046,109
Percentage of employees protected . . . . .	71

*Article 10.* The report lists the various benefits provided. Insured persons, other than unemployed workers in receipt of unemployment benefit and workers injured in occupational accidents, pay a fairly small part, not exceeding 25 per cent. in any circumstances, of the cost of medical care.

Under certain special schemes, however, they are required to pay a smaller share or nothing at all.

Beneficiaries are also required to pay part of the cost of medical care in cases of pregnancy, confinement and their consequences. The report states that the Government intends to bring its legislation into line with the Convention in this respect, and that it has asked the

various social security organisations to submit proposals.

*Article 11.* Under the general scheme the qualifying period is as follows: 50 days of employment either in the calendar year preceding the declaration of the illness or the probable date of confinement, or in the 15 months preceding the same date, in which case the last three months are ignored. Days in respect of which the insured person has received unemployment or sickness benefit are regarded as days of employment.

For sanatorium treatment the qualifying period is 350 days of employment in the four years preceding the beginning of the illness.

The same conditions apply under the special schemes, apart from a few exceptional cases in which there is no qualifying period at all.

*Article 12.* Medical care is provided throughout the duration of the illness; certain special schemes lay down restrictions with regard to the duration of hospital care in cases of long illness but still allow sanatorium treatment for as long as 24 months, and even three or four years if this should be rendered necessary by the patient's condition.

In the event of patent abuse medical care may be suspended for a period not exceeding three months.

## PART III. SICKNESS BENEFIT

*Article 15.* See above under Article 9.

*Article 16.* The amount of sickness benefit is based on the average wage for the wage category to which the insured person belonged on his or her last day at work. There is a wage ceiling, and the part of the wage exceeding 130 drachmas a day is not taken into consideration for the purpose of calculating contributions or cash benefits.

The rate of sickness benefit is 50 per cent. of the aforesaid basic wage, and there is a 10 per cent. increase for each dependant. The daily benefit may not exceed 70 per cent. of the daily basic wage or the average wage for the 6th wage category (at present 35 drachmas a day).

Standard wage <sup>1</sup> . . . . .	60 drachmas
Benefit . . . . .	30 drachmas
Increase for dependants . . . . .	9 drachmas
Total benefit <sup>2</sup> . . . . .	35 drachmas
Total benefit as a percentage of standard wage . . . . .	62.5
Daily benefit rate for women workers . . . . .	30 drachmas
That benefit as percentage of standard wage . . . . .	53.5

<sup>1</sup> Wage category of a metallurgical fitter with 14 years of service whose real wage under collective agreements amounts to 56 drachmas.

<sup>2</sup> The total benefit should be 39 drachmas, but is reduced to 35 under the rule providing for a benefit ceiling.

*Article 17.* The qualifying period for sickness benefit is 100 days of employment, irrespective of whether contributions were or were not paid in respect of that period, in a calendar year or in the last 15 months preceding the beginning of the sickness, days worked over the last three months not being taken into account in the second case.

*Article 18.* Sickness benefit is paid as from the fourth day of incapacity and for a maximum duration of 180 days in any one calendar year; for a case of tuberculosis this duration may be extended to 360 days. The waiting period for payment of benefit applies only once in any one calendar year.

The payment of sickness benefit may be suspended in the following cases: (a) if the insured person is in receipt of a pension; (b) if the insured person has made his condition more serious by failing to comply with his obligations as a patient or with instructions given with a view to securing an improvement in his condition; or (c) if the insured person has been sentenced in a court of law for an offence connected with the insurance scheme (maximum suspension of three months).

#### PART IV. UNEMPLOYMENT BENEFIT

*Article 20.* The contingency covered includes the suspension of earnings due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.

*Article 21.* The payment of unemployment benefit is guaranteed to all workers covered by the sickness insurance schemes (general scheme and special schemes) except pensioners, persons under the age of 18 years or over the age of 65, domestic workers and persons who are not employed by a particular employer.

Number of employees protected . . . . .	450,000
Total number of employees (in 1951) . . . . .	1,046,109
Percentage of employees protected . . . . .	43

*Article 22.* An insured person with a dependent wife and two children receives an unemployment benefit ranging from 45 to 70 per cent. of his wage. This benefit may not amount to less than 66 per cent. of the wage of an adult labourer.

*Article 23.* The qualifying period for unemployment benefit is 125 days of employment in the 14 months preceding termination of employment, days of employment over the last two months being ignored. In addition, an unemployed worker applying for benefit for the first time must have completed at least 70 days of employment in each of the three years preceding dismissal.

*Article 24.* The duration of benefit depends on the number of days of employment during the qualifying period: it amounts to 8, 12½ or 21 weeks according to whether the qualifying period of employment amounts to 125, 150 or 180 days. According to the 1957 statistics, which cover 65,859 cases, the average duration of benefit was 16 weeks per case.

The waiting period for the payment of unemployment benefit is six days after the day following dismissal. Provided the maximum benefit is not exceeded there is no waiting period after the first occasion.

Special rules are laid down for seasonal workers.

The payment of unemployment benefit is suspended if the insured person fails to make use of the placement facilities available, if the unemployment is directly due to a stoppage of work arising out of an industrial dispute or if

the person left his job of his own accord without a proper reason. Payment of benefit is also suspended if the worker finds work, whether in wage-earning employment or not, if he becomes unfit to work or if for any reason he ceases to be available for work.

#### PART V. OLD-AGE BENEFIT

*Article 26.* Under the general scheme the age of retirement is 65 for men and 60 for women. Under the special schemes old-age pensions are normally granted at lower ages than 65, namely 60 years for men and 55 for women.

Reduced pensions are paid under the general scheme in the event of retirement, at the age of 60 for men and 55 for women.

Payment of retirement benefit is suspended when the pensioner is self-employed and derives from his work an income exceeding 200 per cent. of his pension, or when he earns such a sum in the employment of another person. It is also suspended when a person in receipt of a retirement pension is eligible for a pension from another source and when the amount of that pension together with earnings from his work exceeds 200 per cent. of the amount of the retirement pension. In any case a pension is not paid if the pensioner's income exceeds 1,250 drachmas a month.

*Article 27.* See above under Article 9.

*Article 28.* The old-age pension consists of a basic amount and a series of increases related to the number of days worked and the number of the pensioner's dependants. The minimum amount of the old-age pension is fixed by Royal Decree. The wage-scale system applied under the general scheme automatically entails the existence of a benefit ceiling.

The basic pension is equal to 80 per cent. of the wage for the first category, plus 10 per cent. of the difference between the wage for the first category and the wage for the category in which the insured person was classified longest in the two years preceding the lodging of the pension claim. In addition to this there are increases for length of service, details of which are given in the report.

The resulting amount is multiplied by 25 to obtain the monthly amount, which is itself increased by about 80 per cent. in accordance with all the provisions adopted since 1951 to adjust pensions to changes in the cost of living.

Finally, the amount of the pension is increased to allow for any dependants, as follows:

- (a) 50 per cent. for insured persons whose wives are not gainfully employed and receive no pensions of their own;
- (b) 20 per cent. for the first child, 15 per cent. for the second, 10 per cent. for the third.

Standard wage <sup>1</sup> . . . . .	1,400	drachmas
Pension . . . . .	585	drachmas
Increases for dependants . . . . .	292.5	drachmas
Percentage of standard wage	62.6	
Pension for childless woman . . . . .	585	drachmas
Percentage of standard wage . . . . .	41.78	

<sup>1</sup> Monthly wage of a fitter in the metallurgical industry with 14 years of service, as determined by collective agreement.

Old-age pension rates are adjusted by Royal Decrees to changes in wage rates and in the cost of living. Thus an old-age pension of 100 units granted on 1 August 1951, which was the date on which the Act came into force, would have amounted to 187.9 units on 31 December 1957 as a result of the provision made for increases between those two dates. The standard worker's wage, which was 33 drachmas a day in August 1951, amounted to 56 drachmas at the end of 1957.

*Article 29.* The report states that the qualifying period for an old-age pension under the general scheme is 2,500 days of employment, or at least 100 days of employment in each of the five calendar years preceding the year in which the insured person reached retirement age or applied for an old-age pension.

As regards the special schemes the qualifying period is 15 years of employment. In calculating the duration of insurance all contribution periods under the general and special schemes are taken into account.

There is no provision for the payment of a pension at a reduced rate if the qualifying period has not been completed.

Payment of an old-age pension is suspended throughout the duration of his sentence when the beneficiary is imprisoned for more than six months; persons who would be entitled to a pension on the prisoner's death are empowered to receive the pension that would be payable in that event. The pension is also suspended when the insured person is convicted in a court of law of an offence connected with the insurance scheme. In such a case entitlement to benefit is suspended for a period not exceeding three months.

## PART VI. EMPLOYMENT INJURY BENEFIT

Employment injury benefit is not covered by a special section of the scheme: if an employment injury leads to a morbid condition or temporary incapacity for work the corresponding benefits are paid by the sickness section; if, on the other hand, the injury leads to permanent incapacity or death the benefits are paid by the pensions section. This is true of both the general and the special schemes.

As regards benefit, however, employment injuries do make the insured person eligible for certain more favourable conditions, namely: (a) one day of employment confers eligibility for benefit; (b) insured persons are not required to pay any of the cost of medical care; and (c) the amount of a permanent invalidity pension may not be lower than 60 per cent. of the previous standard earnings, which in this case are those of the category to which the insured person belonged for the longest period in the course of the last two years preceding the occurrence of the contingency.

*Article 33.* See above under Article 9.

*Article 34.* Victims of employment injuries are entitled to the same medical care as those suffering from an illness of a non-occupational origin (see above under Article 10), but they are not asked to pay a share of the cost.

*Article 35.* The Social Insurance Institute has begun to make use of the services of the rehabilitation centre for sick persons for the purpose of rehabilitating and retraining insured persons suffering from incapacity due to an employment injury.

*Article 36.* The amount of the daily temporary incapacity benefit is calculated in the same way as in the case of sickness benefit (see under Article 16), but in this case the basic wage is the standard wage for the category to which the insured person belonged on the last day of employment.

As a rule, permanent total incapacity pensions are calculated like old-age pensions (see under Article 28), but the basic pension rate, allowing for increases in respect of any dependants, may not be lower than 60 per cent. of the standard wage for the category to which the insured person belonged for the longest time during the last two calendar years preceding that in which the pension claim was lodged.

If the degree of permanent incapacity falls somewhere between 33 and 66 per cent., the pension is reduced by 25 per cent. if the degree of incapacity falls between 51 and 66 per cent. and by 50 per cent. if the degree of incapacity falls between 33 and 50 per cent.; it is then known as a "recovery allowance" and is paid for two years only, even if the worker is employed during that period. However, under a ministerial decision of 1957, which will subsequently receive statutory confirmation, the temporary recovery allowance has been superseded by a pension of unlimited duration at a reduced rate.

A widow's pension amounts to 80 per cent. of the pension paid to the deceased, except for the special schemes, under which the rate is 60 per cent. Every child of a deceased person is entitled to a pension equal to 20 per cent. of the pension payable to that person, provided, however, that the amount paid to the family in pensions may not exceed the amount payable to the deceased. With regard to the adjustment of pension rates to changes in the cost of living see under Article 28 above.

*Article 37.* Employees are covered without any conditions as to qualifying period or residence.

*Article 38.* The benefits are granted throughout the contingency. The benefit in respect of invalidity resulting from employment injury is paid on the date on which the accident is notified; when that date is the same as the first day of invalidity there is no waiting period.

*Article 39.* The payment of a pension may be suspended in the cases listed in clauses (c) to (g) of Article 69.

## PART VIII. MATERNITY BENEFIT

*Article 48.* See above under Article 9.

*Article 49.* See above under Article 10.

*Article 50.* Insured women are entitled to benefit in respect of suspension of earnings resulting from pregnancy and confinement, and



their consequences. The amount of this benefit is calculated according to the same rules as apply to sickness benefit (see above under Article 16), but the maximum provided for in the case of sickness benefit does not apply in this case.

*Article 51.* Under the general scheme such benefit is secured to any insured woman who has been in the paid employment of another person for 200 days in the last two years preceding the probable date of confinement.

Such qualifying period is not always provided for under the special schemes.

*Article 52.* The benefit is paid for 42 days preceding and 42 days following the probable date of confinement. This period coincides with the statutory period of absence from work.

The benefits covered by Article 49 are granted throughout the duration of the contingency. Benefit is suspended in the same cases as medical care and sickness benefit (see under Articles 12 and 24).

PART IX. INVALIDITY BENEFIT

*Article 54.* An invalidity pension is granted in cases in which incapacity for work subsists after the cessation of sickness benefit (180 days, or 360 days in the case of tuberculosis) and when the degree of invalidity exceeds 33 per cent. However, if the degree of invalidity exceeds 33 per cent. but is less than 66 per cent., a vocational rehabilitation allowance is granted for two years. The amount of this benefit is equal to that of a total incapacity benefit, reduced by 25 per cent. if the degree of invalidity is between 51 and 66 per cent. and by 50 per cent. if the degree of invalidity is between 33 and 50 per cent. The payment of partial invalidity benefit is not suspended if the beneficiary is gainfully employed.

*Article 55.* See above under Article 9.

*Article 56.* The rules followed in calculating the amount of an invalidity pension and in adjusting pension rates to changes in the cost of living are the same as those applicable in the case of old-age pensions (see above under Article 28). In addition, the pension rate is increased by 50 per cent. if the invalid needs the constant assistance of another person.

*Article 57.* See above under Article 29.

*Article 58.* Invalidity benefits are granted throughout the duration of the contingency. If the beneficiary fulfils the requirements for entitlement to a retirement pension, the invalidity pension is converted into a retirement pension after the insured person reaches the prescribed retiring age.

The payment of an invalidity pension may be suspended in the same cases as those in which payment of an old-age pension may be suspended (see under Article 30), and also if the beneficiary fails to make use of the medical or rehabilitation services available to him.

PART X. SURVIVORS' BENEFIT

*Article 60.* In the event of the death of a pensioner or of a person who has completed

the prescribed qualifying period, a periodical benefit is granted—

- (a) to the widow;
- (b) to legitimate, adopted or illegitimate children who are under 18 years of age or incapable of working;
- (c) to grandchildren or stepchildren up to the age of 18 if they are full orphans who were dependent on the deceased person; and
- (d) to parents who were dependent on the deceased.

The widow is not entitled to a pension, however, if her husband's death occurred less than six months after the date of her marriage (24 months if her husband was a pensioner). This exclusion does not apply to cases in which death is due to an accident, in which the widow is pregnant or in which a child has been born or adopted in the meantime.

The beneficiaries mentioned in clauses (c) and (d) above are entitled to benefit only if the deceased does not leave a widow and orphans, or if the pension paid to them is of an amount lower than the total amount of the pension to which the breadwinner was or would have been entitled.

*Article 61.* See above under Article 9.

*Article 62.* A widow's pension is equal to 80 per cent. of the pension payable to the deceased, and an orphan's pension to 20 per cent. The amount of the pension payable to the deceased has been defined above under Article 36 and is calculated in the same way as that of invalidity and old-age pensions, not including increases in respect of dependants (see above under Articles 28 and 36). In no case may the total amount of pensions paid to a family exceed the pension payable to the breadwinner.

Standard wage <sup>1</sup> . . . . .	1,400 drachmas
Widow's pension . . . . .	468 drachmas
Supplement for two children <sup>2</sup> . . . . .	117 drachmas
Percentage . . . . .	41.8

<sup>1</sup> Monthly wage of a metallurgical fitter with 14 years of service, as determined by collective agreement.

<sup>2</sup> If the increase due in respect of the first child is added to the amount of the widow's pension, the resulting sum is the maximum benefit payable to a family group.

*Article 63.* A pension at the normal rate is granted when the breadwinner has completed five years of employment, or under certain special schemes ten years.

*Article 64.* Widows' and orphans' pensions are granted throughout the contingency, that is to say to the widow until she remarries or dies and to the orphans up to the age of 18 if they are not married, or without limit of age if they are unable to work and are unmarried.

The payment of survivors' benefits may be suspended in the cases referred to in paragraphs (c), (d) and (e) of Article 69.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65, paragraph 6 (a), has always been used for the definition of the standard beneficiary.



PART XII. EQUALITY OF TREATMENT  
OF NON-NATIONAL RESIDENTS

Article 68. Equality of treatment for national and non-national residents is guaranteed by Greek legislation, even with regard to benefits financed mainly from public funds. There is no special rule regarding the grant of benefits to non-nationals and to Greek citizens born abroad.

Bilateral treaties to improve the protection afforded to employees (providing, for example, for the merging of periods of insurance completed on the territory of the two contracting parties) have been concluded by Greece with France and Belgium.

PART XIII. COMMON PROVISIONS

Article 69. See above under Articles 12, 24, 30, 38, 52 and 58.

Article 70. Under the legislation governing the general social insurance scheme an insured person is entitled, in the event of a refusal to grant benefit or of a dispute regarding the quality or amount of the benefit, to appeal free of charge to the local administrative board of the appropriate branch of the Social Insurance Institute, and in the event of a refusal of benefit by that board to an appeals board.

These boards are tripartite (insured persons, employers and government officials or judges).

The insured person may also appeal to the courts and to the Council of State.

As regards the special schemes, with the exception of a limited number of funds in which a tripartite committee considers appeals by insured persons, an insured person may appeal to the governing body of the fund of which he is a member or may lodge a complaint with the Ministry of Labour, which is constitutionally bound to give a reply within one month.

The insurance tribunals provided for under sections 43 to 48 of Act No. 1846 have not yet begun to operate owing to the considerable expenses involved.

The funds of all the branches of the general social insurance scheme are derived from the contributions of employers and insured persons, whereas those of certain special schemes are sometimes derived from taxation or from both taxes and contributions.

Article 71. Under the general scheme contributions are distributed as follows :

Contributions as Percentages of Wages  
in respect of Which Contributions are Payable

	Employer	Worker	Total
Sickness benefit . . . . .	1.25	0.75	2.00
Medical care . . . . .	5.00	2.50	7.50
Invalidity, old age and survivors . . . . .	5.75	1.75	7.50
Unemployment . . . . .	22.00	1.00	3.00
Total . . .	14.00	6.00	20.00

Employment injury benefits are not distinct from the others but are covered by the individual sections of the schemes (other than the unem-

ployment sections), as explained in Part VI of the report.

General Scheme <sup>1</sup>

Benefit	Resources devoted to the protection of employees, their wives and their children	Insurance contributions payable by employees protected
	In 000's drachmas	
1. Sickness benefit . . . . .	56,034	
Employment injury benefit . . . . .	21,216	
Tuberculosis benefit . . . . .	19,115	
Maternity benefit . . . . .	9,300	
Funeral expenses . . . . .	3,426	
Total (1) . . . . .	109,151	63,088
2. Medical care . . . . .	152,581	
Pharmaceutical products . . . . .	95,227	
Hospital care . . . . .	164,345	
Sanatoria and special treatment . . . . .	59,326	
Prevention . . . . .	10,865	
Total (2) . . . . .	482,344	210,294
3. Pensions . . . . .	627,016	147,205
4. Unemployment benefit . . . . .	145,000	80,000
Total (1-4) . . . . .	1,363,511	500,587

<sup>1</sup> Figures for 1957.

The share of insured persons in the financing of the social insurance schemes is 36.7 per cent.

Article 72. The fact that the governing bodies are tripartite (wage earners, employers and government) ensures that the protected persons take part in the management of social security schemes. The workers' representatives are chosen by the trade unions concerned.

Israel.

In reply to a request addressed to the Government by the Committee of Experts in 1958 the report gives the following information.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 34, paragraph 4, of the Convention. Under section 18 of the National Insurance Law of 18 November 1953 medical care is provided to an insured person in the form of medical attendance, convalescent facilities, medical rehabilitation and vocational rehabilitation.

Article 35. Regulations were issued by the Ministry of Labour on 14 June 1956 dealing with vocational rehabilitation; a translation is in preparation. Medical rehabilitation services have been provided for in the agreement between the National Insurance Institute and the Sick Fund.

Article 37. The benefits specified in Articles 34 and 36 shall be secured during the first six months of the stay abroad to persons who are abroad for more than six months. Benefits are payable after the close of this six-

month period only if the beneficiary "is abroad with the approval of the Institute or in accordance with regulations, but the Institute may pay the whole or part of the pension to his dependants" (section 67 (b) of the Law). It is believed that these stipulations satisfy the requirements of the Convention, in the light of Article 69 (a) (Part XIII).

#### PART X. SURVIVORS' BENEFIT

*Article 61.* The dependants of a breadwinner who dies as a result of war operations are entitled to benefits at least equivalent to those for which provision should be made under Part X of the Convention, under a law of 1950 relating to families of soldiers who were killed in action. Some 900 families are in receipt of pensions under the law in question, the monthly rate of benefit varying from £80 to £176, according to the number of dependants. If the breadwinner who died as a result of war operations is not a soldier the matter would be taken care of by special legislation, as was done at the conclusion of the War of Independence.

*Article 63.* There is a qualifying period of one year in respect of entitlement to a survivor's benefit. In old-age and survivors' insurance wives and children of all economically active persons are protected. Reference is made, therefore, in this respect to paragraph 1 (b) of the present Article of the Convention. There is no qualifying period with respect to entitlement to benefit of wives and children of breadwinners killed in industrial accidents. The rate of benefit paid to the widow of a worker killed in an industrial accident is 60 per cent. of the pension payable to a worker who has become totally incapacitated for work. An additional payment of 20 per cent. of the pension payable to a totally incapacitated worker is made with respect to the first child, 30 per cent. for the first and second children and 40 per cent. for the third and any additional children.

#### PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

*Article 65.* Benefits are calculated in accordance with Article 63, paragraph 1 (b), of the Convention, since wives and children of economically active persons are protected. On this basis, and according to the schedule in Part XI, the survivor's benefit should amount to 40 per cent. of the income of the standard beneficiary as defined in paragraph 6 of Article 65.

The Central Bureau of Statistics publishes wage scales for workers in various branches of industry in the *Statistical Abstract on Israel*. Data on wages of fitters or turners are not included in these publications, although figures are included on wages of skilled workers in metal smelting and foundries. The figures are based on data provided by the General Federation of Labour. The wage is expressed as a daily wage and then multiplied by 25 to produce an estimated monthly wage. The wage

for skilled workers in foundries is presented in six different grades and the arithmetic average of the highest and lowest was used for calculation purposes. According to this calculation, the average daily wage in October 1957 was £9.38, or £234.50 per month.

*Article 66.* The information on wages of unskilled workers was also compiled from the report in the *Statistical Abstract on Israel*. It refers to the wages of unskilled workers in this branch of industry as £7.58 per day, or £189.50 per month (calculated on the same basis as above).

#### PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

*Article 68.* Residents who are not nationals have the same rights as nationals in all branches of insurance.

#### PART XIII. COMMON PROVISIONS

*Article 69.* Section 50 of the Law applies only to cases in which an employee connives with his employer not to pay the insurance contribution. No cases of this kind have occurred so far.

The limitation in section 14 (2) (b) of the Law amounts to a suspension of benefits for a period of three weeks: this seems to be covered by Article 69 of the Convention. Further, the suspension period of three weeks might be regarded as a prolonged waiting period.

*Article 70.* A right to appeal to the National Insurance Tribunal exists under all branches of insurance for "a person entitled to a benefit or a person into whose hands a benefit has been given, who alleges that his right has been denied him or that the claim filed by him has not been decided upon within the time prescribed by regulations; or a former insured person, a person from whom payment of a premium is claimed, or a person who alleges that he is insured" (section 104 of the Law). The right to appeal is also provided in cases of refusal of medical care or in respect of the quality of the care received. The Institute has the right to investigate the cases if the complaint is directed against the health services carried out on a contractual basis by approved medical bodies.

*Article 77.* Seamen and fishermen are not excluded from the scope of the legislation.

Norway.

#### PART II. MEDICAL CARE

*Article 10 of the Convention.* In reply to a direct request made in 1958 respecting prenatal care and relating to the publicity which had been made and to the steps which had been taken to encourage the persons protected to avail themselves of the right to the benefit, the report gives the following information.

The members of the insurance funds have been informed of this benefit through the general information service of the insurance funds, during interviews with insured persons,

in statements to the press, etc. They are also notified of it by the medical practitioners who, it is assumed, are well-informed on the subject. The National Insurance Office, for its part, is preparing a booklet which will be distributed to the members and which contains in particular a section explaining how the insurance funds meet the expenses of five to six routine examinations for each pregnancy.

As mentioned previously, this benefit is not granted in virtue of the right under the sickness insurance legislation but *ex aequo et bono*. The task of encouraging members to undergo routine examinations before confinement is the responsibility of the health authorities.

With regard to the cost-sharing for medicines and to the criteria applied by the insurance funds to determine whether cost-sharing involves hardship and the criteria applied by the National Insurance Office in giving its consent to exemption from the cost-sharing granted by the insurance funds, the report gives the following information.

Each case of exemption from cost-sharing is examined individually. The insurance funds must assess the insured person's financial situation in order to decide whether it is reasonable that the cost of pharmaceutical products should be met in full. The main criterion is whether the insured person is in such a financial situation that it would be difficult for him to provide the medicament if he had to pay his share himself.

The National Insurance Office generally sanctions the grants made by the insurance funds in these cases, as these funds are best informed of the situation in each individual case and are most qualified to judge whether such grants are necessary.

### PART III. SICKNESS BENEFIT

*Article 16.* The classification of the insured persons on the basis of earnings has been changed and the benefit rates in the higher classes increased with effect from 6 January 1958. At the same time the allowance in respect of dependants has been increased to two crowns a day in respect of each dependant.

### PART IV. UNEMPLOYMENT BENEFIT

*Article 22.* The benefit provisions have been changed to correspond with the changes made for sickness benefits (see under Article 16 above).

### PART V. OLD-AGE BENEFIT

*Article 28.* The minimum rate of old-age pensions has been raised from 2,796 to 3,012 crowns a year for a married couple, with effect from 1 July 1957.

### PART VI. EMPLOYMENT INJURY BENEFIT

*Article 36.* The changes made to the benefit provisions for sickness benefit (see under Article 16 above) also apply to temporary incapacity benefits in case of employment injury.

### Sweden.

#### PART IV. UNEMPLOYMENT BENEFIT

Royal Order No. 629 of 14 December 1956 respecting recognised unemployment funds.

Royal Order No. 630 of 14 December 1956 respecting state grants to recognised unemployment funds.

Royal Notification No. 481 of 27 June 1957 respecting application of Royal Order No. 629 of 14 December 1956 respecting recognised unemployment funds.

Royal Notification No. 482 of 27 June 1957 respecting settlement of questions relating to state grants to recognised unemployment funds.

#### PART VI. EMPLOYMENT INJURY BENEFIT

For legislation see under Convention No. 19.

#### PART VII. FAMILY BENEFIT

Act No. 114 of 26 April 1957 to amend section 1 of Act No. 529 of 26 July 1947 respecting ordinary child allowances.

Act No. 173 of 24 May 1957 to amend section 7 of Act No. 529 of 26 July 1947 respecting ordinary child allowances.

Royal Notification No. 536 of 20 September 1957 to amend Royal Notification No. 660 of 25 August 1947 to make certain provisions for the application of Act No. 529 of 26 July 1947 respecting ordinary child allowances.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, pp. 685-686.

In reply to a request made by the Committee of Experts the Government gives the following information.

#### PART IV. UNEMPLOYMENT BENEFIT

*Article 21 of the Convention.* The total number of members of the unemployment funds was 1,273,000 on 31 December 1957 and the total number of employees was 2,495,000, according to the sickness insurance statistics for 1957. The percentage of coverage was consequently 51.

The annual earnings of a skilled manual male employee amounted to 13,550 crowns for the period under review and, according to the taxation statistics for 1956, 82 per cent. of all employees had an annual income of less than 13,000 crowns for that year. Corresponding information for the year 1957 is not yet available.

*Article 22.* As a standard beneficiary an ordinary adult male labourer in the engineering industry has been selected, whose daily wages according to the statistics of the Swedish Engineering Industry Association was 42.96 crowns (including vacation pay and compensation for public holidays) for the period 1 October 1957 to 31 March 1958. The average daily amount of family allowances in respect of two children amounted to 2.66 crowns. Consequently, the standard wage plus family allowances amounted to 45.62 crowns a day. The daily rate of unemployment allowance for an adult male labourer in the engineering industry was 18 crowns at the end of 1957 and the family supplements in respect of children amounted to 1.50 crowns a day per child and in respect of wife or housekeeper to 2 crowns a day. The total amount of unemployment benefits plus family supplements in respect of wife and two children and family allowances amounted to 25.66 crowns a day and the percentage of benefits to standard wage to 56.

In accordance with Article 66 the minimum benefit for a person in receipt of the same wages as the standard beneficiary amounts to 20.53 crowns ( $0.45 \times 45.62$ ). From this sum family supplements amounting to 5 crowns a day in respect of a wife and two children and family allowances amounting to 2.66 crowns a day in respect of two children have been deducted. The minimum amount of daily unemployment allowance would thus be 12.87 crowns. The report states further that the number of persons who were insured for lower amounts of daily allowances than 12.87 crowns constituted 18.8 per cent. of all insured persons at the end of 1957. The persons insured for such lower daily allowances were mainly persons with lower wages than the standard wage, apprentices, young persons under 20 years, women and part-time workers. The report gives a list of such members of the various unemployment funds. The total number of such members was 245,565.

#### PART VI. EMPLOYMENT INJURY BENEFIT

*Article 36.* A skilled worker in the engineering industry has been selected as the person deemed typical of skilled labour. The wages of such a worker for the period under review amounted to 13,550 crowns a year or 37.12 crowns a day (by dividing the annual wage by 365, as the benefit in case of temporary incapacity is payable for each calendar day).

<i>Incapacity for Work</i>	Crowns
Daily rate of benefit . . . . .	18.00
Supplement in respect of two children . .	1.00
Family allowances . . . . .	2.20
Total amount of benefit plus family allowances . . . . .	21.20
Standard wage plus family allowances . .	39.32
Percentage of benefits to standard wage. .	54

<i>Permanent Incapacity for Work</i>	
Annual rate of benefit . . . . .	10,335
Family allowances . . . . .	800
Total amount of benefit plus family allowances . . . . .	11,135
Standard wage plus family allowances. . .	14,350
Percentage of benefits to standard wage. .	78

<i>Death of Breadwinner</i>	
Annual pension in respect of widow . . .	4,517
Supplement in respect of two children . .	4,517
Total benefits . . . . .	9,034
Standard wage . . . . .	13,550
Percentage of benefits to standard wage. .	67

#### *United Kingdom.*

##### *Great Britain.*

National Insurance (No. 2) Act, 1957.

##### *Northern Ireland.*

National Insurance (No. 2) Act (Northern Ireland), 1957.

In reply to a request made by the Committee of Experts with regard to the application of Articles 18 and 24 of the Convention in relation to Article 69 (*f*), the Government states that it is not considered necessary to take any measures to limit disqualification for benefit to cases of *wilful* misconduct; in practice such a limitation already applies, because it is

accepted that the expression "misconduct" implies volition and an element of deliberation.

#### *Yugoslavia.*

Act of 12 December 1957 respecting employment relationships (*Službeni List*, 25 Dec. 1957, No. 53, Text 663) (*L.S.* 1957—Yug. 2).

Pension Insurance Act of 6 December 1957 (*L.S.* 1957—Yug. 1).

Act of 10 December 1957 respecting invalidity insurance.

#### PART IV. UNEMPLOYMENT BENEFIT

The unemployment benefit system is set out in Part I, Chapter III, section 9, of the Act of 12 December 1957 respecting employment relationships; sections 6 and 9 of the Decree of 29 March 1952, which fix the rate of benefit and the maximum income for eligibility for unemployment benefit, remain in force.

#### PART V. OLD-AGE BENEFIT

*Article 25 of the Convention.* The old-age benefit system is contained in the Pension Insurance Act of 6 December 1957.

*Article 27.* Old-age insurance extends to persons who are party to an employment relationship or who are on a similar footing, such as people's delegates who receive a regular monthly remuneration; permanent members of people's committees; persons employed at a regular wage in social or co-operative organisations, trade associations and chambers; writers, artists, translators, etc. Persons engaging in independent occupational activity, priests, lawyers, porters, etc., may be insured on the basis of special legislation or contracts. The number of insured persons amounts at present to 2,771,505, including 5,933 on a contractual basis.

*Article 28.* The full pension amounts to 100 per cent. of the basic pension of the insured person and the partial pension to 40 per cent. To this end, each insured person is placed in one of 20 insurance classes on the basis of his average monthly remuneration and of the degree of skill required for his category of post. The basic pension is determined by the application, as the remuneration decreases according to the class, of progressively higher rates which vary from 68.5 to 77.5 per cent. of the average remuneration of the insured person over the three preceding years, or of the preceding year in the case of public employees. The insured person may not be placed in an insurance class above the highest one to which he is eligible according to the degree of skill required for his category of post. If his average remuneration exceeds the maximum rate of that class by more than 15 per cent. he will be placed in the class immediately above and his basic pension will be the average pension of that group (section 63). Increases are provided for at the rate of 5 per cent. for each full year's work after completion of the qualifying period for a full pension, and at the rate of 3 per cent. (4 per cent. for women) after completion of the qualifying period for a partial pension.

*Article 29.* The qualifying period of work for full pension is 35 years (30 years for women) and for partial pension, 15 years, which must include in the last five years an average of eight months of work per year or a total of four years and two months' work. Shorter periods are stipulated for persons having taken part in certain military campaigns or who are engaged in particularly strenuous work.

*Article 30.* The pension is suspended during periods of imprisonment exceeding one month, in which case the members of the insured person's family receive an amount of the pension equal to that of survivors' benefit. The beneficiary forfeits the right to his pension (a) if he is condemned to death; (b) if he loses his Yugoslav nationality. Years spent in active and armed collaboration with the occupying Power are not included in the qualifying period. Severe penalties for crimes and offences against the people and the State or against the national economy and social property entail deduction from the qualifying period of a period equal to that of the sentence, or double that of a sentence if the latter exceeds five years of imprisonment.

#### PART VI. EMPLOYMENT INJURY BENEFITS

The Act of 10 December 1957 respecting invalidity insurance, which repeals the Act of 1946 respecting occupational diseases, contains a list of 44 occupational diseases which include, among others, poisoning by lead, its alloys and compounds, poisoning by mercury, its amalgams and compounds and diseases transmitted by animals, in particular, anthrax infection. The new list also considers as occupational diseases those caused by any activity which brings the worker into contact with harmful substances.

#### PART VIII. MATERNITY BENEFIT

*Article 46.* The duration of maternity benefit has been modified by the Act of 12 December 1957 respecting employment relationships.

*Article 53.* Maternity benefit is paid during a period of 105 days, 45 days of which are before confinement.

#### PART X. SURVIVORS' BENEFIT

*Article 60.* The widow of the insured person is entitled to benefit if, at the time of the insured person's death, she had reached the age of 45 years or was suffering from permanent total disability listed in class I on that date or during the year following the death of the insured person, or if she is supporting one or more children of the deceased who are under 15 years of age or who suffer from permanent total disability. A widower who was dependent upon the insured woman is entitled to benefit if on the date of her death

he was 65 years of age or over or suffering from total or permanent disability.

*Article 61.* Survivors' benefit is paid to the dependants of insured persons, that is of persons parties to an employment relationship and the other categories of persons who are eligible (section 26 of the Act of 12 December 1957). The dependants include the insured person's widow or widower, children (legitimate, natural, adopted or stepchildren), grandchildren, brothers or sisters, orphaned children for whose maintenance the insured person had undertaken to provide and his parents if he provided for their maintenance.

*Article 62.* The rate of survivors' benefit depends upon the number of dependants. It is fixed respectively at 60, 75, 90 or 100 per cent. depending upon whether there are one, two, three or four dependants. If, in the absence of a spouse entitled to pension, the benefit is made payable to the children, the rate is fixed at 40, 55, 70 or 100 per cent. depending upon whether there are one or two, three or four children. The benefit is calculated on the basis of the retirement pension or invalidity pension drawn by the insured person or to which he would have been entitled at the time of his death.

*Article 63.* Survivors are entitled to benefit if the insured person had been insured for at least five years, including eight months of work per year on an average or a total period of four years and two months of effective work; if he had completed the qualifying period for an individual pension; if the death was due to an industrial accident; or if the insured person, at the time of his death, was drawing old-age pension or invalidity benefit.

*Article 64.* A widow forfeits the right to benefit upon remarriage unless she is incapacitated. Benefit paid to an orphan ceases upon his or her marriage. Disqualification from survivors' benefit ensues from a decision sentencing the beneficiary for having caused the death of the insured person, from circumstances entailing the loss by the insured person of his entitlement to benefit (see under Article 30) or from any ulterior modification of the special circumstances which entitled the interested party to survivors' benefit in the first place.

#### PART XIII. COMMON PROVISIONS

*Article 69.* See under Article 30. For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 686.

\* \* \*

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, Norway, Sweden, United Kingdom, Yugoslavia.*

## 103. Maternity Protection Convention (Revised), 1952

*This Convention came into force on 7 September 1955*

Countries	Date of registration of ratification
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	7. 9.1954
Hungary . . . . .	8. 6.1956
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	30. 4.1955

#### *Cuba.*

In reply to the direct requests made by the Committee of Experts the Government states that public assistance defrays the medical and pharmaceutical expenses of persons who apply to state or municipal hospitals and who are without other means, and helps them to enter an appropriate institution.

#### *Ukraine (First Report).*

Constitution of 30 January 1937 (as amended in 1947).  
Labour Code of 1922 (Kiev, 1940).  
Order of 4 September 1922 of the People's Acting Commissary for Labour.  
Order No. 40 of 29 September 1925 of the People's Commissary for Labour.  
Order of 5 February 1955 respecting the granting and payment of state social insurance benefits, confirmed by Order of the Praesidium of the All-Union Central Council of Trade Unions.  
Ukase No. 1416 of 29 November 1956 of the Council of Ministers respecting further aid for mothers working in undertakings and institutions.

The legislative provisions in respect of maternity protection are as follows.

Article 102 of the Constitution guarantees, *inter alia*, leave with pay during pregnancy.

Under section 132 of the Labour Code women wage earners and salaried employees receive paid maternity leave of 56 days before and 56 days after confinement. In case of an abnormal birth or the birth of more than one child the postnatal leave is extended to 70 days. Section 119 of the Code stipulates that maternity leave is not included in the calculation of ordinary and supplementary leave.

Ukase No. 1416 respecting further aid for working mothers in undertakings and institutions provides that at the end of a woman's maternity leave the management of the undertaking or institution shall be required, if the woman so requests, to grant her additional unpaid leave for a period not exceeding three months, but with guaranteed retention of her previous job. Furthermore, a woman who leaves her job because of childbirth but resumes work within a year is deemed to have remained in employment continuously.

According to the Order respecting the granting and payment of state social insurance benefits, which was confirmed by an Order of the Praesidium of the All-Union Central Council

of Trade Unions dated 5 February 1955 and applies to the entire Soviet Union, a cash maternity allowance is payable to all women workers, irrespective of their length of employment in the undertaking or establishment. The period of employment and the period of continuous employment in the undertaking or establishment affect only the amount of the allowance. For a woman who has been employed for not less than a total of three years, including at least two years of continuous employment in a particular undertaking or in an establishment, the maternity allowance is equal to her full remuneration.

Sections 70 to 72 of the Order provide that any woman worker is entitled to a maternity allowance equal to not less than two-thirds of her remuneration. Section 85 provides for the payment of a childbirth allowance, consisting of a single amount (120 roubles) for the purchase of a layette and a nursing grant (180 roubles or 180 roubles per child in the case of twins or triplets). Under section 77 the maternity allowance is calculated on the basis of the woman's monthly remuneration of up to 500 roubles.

Under article 100 of the Constitution medical care for women is provided free of charge, through a wide network of women's and children's consultation services; nurseries and kindergartens are also provided.

Section 134 of the Labour Code provides that a nursing mother is entitled to two breaks for nursing her child additional to those enjoyed by other workers. The exact timing of these breaks is determined by works rules, but they must be given at intervals of not more than 3½ hours and must last for not less than half an hour. The time so spent is counted as working time.

According to the Order of 4 September 1922 of the People's Acting Commissary for Labour, expectant mothers may be dismissed from their employment only in exceptional circumstances, and in every such case the consent of the trade union organ at a higher level is required.

#### *Uruguay.*

For the Government's reply to the observation made by the Committee of Experts in 1958 see *Report of the Committee*, p. 686.

#### *Yugoslavia.*

For legislation see under Convention No. 5.

In accordance with section 61 of the Act of 12 December 1957 respecting employment relationships the period of maternity leave is increased to 105 days. Such leave must be granted on application by a pregnant woman once the medical practitioner of the public health service has stated that the probable

date of birth may be within 45 days following the examination.

According to section 65, a woman who is nursing her child is entitled to a 50 per cent. reduction of the normal hours of work, for a period of six months after her confinement. By way of exception this period may be extended to eight months if the medical practitioner of the public health service so recommends.

Section 330 (2) of the Act stipulates that a woman may not be given notice of termination if she is pregnant or has a child up to the age of eight months. However, section 70 of the Act provides, by way of exception, that in case of liquidation of an economic organisa-

tion a pregnant woman may be discharged after the third month of pregnancy, since in any case the employment relationship normally ceases from the date of expiry of the period of liquidation. In this case, the employed woman is entitled during the temporary unemployment to a cash indemnity equal to the last monthly amount of her personal income or wage, irrespective of whether she fulfils the conditions prescribed for the recognition of such entitlement.

\* \* \*

The report from *Yugoslavia* supplies information on minor legislative changes.

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
Iran . . . . .	13. 4.1959
New Zealand . . . . .	28. 6.1956
El Salvador . . . . .	18.11.1958
United Arab Republic : Egypt. . . . .	18.12.1958
Syria . . . . .	7. 6.1957

The voluntary report from *New Zealand* refers to the information previously supplied.

## Communication of Copies of Reports to the Representative Organisations (Article 23, Paragraph 2, of the Constitution)

The Governments of the following countries state that copies of the reports transmitted to the Director-General have been communicated to the representative employers' and workers' organisations :

*Argentina, Australia, Austria, Belgium, Brazil, Canada, Ceylon, Chile, China, Cuba, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Morocco, New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, Sweden, Switzerland, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Viet-Nam.*

The Government of *Afghanistan* states that as yet no employers' or workers' organisations have been set up in this country. When any such bodies have been properly established the I.L.O. will be informed in accordance with the provisions of article 23, paragraph 2, of the Constitution.

The Government of *Byelorussia* 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 *Liberia* states that organisations of workers and employers are still in their formative stage.

The Government of the *Federation of Malaya* states that the reports will be placed before the I.L.O. Conventions Subcommittee of the National Joint Labour Advisory Council, which comprises national representatives in equal numbers of the two sides in industry.

The Government of the *Netherlands* states that copies of its reports have been communi-

cated 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 *Rumania* states that copies of its reports have been forwarded to the Central Council of Trade Unions.

The Government of *El Salvador* states that there are no representative employers' or workers' labour organisations. Copies of the reports were forwarded to the co-operative and commercial associations concerned; these are : the Asociación Cafetalera de El Salvador, the Cooperativa Azucarera Salvadoreña and the Cooperativa Algodonera Salvadoreña, Ltda.

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 *Sudan* states that copies of its reports have been communicated to the Sudan Chambers of Commerce and individual trade unions pending the forthcoming formation of a General Confederation of Workers.

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; in addition copies of the reports on maritime Conventions (Nos. 15, 16 and 58) were forwarded to the Central Committee of the Maritime and River Navigation Workers Union.

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 : 6 September 1926.

*France.* Ratification <sup>1</sup> : 2 June 1927.  
No declaration.

*Italy.* Ratification <sup>1</sup> : 6 October 1924.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*Portugal.* Ratification : 3 July 1928.  
Decision reserved : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 3 July 1928.

*Spain.* Ratification : 22 February 1929.  
No declaration.

---

<sup>1</sup> Conditional ratification.

#### *Portugal.*

##### *Angola.*

Legislative Decree No. 1840 of 6 November 1946 to regulate the weekly rest and hours of work of non-indigenous personnel in industrial and commercial establishments (*Boletim Oficial*, 1st series, No. 42, 6 Nov. 1946, p. 463).

Legislative Decree No. 2827 of 5 June 1957 to promulgate the Labour Code (*Boletim Oficial*, No. 23, 5 June 1957, p. 562).

*Article 1 of the Convention.* No distinction is drawn between industrial, commercial and agricultural occupations.

*Article 2.* Section 115 of the Code prescribes a working day of eight hours in commercial and industrial establishments and a working week of 39 hours for office and shop workers, 44 hours for commercial employees and 48 hours for workers in industry.

*Article 3.* Section 117 allows hours of work to be extended in exceptional circumstances. These extensions, which require permission from the appropriate administrative authority, may not exceed two hours a day.

*Article 4.* The foregoing provisions do not apply to (a) work in agriculture and in small-scale industries directly connected with agriculture, located in rural districts, in which case the maximum hours of work are nine a day ; (b) work in the general public interest ; and (c) services which, by their nature, cannot be restricted in this way. The maximum authorised hours of work may not exceed ten a day or 54 a week.

*Article 5.* Special working schedules may be fixed by collective agreement if conditions of work make such a step necessary.

*Article 6.* There are no regulations dealing with preparatory or complementary work. Nevertheless, in such cases, workers must be paid at the rate of time-and-a-half.

*Article 8.* The working schedule approved by the regional employment services must be posted up in commercial and industrial establishments.

*Article 14.* No use has been made of the provision laid down in this Article.

At the present time a schedule of continuous process operations is being prepared. The enforcement of the law and the administrative regulations is in the hands of the district officials, the administrative authorities and the police. The courts have given no decisions with respect to this Convention.

##### *Cape Verde.*

Legislative Decree No. 1330 of 9 February 1957 to regulate labour relations in private commercial, industrial and agricultural undertakings, so as to improve the worker's lot under the corporative system through the introduction of employment contracts (*Boletim Oficial*, No. 6, 9 Feb. 1957, p. 72).

*Article 1 of the Convention.* No definition has yet been given of industrial, agricultural and commercial occupations.

*Article 2.* Normal hours of work are eight a day and 48 a week. The following exceptions are laid down :

(1) Office staffs do not work for more than seven hours a day.

(2) Normal hours of work do not necessarily apply to persons in managerial or supervisory posts.

(3) Collective agreements may establish a nine-hour day on condition that the 48-hour week is not exceeded.

(4) The maximum working day is six or seven hours in the case of minors aged 14 and 16 years respectively.

(5) Section 31 of Act No. 1330 lays down a number of other exceptions.

(6) Domestic work is not subject to the foregoing general regulations.

*Article 3.* In exceptional circumstances and in order to avoid serious damage hours of work may be extended.

*Article 4.* The restrictions on hours of work apply to each shift in the case of continuous processes.

*Article 5.* Normal hours of work may be increased or reduced by collective agreement. Normally hours of work are fixed by order of the Governor.

*Article 6.* Hours of work may be extended in order to foster good public relations, to make up for lost time, or to cope with emergencies. The increase may not amount to more than 12 hours a month. This overtime working must be paid for at the rate of time-and-a-half at least.

*Article 8.* Details of the hours of work must be posted up in all commercial and industrial establishments and in offices.

#### *Mozambique.*

Legislative Text No. 1595 of 28 April 1956 to define the legal principles governing employment relationships between employers and workers, and to repeal all previous legislation on labour discipline (*Boletim Oficial*, 28 Apr. 1956, 1st series; corrigendum: 7 May 1956, supplement).

*Article 1 of the Convention.* The above-mentioned Order makes no distinction between industry on the one hand and commerce and agriculture on the other. The only existing statutory distinction is that between office staff and other employees.

*Article 2.* The principle of the eight-hour day and 48-hour week is established by law. Some workers do less than eight hours' work on one or two days of the week, in which case working hours may be increased on other days, but never to more than nine hours.

*Articles 4 and 5.* The statutory eight-hour day and 48-hour week apply to shift workers employed on continuous processes. In road transport and on the railways the limit is set at eight hours per day (or night) and 96 per fortnight, except for office staff, warehousemen, maintenance and repair shop personnel and persons employed on the construction and repair of roads and installations, to whom the normal hours apply.

*Article 6.* Exceptions to the normal working hours are permitted by law. Overtime must be remunerated at time-and-a-half. The law does not prescribe any maximum in respect of overtime, this matter being left to the discretion of the authority permitting the overtime.

#### *San Tomé and Príncipe.*

Legislative Decree No. 507 of 10 March 1958 to issue rules on labour law (*Boletim Oficial*, No. 10, 10 Mar. 1958, p. 205).

*Article 1 of the Convention.* The term "industry" is similar in scope to the definition employed in Portugal itself. Industrial activity is on a small scale.

*Article 2.* Normal hours of work are eight a day and 48 a week. These limits, however, do not apply to (a) spouses, parents, grandparents, brothers and sisters; (b) employees in managerial or supervisory posts; (c) workers who, owing to their special abilities or skills, are considered to be irreplaceable.

The number of hours worked may be distributed differently by collective agreement, provided the working day does not exceed nine hours. In continuous process industries work is carried on by shifts.

*Article 3.* Hours of work may, as an exceptional measure, be extended in order to (a) cope with emergencies; (b) foster good public relations; (c) make up for time lost during normal working hours.

*Article 4.* Hours of work may not exceed 54 a week.

*Article 5.* When normal hours cannot be worked another schedule may be adopted on condition that the statutory regulations are observed.

*Article 6.* Workers are entitled to time-and-a-half for overtime and night work and double time for work on the weekly day of rest.

*Article 8.* The hours of work approved by the administrative authorities must be posted up in all industrial establishments.

*Article 14.* No use has been made of the powers granted under this Article. Telephone and telegraph services, electrical installations, water supply and the transport of passengers and mail are classified as continuous processes. There is a corporative committee with advisory powers. The authorities ensure that the law is enforced and regular inspections are made of all establishments.

\* \* \*

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

*New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Portugal* (Macao, Portuguese Guinea, Portuguese Indies, Timor).

## 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 : 25 August 1930.

*Denmark.* Ratification : 13 October 1921.  
Not applicable :  
Faroe Islands : 2 December 1957.  
Greenland : 13 October 1921 and 31 May 1954.

*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) : 23 November 1922.

*Netherlands.* Ratification : 6 February 1932.  
Applicable with modification : Netherlands Antilles and Surinam : 13 July 1951.  
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 : 15 June 1949.

*United Kingdom.* Ratification : 14 July 1921.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 14 July 1921.  
No declaration : all other territories.

<sup>1</sup> Up to 16 October 1950 Guernsey, Jersey and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in article 35 of the Constitution.

### *France.*

#### *French Equatorial Africa.*

Order No. 3226 of 16 December 1957 to establish a Manpower Office in Gaboon.

#### *French Polynesia.*

Order No. 1023/IT of 3 August 1957 respecting the over-all organisation of the Manpower Office in the French Settlements in Oceania (*Journal officiel de la Polynésie française*, No. 16, 15 Aug. 1957, p. 467).

The above-mentioned Office is entrusted with all operations connected with the utilisation and distribution of manpower. It is placed under the technical, administrative and financial supervision of the Inspector of Labour and Social Legislation. The Office is administered by an executive board consisting of representatives of the Administration, employers and workers in equal numbers. The activities of the placement offices run by the occupational organisations and those of the Manpower Department are co-ordinated by the Inspector of Labour and Social Legislation. The placement offices are required to submit periodical reports concerning the number of vacancies notified, job applications registered, and placements made.

### *Netherlands.*

#### *Netherlands New Guinea.*

In April 1958 the Labour Department of the Service for Social Affairs began to register job seekers. Towards the end of June 1958 only 28 people had been registered. The Committee on Labour Affairs, a tripartite committee composed of representatives of the Government, employers and workers did not consider it opportune, after an extensive study of the question of employment, to make proposals in this respect.

### *United Kingdom.*

#### *Kenya.*

Employment (Amendment) Ordinance No. 16 of 1957 (assented to 13 July 1957).

With the enactment of the Employment (Amendment) Ordinance, 1957, the Labour Advisory Board has been reconstituted. It is the intention to report periodically to the Board, which includes representatives of employers and of workers, on the operation of the employment service and to seek its advice thereon.

### *Northern Rhodesia.*

One private employment agency has been set up; close liaison is maintained with it.

### *Singapore.*

Seamen's Registry Board Ordinance No. 11 of 1957.

This Ordinance, which came into force on 15 October 1957, establishes a Board consisting of a chairman, three persons representing ship-owners, three persons representing seamen and three public servants with responsibility, *inter alia*, for maintaining a free public service for placing registered seamen in seafaring employment.

\* \* \*

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, Madagascar, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Antigua, Barbados, British Guiana, Cyprus, Gambia, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Nigeria, Northern Rhodesia, St. Helena, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Zanzibar).

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

*Denmark* (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French West

Africa, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Union of South Africa* (South West Africa), *United Kingdom* (Aden, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland,

Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Montserrat, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland).

### 3. Maternity Protection Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

---

*France.* Ratification: 16 December 1950.

Applicable with modifications:

Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland: 19 March 1954.

French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

*Italy.* Ratification: 22 October 1952.

Applicable with modification: Trust Territory of Somaliland: 7 June 1954.

*Spain.* Ratification: 4 July 1923.

No declaration.

*United Kingdom.*<sup>2</sup> Applicable with modification: Fiji, Nigeria, Singapore, Solomon Islands, Southern Rhodesia: 27 March 1950.

Decision reserved: Aden, Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

<sup>1</sup> This Convention was revised in 1952 by Convention No. 103.

<sup>2</sup> Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will only become effective when that Convention comes into force.

<sup>3</sup> Federation of the West Indies.

#### *France.*

##### *Comoro Islands.*

Local Order No. 55-40/IT of 23 February 1955.

Local Order No. 56-III/C of 19 September 1956.

Local Order No. 56-147/IT of 10 December 1956.

Conditions for the grant of the allowance (one-half of the worker's normal wage) referred to in section 116 (revised) of the Overseas Labour Code and payable by the Territorial Equalisation Fund are laid down in sections 19 to 24 of Local Order 56-147/IT of 1956. These provide that the allowance must be paid within the limits of eight weeks preceding and six weeks following confinement and throughout any period by which the maternity leave is extended in case of postnatal illness.

If the employer continues to pay all or part of the worker's wages during the statutory period of maternity leave, he is automatically subrogated to her right to payment of daily allowances out of the Equalisation Fund, provided that (a) he has fully discharged his own obligations towards the Fund, and (b) the

part of the wage paid by him is at least equal to the allowance payable by the Fund.

Medical care is provided either directly by the employer through an inter-undertaking health service or at public expense.

A mother is entitled to two half-hour breaks during working hours for the purpose of nursing her child. This entitlement continues for 15 months. No woman worker may be dismissed during the period or pregnancy or confinement, i.e. during a total of 14 weeks, including six weeks after confinement. This period may be extended by three weeks in case of illness due to pregnancy or confinement.

##### *French Polynesia.*

Order No. 1335/IT of 28 September 1956 to establish a family allowance scheme for persons employed within the territory.

Order No. 1333/IT of 5 October 1957 to fix the date for the entry into force of the family allowance scheme.

Since 1 October 1957 the Family Allowances Equalisation Fund has been responsible for the payment of allowances to women workers during maternity leave.

##### *New Caledonia.*

The collective agreements of 1957 and 1958 covering commerce, industry, printing and the building trades reproduce the maternity protection provisions of the Overseas Labour Code. With regard to maternity leave, some of the agreements give pregnant women workers a choice between the statutory entitlement established by sections 116 (revised) and 117 of the Labour Code (14 weeks on half-pay) and a total leave of not more than six weeks on full pay following confinement; in the printing and building trades the total period of leave on full pay may be extended to two months, of which not more than six weeks may be taken after confinement.

\* \* \*

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).

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

*France* (Cameroons, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland).

4. Night Work (Women) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.* Ratification<sup>2</sup>: 12 July 1924.  
Applicable without modification: Belgian Congo and Ruanda-Urundi: 1 April 1934.

*France.* Ratification<sup>2</sup>: 14 May 1925.  
Applicable without modification:

Algeria, Guadeloupe, Martinique, Réunion: 3 February 1934.

Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland: 25 March 1939.

*Italy.* Ratification: 10 April 1923.  
Applicable with modification: Trust Territory of Somaliland: 7 June 1954.

*Netherlands.* Ratification<sup>2</sup>: 4 September 1922.  
No declaration.

*Portugal.* Ratification: 10 May 1932.  
Not applicable: Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor: 10 May 1932.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*Union of South Africa.* Ratification<sup>2</sup>: 1 November 1921.  
No declaration.

*United Kingdom.* Ratification<sup>2</sup>: 14 July 1921.  
Applicable *ipso jure* without modification<sup>3</sup>: Guernsey, Jersey, Isle of Man: 14 July 1921.  
No declaration: all other territories.

<sup>1</sup> This Convention has been revised twice—in 1934 and in 1948. See under Conventions Nos. 41 and 89.

<sup>2</sup> Ratification denounced.

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

#### *Portugal.*

#### *Angola.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* Section 2 of Legislative Decree No. 1840 provides that "all offices, shops, stores, workshops, factories, worksites, transport undertakings, hotels, inns, cafés, restaurants and all other places where activities of a commercial or industrial nature are carried on" shall be deemed to be commercial or industrial establishments.

The Act does not contain a more specific definition of "industrial establishments".

*Article 2.* Section 18 of Legislative Decree No. 1840 specifies that "night" shall be taken to mean a period of at least 11 hours, including the interval between 8 o'clock in the evening and 7 o'clock in the morning.

*Articles 3 and 4.* Section 90, taken in conjunction with section 83 of the Labour Code, provides that the night work of women, irrespective of age, may be authorised only where necessitated by an interruption of work due to *force majeure* or where it has to do with materials subject to rapid deterioration.

At least ten hours must elapse between the end of the period of night work and the beginning of the following period of work.

The provision prohibiting night work does

not apply to women engaged in intellectual or managerial activities or employed in places of entertainment, hotels, etc.

The establishment of an inspection service is under consideration.

Under Decree No. 2827 responsibility for enforcement of the provisions of the Labour Code lies with the Directorate of Civil Administration, the commune and district administrators, and the administrative and police authorities in general.

Moreover, the corporative bodies must report infringements of the Labour Code to the commune or district administrators in the area where the offender resides, and ensure due observance of the provisions of the Code by their affiliates (section 212).

#### *Cape Verde.*

Legislative Decree No. 1330 of 9 February 1957 to regulate labour relations in private commercial, industrial and agricultural undertakings, so as to improve the worker's lot under the corporative system through the introduction of employment contracts (*Boletim Oficial*, No. 6, 9 Feb. 1957, p. 72).

Ministerial Order No. 5193 of 16 March 1957, issued in pursuance of section 130 of Legislative Decree No. 1330 to regulate the employment of women and young persons (*Boletim Oficial*, No. 11, 16 Mar. 1957, p. 193).

*Article 1 of the Convention.* The legislation of the province makes no distinction between industry, agriculture and commerce.

*Article 2.* Section 1 of Ministerial Order No. 5193 defines "night" as the period between 10 o'clock in the evening and 6 o'clock in the morning. The interval between the end of the period of night work and the beginning of the following working day may not be less than ten hours (section 97, paragraph 2, of Act No. 1330). This provision is general in scope.

*Article 3.* Section 1 of Ministerial Order No. 5193 prohibits the employment of women on night work. This applies to all women irrespective of age.

*Article 4.* Section 2 of the above-mentioned Order provides that the night work of skilled women workers may be authorised where necessitated by an interruption of work due to *force majeure* or for the purpose of processing raw materials subject to rapid deterioration. Such authorisation is granted by the administrative authority (sections 3 and 4 of the Order).

In Cape Verde it is sometimes necessary to require women to work at night in fish canneries, where processing operations must begin immediately if losses are to be avoided. This need, however, only arises from July or August until November, i.e. during three or four months out of the year.

Women engaged in the occupations specified in the sole paragraph of section 104 of Act No. 1330 (intellectual and managerial work,

entertainment, the hotel trade and related occupations) are also exempted from the general rules concerning night work.

The enforcement of laws and administrative regulations concerning the night work of women is entrusted to "labour co-ordination committees", established under Act No. 1242 of 1955, and also to the administrative and police authorities. The corporative bodies (particularly the trade unions) play an active part in arriving at any decision involving the employment of women at night. They also ensure that safety requirements are met and that women workers are thus protected against any threat to their moral and physical integrity. Any infringement of the provisions concerning the night work of women is punishable by a fine, which is imposed by the above-mentioned authorities.

#### *Macao.*

There are no legislative provisions concerning the night work of women. Such work always takes place on a voluntary basis, depending on the needs of industrial undertakings. As a rule, night work in factories stops at midnight at the latest. Women workers nearly always carry on their trade at home, where they devote only part of their time to the work given to them by the employer. They are paid by the piece.

#### *Mozambique.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* There is no legal provision establishing a line of division between industry on the one hand and commerce and agriculture on the other.

Sections 29 and 30 of Legislative Text No. 1595, which fix the length of the working day and the limits of the working schedule respectively, establish a distinction only in respect of office employees and shift workers.

*Article 2.* The sole paragraph of section 62 of Legislative Text No. 1595 defines "night work" as any work done between 8 o'clock in the evening and the beginning of the normal working day. As a general rule women may not be required to work before 6 a.m. or after 6.30 p.m. (sections 30 and 92 of the above-mentioned Legislative Text).

*Article 3.* Section 92 of the Legislative Text makes no distinction according to the type of work performed.

*Article 4.* The exceptions contemplated in this Article are authorised, but are subject to the rules set out in section 34 and in the sole paragraph of the Legislative Text.

*Article 6.* Section 92 of the Legislative Text provides that, where exceptional circumstances so warrant, the Governor-General may authorise the employment of women outside of the period specified in section 30. However, such authorisations are not easily given: they are granted only under certain conditions and only to women in non-industrial employment, i.e. persons employed in tea houses and similar establishments.

*Article 7.* These provisions do not apply in Mozambique, where the night work of women is most exceptional.

Under section 111 of the Legislative Text the application of labour laws and regulations is entrusted primarily to the administrative and police authorities. Infringements are punishable under sections 112 and 119.

#### *Portuguese Indies.*

Legislative Decree No. 1441 of 28 August 1952 to regulate working conditions in commercial and industrial establishments and to fix days and hours of rest (*Boletim Oficial*, No. 35, 28 Aug. 1952, p. 208).

*Article 1 of the Convention.* There is no official line of division between industry on the one hand and commerce and agriculture on the other.

*Article 2.* Under article 7 of Act No. 1441 mentioned above the night work of women in commercial and industrial establishments is normally prohibited before 6 o'clock in the morning and after 8 o'clock in the evening, except in the case of offices, where work may not begin before 8 o'clock in the morning nor stop after 6 o'clock in the evening. Work done outside of these limits is subject to prior authorisation by the Director of Civil Administration.

Responsibility for enforcement of the legislative provisions lies with the Directorate of Civil Administration and the municipal authorities.

#### *San Tomé and Príncipe.*

Legislative Decree No. 507 of 10 March 1958 to issue rules on labour law (*Boletim Oficial*, No. 10, 10 Mar. 1958, p. 205).

Ministerial Order No. 2541 of 27 March 1958 to prescribe conditions of employment for women and young persons, in accordance with section 132 of Legislative Decree No. 507 (*Boletim Oficial*, No. 13, 27 Mar. 1958, p. 279).

*Article 1 of the Convention.* Industrial activities are confined to the manufacture and processing of products and to their preparation for export and local consumption, power production and distribution in general, construction and shipbuilding, and goods and passenger transport. The definition of "industry" is the same in San Tomé as in the mother country.

*Article 2.* Section 1 of Ministerial Order No. 2541 defines "night work" as any work done between 10 o'clock at night and 6 o'clock in the morning.

*Article 3.* Section 1 of the above-mentioned Order provides that women and young persons of 18 years of age may not be employed at night or on underground work.

*Article 4.* The night work of women in skilled occupations may be authorised where required by an interruption of work due to *force majeure* or where the work has to do with goods subject to deterioration.

Generally speaking, women may not be employed at night on work which, owing to its nature or circumstances, may expose them to physical or moral prejudice.

*Articles 6 and 7.* No provision is made for the exceptions mentioned in these Articles.

Section 106 of the Legislative Decree No. 507 excludes women engaged in intellectual and managerial occupations from the scope of the provisions prohibiting night work, but the report specifies that industrial conditions in the province are not such as to require resort to such exceptions.

Under section 225 of Legislative Decree No. 507 the Provincial Directorate of Labour and Social Welfare supervises the application of the laws and regulations giving effect to the Convention. This is done by means of frequent

inspections of the workplaces and the filing of complaints with the Labour Directorate.

\* \* \*

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), *Portugal* (Portuguese Guinea, Timor).

## 5. Minimum Age (Industry) Convention, 1919 <sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.* Ratification : 12 July 1924.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 1 April 1934.

*Denmark.* Ratification : 4 January 1923.  
Applicable without modification : Faroe Islands : 4 January 1923.  
Applicable with modification : Greenland : 31 May 1954.

*France.* Ratification : 29 April 1939.  
Applicable without modification :  
French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion : 14 January 1948.

Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon, Togoland : 19 March 1954.  
No declaration : Algeria.

*Japan.* Ratification : 7 August 1926.  
Not applicable : Pacific Islands (League of Nations mandate) : 7 August 1926.

*Netherlands.* Ratification : 21 July 1928.  
No declaration.

*Spain.* Ratification : 29 September 1932.  
No declaration.

*United Kingdom.* Ratification : 14 July 1921.  
Applicable *ipso jure* without modification <sup>2</sup> : Guernsey, Jersey, Isle of Man : 14 July 1921.  
No declaration : all other territories.

<sup>1</sup> This Convention was revised in 1937. See Convention No. 59.

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

*Netherlands.*

*Netherlands New Guinea.*

Child labour is hardly ever found in Netherlands New Guinea, although there still exists

an Ordinance dating from the time of the Netherlands East Indies Government which fixes the minimum age at 12 years for children's employment in factories and workshops.

\* \* \*

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

*France* (Comoro Islands), *United Kingdom* (Antigua, British Guiana, Cyprus, Hong Kong, Kenya, Tanganyika).

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

*Denmark* (Faroe Islands, Greenland), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Aden, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, 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, Southern Rhodesia, Swaziland, Trinidad and Tobago, Zanzibar).

6. Night Work of Young Persons (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.* Ratification: 12 July 1924.  
Decision reserved: Belgian Congo and Ruanda-Urundi: 1 April 1934.

*Denmark.* Ratification: 4 January 1923.  
Applicable without modification:

Faroe Islands: 4 January 1923.  
Greenland: 31 May 1954.

*France.* Ratification: 25 August 1925.  
Applicable without modification:

Algeria, Guadeloupe, Martinique, Réunion: 3 February 1934.

Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland: 29 April 1940.

*Italy.* Ratification: 10 April 1923.  
Applicable with modification: Trust Territory of Somaliland: 28 December 1953.

*Netherlands.* Ratification<sup>2</sup>: 17 March 1924.  
No declaration.

*Portugal.* Ratification: 10 May 1932.  
Not applicable: Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor: 10 May 1932.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.* Ratification<sup>2</sup>: 14 July 1921.  
Applicable *ipso jure* without modification<sup>3</sup>: Guernsey, Jersey, Isle of Man: 14 July 1921.  
No declaration: all other territories.

<sup>1</sup> This Convention was revised in 1948. See Convention No. 90.

<sup>2</sup> Ratification denounced.

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

#### *Denmark.*

##### *Faroe Islands.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that the legislation mentioned in the report for July 1955 to June 1956 is still in preparation and that the local government of the Faroe Islands has no information to supply on the progress made in the matter.

#### *Portugal.*

##### *Angola.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* No distinction is made between industrial, commercial and agricultural activities.

*Articles 2 and 4.* Section 83 of the Labour Code provides that the night work of young persons under 18 years of age may be authorised only if it is rendered necessary by an interruption of work due to a case of *force majeure* or by the fact that it relates to perishable goods. An interval of at least ten hours must separate the end of the night work from the beginning of the next period of work.

*Article 3.* The term "night" means the 11-hour period between 8 p.m. and 7 a.m. (section 18 of Legislative Decree No. 1840).

*Article 7.* The prohibition of night work has not been suspended during the period covered by the present report.

Pending the creation of a provincial labour inspectorate, supervision of compliance with the provisions of the Labour Code is entrusted, in particular, to the Directorate of Civil Administration Services and to the administrators of the commune or territorial division and in general to all the administrative and police authorities (section 212). Corporative bodies must notify the administrators of the commune or territorial division of breaches of the provisions of the Code and must ensure that the latter are respected by their members.

#### *Cape Verde.*

For legislation see under Convention No. 4.

*Article 1 of the Convention.* The legislation of the province does not establish any distinction between industry, agriculture and commerce.

*Article 2.* The night work of children under 18 years of age is prohibited (sole paragraph of section 97 of Legislative Decree No. 1330, and section 1 of Order No. 5193).

*Article 3.* The term "night" means the period between 10 o'clock in the evening and 6 o'clock in the morning (section 1 of Order No. 5193). The interval between the end of the period of night work and the beginning of the following working day may not be less than 10 hours (section 97, paragraph 2, of Legislative Decree No. 1330).

*Article 4.* The night work of young persons between 16 and 18 years of age may be authorised where necessitated by an interruption of work due to *force majeure* or for the purpose of processing goods subject to rapid deterioration (section 2 of Order No. 5193). Night work of young persons is resorted to only in fish canneries during the fishing period, which lasts from three to four months. The work consists of processing operations which cannot be delayed.

Permission to employ young persons between 16 and 18 years of age on night work must be obtained in each case from the administrative authority (section 3 of Order No. 5193).

*Article 7.* No use has been made of the option afforded by this Article of the Convention.

Under section 7 of Order No. 5193 enforcement of the legislative provisions is entrusted to the administrative and police authorities and also to the "labour co-ordination committees". Infringements are punishable by fines.



*Mozambique.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* There is no legal text establishing a distinction between industry on the one hand and commerce and agriculture on the other.

Sections 29 and 30 of the Legislative Text No. 1595, which fix the length of the working day and the limits of the working schedule respectively, make a distinction only in respect of office employees and shift workers.

*Articles 2 and 3.* Section 92 of the Legislative Text prohibits the employment of young persons under 18 years of age before 6 a.m. or after 6.30 p.m., except with the express authorisation of the Governor-General. No authorisation has yet been given and no minors are employed on night work in industry.

*Article 4.* The general principle applicable in Mozambique is stated in section 34 of Legislative Text No. 1595.

*Article 7.* The prohibition of night work of minors has never been suspended by the Government.

In accordance with section 111 of Legislative Text No. 1595, supervision of the enforcement of labour legislation is in particular the responsibility of the administrative and police authorities. Infractions are punishable under sections 112 to 119 of the same Order.

*Portuguese Indies.*

For legislation see under Convention No. 4.

*Article 1 of the Convention.* No official distinction is made between industry on the one hand and commerce and agriculture on the other.

*Articles 2 and 3.* Normally, minors under 17 years of age are not authorised to work in commercial and industrial establishments before 6 a.m. or after 8 p.m. except in offices where work does not begin before 8 a.m. nor end later than 6 p.m. (sections 7, 8 and 9 of Legislative Decree No. 1441). Outside those limits the employment of minors under 17 years of age in such establishments is subject to prior authorisation by the Director of Civil Administration Services.

The supervision of labour legislation is the responsibility of the Directorate of Civil Administration Services and of the municipal authorities.

*San Tomé and Príncipe.*

For legislation see under Convention No. 4.

*Article 1 of the Convention.* The definition of industrial activities is limited to the manu-

facturing, transformation and preparation of products for export and local consumption, the generation and transmission of motive power in general, construction, shipbuilding and transport of passengers and goods. The term "industry" has the same acceptance at San Tomé as in the mother country.

*Article 2.* Section 1 of Ministerial Order No. 2541 prohibits the night work of young persons under 18 years of age. However, according to section 99 of Legislative Decree No. 507 and section 2 of Ministerial Order No. 2541, the night work of young persons from 16 to 18 years of age may be authorised in case of interruption of work due to a case of *force majeure* or when it is necessary to handle perishable goods.

*Article 3.* By virtue of section 1 of Ministerial Order No. 2541 "night work" means work done between 10 p.m. and 6 a.m.

Night work is done only in industries deriving from agriculture and which prepare products for exportation, and then only by adult men.

*Article 4.* The authorisation of night work for young persons between 16 and 18 years of age is subject to the following conditions laid down in sections 30, 98 and 99 (2) of Legislative Decree No. 507: (a) one hour's rest after each five hours of work; (b) maximum daily work period: seven hours; (c) an interval of at least ten hours must elapse between the end of the night work and recommencement of work.

*Article 7.* No such case arose during the period under review.

In order to ensure the application and supervision of labour legislation the Labour and Welfare Directorate is entrusted with the making of inspection visits to workplaces. This supervision is also carried out following denunciations and complaints made by the workers to the administrative and police authorities.

\* \* \*

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

*Denmark* (Greenland), *France* (Comoro Islands, New Caledonia).

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, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Portugal* (Macao, Portuguese Guinea, Timor).

7. Minimum Age (Sea) Convention, 1920<sup>1</sup>

*This Convention came into force on 27 September 1921*

*Australia.* Ratification : 28 June 1935.  
Not applicable : Nauru, New Guinea, Norfolk Island, Papua : 28 June 1935.

*Belgium.* Ratification : 2 February 1925.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 2 February 1925.

*Denmark.* Ratification : 12 May 1924.  
Applicable without modification : Faroe Islands : 12 May 1924.  
Applicable with modification : Greenland : 31 May 1954.

*Italy.* Ratification : 14 July 1932.  
Applicable with modification : Trust Territory of Somaliland : 28 December 1953.

*Japan.* Ratification : 7 June 1924.  
Not applicable : Pacific Islands (League of Nations mandate) : 7 June 1924.

*Netherlands.* Ratification<sup>2</sup> : 26 March 1925.  
No declaration.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.* Ratification : 14 July 1921.  
Applicable *ipso jure* without modification<sup>3</sup> : Guernsey, Jersey, Isle of Man : 14 July 1921.  
No declaration : all other territories.

<sup>1</sup> This Convention was revised in 1936. See Convention No. 58.

<sup>2</sup> Ratification denounced.

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

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, Zanzibar).

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Greenland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, 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, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago).

## 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 : 6 November 1937.  
Not applicable : Nauru, Norfolk Island : 28 June 1935.

*Belgium.* Ratification : 2 February 1925.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 2 February 1925.

*Denmark.* Ratification : 15 February 1938.  
Applicable without modification : Faroe Islands : 15 February 1938.  
Not applicable : Greenland : 31 May 1954.

*France.* Ratification : 21 March 1929.  
No declaration.

*Italy.* Ratification : 8 September 1924.  
No declaration.

*Netherlands.* Ratification : 15 December 1937.  
Applicable without modification : Netherlands Antilles : 5 August 1957.  
No declaration : Netherlands New Guinea, Surinam.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.* Ratification : 12 March 1926.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 12 March 1926.  
No declaration : all other territories.

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

*Netherlands.*

*Netherlands New Guinea.*

A beginning has been made in the protection of seafarers in Netherlands New Guinea.

Measures are being prepared to provide a legal position, based as much as possible on international Conventions, for Native dockers who are employed in loading and unloading ships registered in the Netherlands but sailing in Netherlands New Guinea waters.

*United Kingdom.*

*Gibraltar.*

Merchant Shipping Ordinance (Laws of Gibraltar, Cap. 76).

Section 210 of the above-mentioned Ordinance prescribes that, in addition to the provisions of the United Kingdom Merchant Shipping Acts which expressly or by necessary implication apply to Gibraltar, all the provisions of the said Acts, in so far as the same may be applicable, shall apply to Gibraltar *mutatis mutandis* in all matters relating to shipping and seamen as expressly provided for by this Ordinance.

*Zanzibar.*

Ports Decree, 1927 (Revised Laws of Zanzibar, Cap. 74).  
Ports Rules, 1927.

\* \* \*

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

*Netherlands* (Netherlands Antilles), *United Kingdom* (Singapore, Zanzibar).

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, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago).

## 9. Placing of Seamen Convention, 1920

*This Convention came into force on 23 November 1921*

*Australia.* Ratification : 3 August 1925.  
Not applicable : Nauru, New Guinea, Norfolk Island, Papua : 3 August 1925.

*Belgium.* Ratification : 4 February 1925.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 4 February 1925.

*Denmark.* Ratification : 23 August 1938.  
Applicable without modification : Faroe Islands : 23 August 1938.

Not applicable : Greenland : 31 May 1954.

*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) : 23 November 1922.

*Netherlands.* Ratification : 9 January 1948.  
Applicable without modification : Netherlands Antilles : 5 August 1957.

Decision reserved : Surinam : 5 August 1957.  
No declaration : Netherlands New Guinea.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*Spain.* Ratification : 23 February 1931.  
No declaration.

*Netherlands.**Netherlands Antilles.*

Employment Office Government Order, 1946.

There exists a General Employment Office, instituted under the above-mentioned Order, which, with its branches, constitutes the public employment agency.

In accordance with section 4 of this Order the Employment Office places its services at the disposal of every employer and every person seeking employment. These services are therefore extended to seamen seeking employment.

Taking into account that every year ten to 15 seafarers apply for employment, no separate office is set up and no person with special maritime experience can be engaged for this purpose.

On the other hand, everything is done to ensure the best possible observance of the provisions of the Convention.

*Netherlands New Guinea.*

See under Convention No. 8.

\* \* \*

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* (Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Netherlands* (Surinam), *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 : 13 June 1928.

*France.* Ratification : 7 June 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 8 September 1924.  
Applicable with modification : Trust Territory of Somaliland : 28 December 1953.

*Japan.* Ratification : 19 December 1923.  
Not applicable : Pacific Islands (League of Nations mandate) : 19 December 1923.

*Netherlands.* Ratification : 28 November 1956.  
Applicable without modification : Netherlands Antilles : 11 April 1957.  
No declaration : Netherlands New Guinea, Surinam.

*New Zealand.* Ratification : 8 July 1947.  
No declaration.

*Spain.* Ratification : 29 August 1932.  
No declaration.

---

*Australia.*

*Nauru, New Guinea, Norfolk Island, Papua* (First Reports).

The question of the extension of the Convention to these territories was considered in accordance with the provisions of article 35 of the Constitution of the I.L.O. No decision had been reached as at 30 June 1958.

*Netherlands.**Netherlands New Guinea.*

The Government states that, owing to the nature of the Native population's economy, child labour is scarcely ever found.

\* \* \*

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), *New Zealand* (Cook Islands and Niue).

## 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 : 12 December 1955.

*Denmark.* Ratification : 20 June 1930.  
Applicable without modification : Greenland : 31 May 1954.  
No declaration : Faroe Islands.

*France.* Ratification : 23 March 1929.  
Applicable without modification :  
Algeria : 6 February 1932.  
Guadeloupe, Martinique, Réunion : 9 December 1933.  
Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 8 July 1958.  
No declaration : French Guiana.

*Italy.* Ratification : 8 September 1924.  
No declaration.

*Netherlands.* Ratification : 20 August 1926.  
Applicable without modification :  
Netherlands Antilles : 15 December 1955.  
Surinam : 5 August 1957.  
No declaration : Netherlands New Guinea.

*New Zealand.* Ratification : 29 March 1938.  
Applicable without modification : Cook Islands and Niue : 26 October 1951.  
No declaration : Tokelau Islands, Western Samoa.

---

*Spain.* Ratification : 29 August 1932.  
No declaration.

*United Kingdom.* Ratification : 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 6 August 1923.  
No declaration : all other territories.

---

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

*Australia.**Nauru* (First Report).

The question of the extension of the Convention to the territory was considered. No decision had been reached at the end of the period under review.

*New Guinea* (First Report).

See under *Nauru*.

*Norfolk Island* (First Report).

See under *Nauru*.

*Papua* (First Report).

See under *Nauru*.

*Belgium*.

*Belgian Congo and Ruanda-Urundi*.

Decree of 25 January 1957 to regulate the exercise of the right of association of the inhabitants of the Belgian Congo and Ruanda-Urundi (*L.S.* 1957—Bel. C. 1 (B)) and repealing Parts I, III and IV of Legislative Ordinance No. 82/AIMO of 17 March 1946 and Ordinance No. 128/AIMO of 10 May 1946 respecting the organisation of Native trade unions.

Ordinance No. 21/57 of 8 March 1957 to implement the Decree of 25 January 1957 (*L.S.* 1957—Bel.C.1(C)).

Legislative Ordinance No. 22/65 of 15 March 1957 respecting conciliation and arbitration committees.

Decree of 15 April 1958 concerning mutual associations (*Bulletin officiel du Congo belge*, 15 July 1958, pp. 1130-1186).

Legislative Ordinance No. 22/175 of 29 April 1958 respecting conciliation and arbitration committees, replacing Ordinance No. 22/290 of 20 September 1957 which itself replaced Legislative Ordinance No. 22/65 of 15 March 1957 (*Bulletin administratif*, No. 19 of 1958).

The report states that the legislation makes no discrimination between agricultural workers and workers in others sectors.

*United Kingdom*.

*Barbados*.

See under Convention No. 84.

*Hong Kong*.

See under Convention No. 84.

\* \* \*

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

*United Kingdom* (Antigua, Hong Kong, Kenya, Singapore, Tanganyika, Uganda, Zanzibar).

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), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, 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, Seychelles, Sierra Leone, 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*.

*Belgian Congo and Ruanda-Urundi*.

For legislation see under Convention No. 17.

*Belgium*. Ratification : 26 October 1932.  
Applicable without modification : Belgian Congo and Ruanda-Urundi : 1 April 1934.

*Denmark*. Ratification : 26 February 1923.  
Not applicable : Greenland : 31 May 1954.  
No declaration : Faroe Islands.

*France*. Ratification : 4 April 1928.  
No declaration.

*Italy*. Ratification : 1 September 1930.  
Not applicable : Trust Territory of Somaliland : 1 September 1930.

*Netherlands*. Ratification : 20 August 1926.  
Applicable without modification : Netherlands Antilles : 15 December 1955.  
No declaration : Netherlands New Guinea, Surinam.

*New Zealand*. Ratification : 29 March 1938.  
No declaration.

*Spain*. Ratification : 1 October 1931.  
No declaration.

*United Kingdom*. Ratification : 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup> : Jersey, Guernsey, Isle of Man : 6 August 1923.  
No declaration : all other territories.

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

*France*.

*Comoro Islands*.

Order of 27 August 1957 to promulgate the Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in overseas territories and the Cameroons, and to promulgate Decree No. 57-829 of 23 July 1957 in application of the amendments made by Parliament to Decree No. 57-245.

These Orders had not come into force within the period covered by the report.

*New Caledonia*.

Decrees of 24 February and 23 July 1957 outlining the general rules for compensation for and prevention of industrial accidents and occupational diseases.

Decision of the Territorial Assembly of 21 February 1958 given executive force by Order No. 213 of 27 March 1958.

The above-mentioned measures have not yet come into force.

#### *United Kingdom.*

#### *Fiji.*

Workmen's Compensation Ordinance No. 23 of 1940 (Edition of Laws, 1955, Cap. 93).  
Workmen's Compensation (Amendment) Ordinance No. 30 of 1957.

The Workmen's Compensation (Amendment) Ordinance No. 30 of 1957 extends the application of the legislation to non-manual workers remunerated at more than £360 a year but under £600 a year (section 2) and increases the amounts of compensation as set out in the principal Ordinance.

#### *Hong Kong.*

Workmen's Compensation Ordinance No. 28 of 1953.  
Workmen's Compensation (Amendment) Ordinance No. 11 of 1958.

Until the year covered by the report agricultural workers were not covered by the Workmen's Compensation Ordinance, but under the Amendment Ordinance No. 11 of 1958 the scope of the principal Ordinance has been extended to cover certain workers employed by companies or on behalf of the public in the keeping, care or slaughter of livestock or domestic animals, or in connection with the operation or maintenance of agricultural machinery.

#### *Malta.*

National Insurance Act No. VI of 1956 (Malta Laws, Statutes, etc., Vol. LXXXVIII).  
National Insurance (Amendment) Act No. XVII of 1957 (*Malta Gazette*, No. 10994, 25 Sep. 1957).

As from 7 October 1957 all types of benefit were raised by 25 per cent. by the Amend-

ment Act of 1957 and contribution rates were raised by approximately the same percentage.

The Act also introduced, in the light of experience, minor improvements in the scheme, including the appeal procedure.

#### *Isle of Man.*

See under Convention No. 17.

#### *Zanzibar.*

Decree No. 27 of 1957 to provide for compensation to workmen for injuries suffered in the course of their employment.

The above-mentioned Decree has not yet come into force.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *United Kingdom* (Antigua, British Guiana, British Honduras, Gilbert and Ellice Islands, Kenya, Mauritius, North Borneo, St. Christopher-Nevis-Anguilla, Solomon Islands, Tanganyika, Trinidad and Tobago).

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

*Denmark* (Faroe Islands, Greenland), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Barbados, Basutoland, Bechuanaland, Bermuda, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Grenada, Guernsey, Jersey, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, 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 : 19 July 1926.

*France.* Ratification : 19 February 1926.  
Applicable without modification :  
Algeria : 2 March 1928.  
Guadeloupe, Martinique, Réunion : 9 February 1934.

Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 24 January 1939.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 15 December 1939.  
Applicable without modification : Surinam : 5 August 1957.

No declaration : Netherlands Antilles, Netherlands New Guinea.

*Spain.* Ratification : 20 June 1924.  
No declaration.

#### *France.*

#### *Comoro Islands.*

The Technical Advisory Committee, comprising representatives of the public authorities,

employers and workers, has adopted a detailed draft Order respecting the prohibition of the use of white lead and the precautions to be taken to protect workers in cases where its use remains authorised under certain conditions. The text of the draft Order is annexed to the report.

*French West Africa.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 690.

*Togoland.*

Decree No. 57-128 of 4 October 1957 prohibiting the use of white lead, lead sulphate and all products containing these pigments in painting, whatever its nature (*Journal officiel*, No. 35, 1 Nov. 1957, p. 794).

In reply to the wish expressed by the Committee of Experts that in the near future an Order should regulate the use of white lead

the Government points to the adoption of the above-mentioned Decree, the terms of which prohibit the use of white lead, lead sulphate and all products containing these pigments for painting; no exemption is provided for.

Labour inspectors or heads of administrative areas are empowered to apply the provisions of the Decree.

\* \* \*

The following report supplies information on the practical effect given to the Convention :

*Netherlands* (Netherlands New Guinea).

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles).

## 14. Weekly Rest (Industry) Convention, 1921

*This Convention came into force on 19 June 1923*

*Belgium.* Ratification : 19 July 1926.  
Applicable without modification : Belgian Congo and Ruanda-Urundi : 25 January 1956.

*Denmark.* Ratification : 30 August 1935.  
Applicable without modification :  
Faroe Islands : 30 August 1935.  
Greenland : 31 May 1954.

*France.* Ratification : 3 September 1926.  
Applicable without modification :  
Algeria : 18 February 1928.  
French Guiana, Guadeloupe, Martinique, New Caledonia, Réunion : 14 February 1947.  
Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon, Togoland : 19 March 1954.

*Italy.* Ratification : 8 September 1924.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
Applicable without modification : Cook Islands and Niue, Western Samoa : 4 December 1946.  
No declaration : Tokelau Islands.

*Portugal.* Ratification : 3 July 1928.  
Decision reserved : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 3 July 1928.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.*<sup>1</sup>  
Applicable without modification : Antigua<sup>2</sup>, Bahamas, Basutoland, Bechuanaland, British Somaliland, British Virgin Islands, Dominica<sup>2</sup>, Falkland Islands, Gambia, Grenada<sup>2</sup>, Kenya, Malta, Mauritius, Montserrat<sup>2</sup>, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda : 27 March 1950.

Decision reserved : Aden, Barbados<sup>2</sup>, Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Jamaica<sup>2</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago<sup>2</sup>, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Legislative Ordinance No. 22/103 of 28 February 1958.

The above Ordinance adds a new section 24 (a) to the Decree of 14 March 1957 respecting weekly rest. The new section concerns undertakings operating with three successive shifts a day. The compensatory rest of 24 consecutive hours which is due to the shift workers required to work on a Sunday need not necessarily fall between midnight and midnight, as is required in other cases of compensatory rest for Sunday work.

*Portugal.*

*Angola.*

Legislative Decree No. 2827 of 5 June 1957 to promulgate the Labour Code (*Boletim Oficial*, No. 23, 5 June 1957, p. 562).

No distinction is made between industry, commerce and agriculture.

Employees are entitled each week to a rest period of at least 24 consecutive hours, which must be given on a Sunday unless sound reasons justify an exception (section 120 of the Code). According to paragraph 1 of that section the rest day should be that on which the establishment is closed (if not, a day decided upon by agreement), while section 125 requires that establishments be closed on Sundays. Included in the exemptions from the latter requirement are undertakings which operate continuously and public transport undertakings; it is stated in the report that provisions for weekly rest by rotation apply to the workers employed in continuous operations. District governors, at the request of the employer or employee,

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

<sup>2</sup> Federation of the West Indies.

may exempt from the provisions of section 120 managers and supervisors and also specialist workers who are considered irreplaceable (section 122).

Work may be performed on the actual day of rest when it is in the general public interest and in services which the Governor-General recognises cannot be subject to normal hours of work, and in cases of serious accidents, but when work is performed in these cases a weekly rest must be given on one of the three succeeding days (section 120 (1) and (2)). The Government states in connection with section 120 that it is studying possibilities of consulting the representative employers' and workers' organisations and of drawing up a list of jobs which, being in the public interest, cannot be subject to normal hours of work.

Section 126 of the Code provides for the application of all the provisions of Article 7 of the Convention. It is laid down in section 212 that, pending the establishment of provincial labour inspectorates, the authorities responsible for supervising the application of the provisions of the Code are the Directorate of the Civil Administrative Services and in general all local administrative and police authorities. Certain local bodies, also, are responsible for reporting to the authorities any cases of contravention (section 213).

#### *Cape Verde.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* There is no definition of industrial, agricultural or commercial occupations.

*Article 2.* Workers are entitled to a weekly rest of 24 consecutive hours. Sunday is the weekly day of rest.

*Article 3.* An exception is made in the case of the workers specified in section 31 of Act No. 1330.

*Article 4.* An exception is made in the case of certain industries and establishments specified in Act No. 1330. Nevertheless, the weekly day of rest must be granted within two days. Work performed on the weekly day of rest must be paid at the rate of not less than double time. Domestic workers are given their rest once a fortnight.

*Article 5.* Compensatory periods of rest are dealt with in Decree No. 38596 of 4 February 1952.

*Article 6.* Statistics regarding the exceptions to the general regulations are now being compiled.

*Article 7.* The weekly day of rest is specified in the working schedule approved by the administrative authorities.

The law is enforced by the administrative authorities and by the police.

The ordinary courts have power to deal with any breaches of the law.

No decisions have been given in courts of law relating to this matter.

#### *Macao.*

The weekly day of rest is not observed in most industrial establishments. No claims for

it to be introduced have been received from the workers.

#### *Mozambique.*

For legislation see under Convention No. 1.

No distinction is made between industry, agriculture, commerce, etc., as regards the granting of weekly rest; however, office employees and shift workers are covered by special provisions.

In principle, workers are entitled to the weekly rest on Sunday. For those employed on continuous production processes the period of reference is a fortnight, and the number of days of rest is doubled.

By way of exception, a weekday may be substituted for Sunday as the day of rest.

The enforcement of the relevant provisions is entrusted to the administrative and police authorities, assisted by the corporative bodies. Penalties are provided for all infringements.

#### *Portuguese Indies.*

Act No. 1535 of 25 February 1954.

*Article 2 of the Convention.* The above-mentioned enactment changes the wording of section 20 and the sole paragraph of Act No. 1441 of 28 August 1952.

#### *San Tomé and Príncipe.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* The term "industry" is similar in scope to the definition employed in Portugal itself. Industry in these territories is on a small scale.

*Article 2.* All workers are entitled to a minimum rest period of 24 consecutive hours once a week. Sunday is the weekly day of rest in all Portuguese territories.

*Article 3.* The following are excluded: (a) spouses, parents, grandparents, brothers and sisters; (b) employees in managerial or supervisory posts; (c) workers who, owing to their special abilities or skills are considered to be irreplaceable.

*Article 4.* In certain circumstances day work may be authorised on the weekly day of rest.

*Article 5.* When it is impossible to grant a day off on Sunday industrial workers engaged in processing agricultural products must be given the following day off, while other workers must be given a day off within the following three days.

*Article 6.* Time off in lieu of time worked on the weekly day of rest must be given during the same week. In addition to being given compensatory time off the worker must also be paid double time.

The Government has transmitted a list of establishments which have continuous process operations.

*Article 7.* The hours of work approved by the administrative authorities and the day on which the weekly rest is taken must be posted up in all industrial establishments.



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

*France* (Cameroons, Comoro Islands), *Portugal* (Angola, San Tomé and Príncipe).

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

*Denmark* (Faroe Islands, Greenland), *France* (French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Portugal* (Portuguese Guinea, Timor).

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

*This Convention came into force on 20 November 1922*

*Australia*. Ratification : 28 June 1935.  
Not applicable : Nauru, New Guinea, Norfolk Island, Papua : 28 June 1935.

*Belgium*. Ratification : 19 July 1926.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 19 July 1926.

*Denmark*. Ratification : 12 May 1924.  
Applicable without modification :  
Faroe Islands : 12 May 1924.  
Greenland : 31 May 1954.

*France*. Ratification : 16 January 1928.  
No declaration.

*Italy*. Ratification : 8 September 1924.  
Applicable with modification : Trust Territory of Somaliland : 28 December 1953.

*Japan*. Ratification : 4 December 1930.  
Not applicable : Pacific Islands (League of Nations mandate) : 4 December 1930.

*Netherlands*. Ratification : 17 June 1931.  
Decision reserved : Surinam : 5 August 1957.  
No declaration : Netherlands Antilles, Netherlands New Guinea.

*Spain*. Ratification : 20 June 1924.  
No declaration.

*United Kingdom*. Ratification : 8 March 1926.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 8 March 1926.  
Applicable without modification<sup>2</sup> : Aden, Bermuda, British Guiana, Cyprus, Dominica<sup>3</sup>, Gambia, Gibraltar, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 27 March 1950.

Applicable with modification<sup>2</sup> :  
Fiji, Nyasaland, Solomon Islands : 27 March 1950.  
Barbados<sup>3</sup> : 29 December 1958.

Decision reserved<sup>2</sup> : Antigua<sup>3</sup>, Bahamas, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gilbert and Ellice Islands, Montserrat<sup>3</sup>, St. Christopher-Nevis-Anguilla<sup>3</sup> : 27 March 1950.

Not applicable<sup>2</sup> : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

No declaration : British Somaliland.

*France*.

*French Polynesia*.

*Article 2 of the Convention*. The provisions of this Article are repeated in Order No. 178/IT of 2 February 1956 respecting the work of children. Section 19 of that Order stipulates that it is prohibited to employ children as trimmers or stokers on board ship. The term "children" means persons of both sexes under 18 years of age.

*Netherlands*.

*Netherlands New Guinea*.

See under Convention No. 8.

\* \* \*

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

*United Kingdom* (Bermuda, Gibraltar, Zanzibar).

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Guernsey, Hong Kong, Jersey, Kenya, 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, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago).

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

<sup>2</sup> These declarations were communicated in connection with the ratification of Convention No. 83 and will only become effective when this Convention comes into force.

<sup>3</sup> Federation of the West Indies.

## 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 : Nauru, New Guinea, Norfolk Island, Papua : 28 June 1935.

*Belgium.* Ratification : 19 July 1926.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 19 July 1926.

*Denmark.* Ratification : 23 April 1938.  
Applicable without modification :  
Faroe Islands : 23 April 1938.  
Greenland : 31 May 1954.

*France.* Ratification : 22 March 1928.  
No declaration.

*Italy.* Ratification : 8 September 1924.  
Applicable without modification : Trust Territory of Somaliland : 28 December 1953.

*Japan.* Ratification : 7 June 1924.  
Not applicable : Pacific Islands (League of Nations mandate) : 7 June 1924.

*Netherlands.* Ratification : 9 March 1928.  
No declaration.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.* Ratification : 8 March 1926.  
Application *ipso jure* without modification <sup>1</sup> : Guernsey, Jersey, Isle of Man : 8 March 1926.

Applicable without modification <sup>2</sup> : Aden, Bermuda, Cyprus, Dominica<sup>3</sup>, Gambia, Gibraltar, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Malta, Mauritius, Nigeria, North Borneo, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 27 March 1950.

Applicable with modification <sup>2</sup> :

Fiji, Kenya : 27 March 1950.

Barbados<sup>3</sup> : 29 December 1958.

Decision reserved <sup>2</sup> : Antigua<sup>3</sup>, Bahamas, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gilbert and Ellice Islands, Montserrat<sup>3</sup>, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup> : 27 March 1950.

Not applicable <sup>2</sup> : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

No declaration : British Somaliland.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

<sup>3</sup> Federation of the West Indies.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 8.

\* \* \*

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

*United Kingdom* (Bermuda, Gibraltar, Zanzibar).

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Greenland), *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* (Netherlands Antilles, Surinam), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Guernsey, Hong Kong, Jersey, Kenya, 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, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago).

## 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 : 1 April 1934.

*France.* Ratification : 17 May 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.*<sup>1</sup>  
Applicable without modification : Trust Territory of Somaliland : 12 March 1952.

*Netherlands.* Ratification : 13 September 1927.

Applicable without modification :

Netherlands Antilles : 5 August 1957.

Surinam : 15 April 1958.

No declaration : Netherlands New Guinea.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*Portugal.* Ratification : 27 March 1929.  
Decision reserved : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 27 March 1929.

*Spain.* Ratification : 22 February 1929.  
No declaration.

*United Kingdom.* Ratification : 28 June 1949.

Applicable *ipso jure* without modification <sup>2</sup> : Guernsey, Jersey, Isle of Man : 28 June 1949.

Applicable without modification <sup>3</sup> :

Kenya, Mauritius, Northern Rhodesia, Tanganyika : 27 March 1950.

Gibraltar, Sierra Leone : 29 December 1958.

Applicable with modification <sup>3</sup> :

Aden, Antigua<sup>4</sup>, Bahamas, Barbados<sup>4</sup>, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica<sup>4</sup>, Falkland Islands, Fiji, Gambia, Grenada<sup>4</sup>, Jamaica<sup>4</sup>, Malta, Montserrat<sup>4</sup>, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla<sup>4</sup>, St. Helena, St. Lucia<sup>4</sup>, St. Vincent<sup>4</sup>, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago<sup>4</sup>, Uganda : 27 March 1950.

Sarawak : 23 February 1959.

Solomon Islands : 27 February 1959.

Decision reserved <sup>3</sup> : Bermuda, Brunei, Gilbert and Ellice Islands, Hong Kong, Seychelles, Zanzibar : 27 March 1950.

No declaration : British Somaliland.

<sup>1</sup> Unratified Convention. Italy forwarded a declaration accepting, in the name of the Trust Territory of Somaliland, the application of this Convention.

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

<sup>3</sup> See footnote 2 to Convention No. 15.

<sup>4</sup> Federation of the West Indies.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Legislative Ordinance No. 22/251 of 20 August 1957 to amend the Decree of 1 August 1949 (L.S. 1949—Bel. 11 (A)) providing compensation for injuries resulting from employment accidents to and occupational diseases contracted by Native workers (*Bulletin administratif*, 7 Sep. 1957, No. 36, p. 1635).

Royal Order of 24 December 1957 to increase pensions and allowances granted for employment accidents and occupational diseases to salaried employees (*Bulletin officiel*, 15 Jan. 1958, No. 2, Part I, p. 103).

*France.**Comoro Islands.*

See under Convention No. 12.

*Madagascar.*

Order No. 126 of 4 August 1957 to promulgate Decree No. 57-245 of 24 February 1957 as amended by Decree No. 57-829 of 23 July 1957 respecting the prevention of, and workmen's compensation for, industrial accidents and occupational diseases in the overseas territories and the Cameroons.

These instruments have not yet come into force.

*Portugal.**Angola.*

Act No. 1942 of 27 July 1936.

Legislative Decree No. 27165 of 10 November 1936.

Legislative Decree No. 27649 of 12 April 1937.

Legislative Decree No. 31464 of 12 August 1941.

Legislative Decree No. 31465 of 12 August 1941.

Ministerial Order No. 10698 of 6 July 1944.

Legislative Decree No. 2827 of 5 June 1957.

*Article 2 of the Convention.* Any person habitually and not merely occasionally or casually engaged in a remunerated occupation is entitled to compensation at the employer's expense for any industrial accident, that is, an accident which occurs during working hours or in the course of work, whatever the nature of his occupation (commercial, industrial, agricultural or other).

*Article 3.* Seafarers and fishermen are protected by the same legislation.

*Article 4.* Agricultural workers are covered by the same legal provisions as other workers.

*Article 5.* A pension is paid either to the injured workman himself in case of incapacity for work or to his dependants when the accident results in death. The law does not provide for the payment of a lump sum in place of the pension.

*Article 6.* Compensation is granted as from the day following the accident in case of temporary incapacity and as from the day after the certificate of discharge from hospital in case of permanent incapacity.

*Article 7.* The law of Angola does not provide for payment of additional compensation in cases where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person.

*Article 8.* The law provides for the review of pensions.

*Article 9.* Injured workmen are entitled to free pharmaceutical, medical and surgical aid as well as hospital care.

*Article 10.* Injured workmen are entitled to the supply and renewal of artificial limbs and surgical appliances or to additional cash compensation representing the cost of such appliances.

*Article 11.* The report makes no mention of provisions ensuring payment of compensation to workmen who suffer personal injury due to industrial accidents.

*Cape Verde.*

Legislative Decree No. 1330 of 9 February 1957.

Ministerial Decree No. 5172 of 16 February 1957.

Ministerial Decree No. 5185 of 9 March 1957.

Ministerial Decree No. 5186 of 9 March 1957.

Ministerial Decree No. 5206 of 13 April 1957.

*Article 2 of the Convention.* In case of industrial accident all persons habitually and not merely occasionally engaged in a remunerated occupation (whether of a commercial, industrial, agricultural or other nature) are entitled to compensation at the employer's expense.

*Article 3.* Seafarers and fishermen are protected by the same legislation.

*Article 4.* Agricultural workers are covered by the same legal provisions as the above-mentioned workers.

*Article 5.* A pension is paid either to the injured person himself in case of permanent incapacity or to his dependants, when the accident results in death.

The law provides for optional conversion of pensions; the lump sum is not paid directly to the beneficiary and a special procedure has been set up to guarantee the judicious use of the sum.

*Article 6.* In case of permanent incapacity the compensation is paid as from the day following the date of recognition of the nature of the injury and in case of total or partial temporary incapacity as from the day following the date of the accident.

*Article 7.* No additional compensation has been provided for cases where the injured workman requires the constant help of another person.

*Article 8.* A review of pensions is provided for by law.

*Article 9.* Injured workmen and workmen suffering from occupational diseases are entitled to medical and pharmaceutical aid and to hospital care.

*Article 10.* Injured workmen are entitled to the supply of artificial limbs and surgical appliances.

These appliances may be replaced by the payment to the injured workman of a sum representing the probable cost of such appliances.

*Article 11.* Legislation concerning the application of this Article is contained in section II of Chapter VII of Legislative Decree No. 1330.

*Mozambique.*

Act No. 1706 of 19 October 1957 to establish the legal provisions for industrial accidents.

*Article 2 of the Convention.* The Act covers all salaried employees bound by a contract of employment to another, whether it be a physical person or a body corporate, public or private, irrespective of the nature of the activity and the amount of remuneration. Members of the employer's family who work exclusively on his behalf are covered by the same legal provisions as other workers.

*Article 3.* Seafarers and fishermen are protected by the same legal provisions.

*Article 4.* Agricultural workers are protected by the same legal provisions.

*Article 5.* The Act provides for the payment of a pension to injured workmen suffering from permanent incapacity. It also provides for the compulsory or optional conversion of the pension to a lump sum.

*Article 6.* Compensation is payable as from the day following the accident.

*Article 7.* The report refers to the provisions of subsection 1 of section 39 of Act No. 1706.

*Article 8.* The report refers to section 62 of Act No. 1706.

*Article 9.* Injured workmen are entitled to hospital care, medical and surgical aid and the free supply of pharmaceutical products.

*Article 10.* The report refers to section 47 of Act No. 1706.

*Article 11.* Compensation is the direct responsibility of the employer, who may transfer this liability to an insurance institution. Such transfer becomes legally compulsory whenever five or more workmen are employed by the same employer. Claims to moneys due as pensions and compensation in respect of industrial accidents constitute privileged claims upon the personal property of the employer.

*Portuguese Indies.*

Legislative Text No. 1497 of 13 August 1953 (*Boletim Oficial*, 1st series, No. 33, 13 Aug. 1953, p. 155).

Ministerial Order No. 5840 of 27 August 1953.

Legislative Text No. 1503 of 3 September 1953.

*Article 2 of the Convention.* Any person employed by another is entitled to compensation for industrial accidents which occur at the workplace, during work or while the employed person is performing any task on the authority of the employer or executing his orders, or in the course of tasks voluntarily performed by the worker if any financial advantage is liable to accrue to the employer thereby.

*Article 3.* The law also applies to seafarers and fishermen.

*Article 4.* The law also applies to agricultural workers.

*Article 5.* Injured workmen, or in the case of their death, their dependants, are entitled to a pension which may be paid in the form of a lump sum.

*Article 6.* Compensation for temporary incapacity is due as from the day after the accident.

*Articles 7 and 8.* The report makes no mention of the application of these provisions of the Convention.

*Article 9.* Injured workmen are entitled to medical, surgical and pharmaceutical aid and to hospital care.

*Article 10.* Injured workmen are entitled to the supply and normal renewal of artificial limbs and surgical appliances. Additional compensation representing the probable cost of such appliances may be awarded to them in place of the appliances themselves.

*Article 11.* Payment of compensation is guaranteed by security to be furnished by the employer.

*San Tomé and Príncipe.*

Act No. 1942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases (*L.S.* 1936—Por. 2 (A)).

Legislative Decree No. 507 of 10 March 1958 to issue rules of labour law (*Boletim Oficial*, No. 10, 10 Mar. 1958, p. 205).

Ministerial Order No. 2543 of 27 March 1958.

Ministerial Order No. 2555 of 10 September 1958.

*Article 2 of the Convention.* All remuneratively employed persons are entitled to compensation for industrial accidents occurring during working hours or in the course of their work or in the performance of tasks performed voluntarily by the worker, if any financial advantage is likely to accrue to the employer thereby, provided that the accident is not wilfully caused by the injured workman himself and is not due to *force majeure*. Compensation is due irrespective of the nature of the economic activity of the undertaking (commercial, industrial or agricultural).

*Article 3.* The law also applies to seafarers and fishermen.

*Article 4.* The law also applies to agricultural workers.

*Article 5.* The law provides for the payment of a pension to the injured workman himself in case of permanent incapacity or to his dependants in case of death.

The compensation may be paid in a single lump sum. Such conversion is compulsory when the total amount does not exceed 250 escudos per annum, unless the beneficiary is legally incapable. Conversion may be optional at the request of one or the other of the two parties when the total amount of compensation is equal to 1,200 escudos per annum. When the amount of the pension is equal to at least 2,400 escudos conversion is optional. The lump sum representing the converted pension is compulsorily subordinated, by decision of the court, to the acquisition of life annuity certificates, issued by the Commission of Public Credit.

*Article 6.* Incapacity for work due to an accident entails suspension of the contract of employment and consequently of payment of the salary as from the time when the injured workman or his dependants receive the corresponding pension.

*Article 7.* The report makes no mention of the application of this provision of the Convention.

*Article 8.* Pensions may be reviewed when more than six months and less than five years have elapsed since the determination of the amount or since the last review.

*Article 9.* Injured workmen are entitled to medical, surgical and pharmaceutical aid and to hospital care if necessary.

*Article 10.* Injured workmen are entitled to the supply and renewal of artificial limbs and surgical appliances.

*Article 11.* Payment of compensation is guaranteed by security to be furnished by the employer, who may, however, transfer this liability to the insurance institution entrusted with payment of the pension.

#### *United Kingdom.*

##### *British Guiana.*

Workmen's Compensation Ordinance No. 20 of 1923 (Edition of Statutes, 1953, Cap. 73).  
Workmen's Compensation (Amendment) Ordinance No. 44 of 1957.

The Workmen's Compensation (Amendment) Ordinance, 1957, extends the scheme to domestic servants employed in private residences.

##### *British Somaliland.*

Workmen's Compensation (Amendment) Ordinance, 1957.

##### *Fiji.*

See under Convention No. 12.

##### *Malta.*

See under Convention No. 12.

##### *Isle of Man.*

National Insurance Order, 1957.  
National Insurance (No. 2) Order, 1957.

##### *Zanzibar.*

See under Convention No. 12.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, French Equatorial Africa, French Polynesia, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Antigua, Barbados, British Honduras, Brunei, Cyprus, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Isle of Man, Mauritius, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Uganda).

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

*France* (French Somaliland, French West Africa, New Caledonia, Togoland), *Netherlands* (Netherlands New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Portugal* (Macao, Portuguese Guinea, Timor), *United Kingdom* (Aden, Basutoland, Bechuanaland, Bermuda, Dominica, Falkland Islands, Gibraltar, Montserrat, Northern Rhodesia, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland).

## 18. Workmen's Compensation (Occupational Diseases) Convention, 1925 <sup>1</sup>

*This Convention came into force on 1 April 1927*

*Belgium.* Ratification : 3 October 1927.  
Applicable without modification : Belgian Congo and Ruanda-Urundi : 1 April 1934.

*Denmark.* Ratification : 18 June 1934.  
Applicable without modification : Faroe Islands : 18 June 1934.  
Not applicable : Greenland : 31 May 1954.

*France.* Ratification : 13 August 1931.  
Applicable without modification :  
Algeria : 14 March 1933 ;  
French West Africa : 26 January 1935 ;  
French Guiana, Guadeloupe, Martinique, Réunion : 15 March 1938.  
No declaration : all other territories.

*Italy.* Ratification : 22 January 1934.  
Decision reserved : Trust Territory of Somaliland : 22 January 1934.

*Japan.* Ratification : 8 October 1928.  
Not applicable : Pacific Islands (League of Nations mandate) : 8 October 1928.

*Netherlands.* Ratification <sup>2</sup> : 1 November 1928.  
No declaration.

*Portugal.* Ratification : 27 March 1929.  
Decision reserved : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 27 March 1929.

*Spain.* Ratification : 29 September 1932.  
No declaration.

*United Kingdom.* Ratification <sup>2</sup> : 6 October 1926.  
Applicable *ipso jure* without modification <sup>3</sup> : Guernsey, Jersey, Isle of Man : 6 October 1926.  
No declaration : all other territories.

<sup>1</sup> This Convention was revised in 1934. See Convention No. 42.

<sup>2</sup> Ratification denounced.

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

#### *Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

See under Convention No. 42.

*France.**Comoro Islands.*

Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in overseas territories and the Cameroons.

Decree No. 57-829 of 23 July 1958 to enforce the amendments made by Parliament to the Decree of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases.

The legal treatment of compensation for industrial accidents and occupational diseases makes no distinction between agricultural workers and workers in other sectors of economic activity. The rules of prevention and compensation apply equally to all salaried workers and wage earners.

The system of compensation for industrial accidents and occupational diseases shall apply in general to all salaried workers and wage earners not only during working hours but also in respect of accidents occurring while the worker is travelling to and from work.

The schedules of pathological manifestations, poisonings, whether acute or chronic, and microbial or parasitical diseases considered as occupational diseases will be published by a local Order after consultation with the Technical Advisory Committee.

Supervision of the application of the Conventions is ensured by the territorial Inspector of Labour and Social Legislation.

*Portugal.**Angola.*

For legislation see under Convention No. 14.

The Labour Code of 5 June 1957 lays down the same provisions concerning occupational diseases as for industrial accidents.

The responsibility of the employer in respect of cases of occupational disease subsists integrally during one year after the date of discharge of the worker and during five years in cases of cancer due to exposure to radium, radioactive substances or X-rays, and cases of silicosis. In the case of slow-developing silicosis the period is ten years.

To benefit by the provisions of the Labour Code relating to occupational diseases the worker must prove (a) that he has contracted one of the diseases mentioned in section 146 of the Code; (b) that he was habitually engaged in one of the occupations corresponding to the disease contracted.

Section 146 of the Code lists the occupational diseases giving entitlement to compensation and includes in particular poisoning by lead, its alloys or compounds, poisoning by mercury, its amalgams or compounds and anthrax infection. With regard to anthrax infection the list of corresponding trades or processes includes work in connection with animals infected with anthrax, handling of animal carcasses or parts or carcasses and loading, unloading and transport of merchandise.

The report also lists the types of industrial work current in Angola which could cause occupational diseases.

*Cape Verde.*

Legislative Decree No. 1330 of 9 February 1957.  
Ministerial Decree No. 5172 of 16 February 1957.  
Ministerial Decree No. 5185 of 9 March 1957.  
Ministerial Decree No. 5186 of 9 March 1957.

Section 152 of Legislative Decree No. 1330 stipulates that workmen who, in the discharge of their duties, contract occupational diseases, have identical rights to those laid down in case of industrial accident.

The special rules governing the right to compensation for occupational diseases derive from sections 153 and 154 of the Legislative Decree which specify that if the worker proves that he has contracted one of the diseases listed in section 152 and that he habitually worked in an industry or was engaged in an occupation corresponding to that disease, it may be presumed that the disease was caused by the work and the burden of proof to the contrary rests with the employer.

The list of occupational diseases giving entitlement to compensation appears in section 152 of the Legislative Decree and includes in particular: poisoning by lead, its alloys and compounds and their sequelae; poisoning by mercury, its amalgams and compounds and their sequelae; and anthrax infection.

The supervision, inspection and co-ordination of these provisions are entrusted to the administrators, to the committees for the prevention of industrial accidents and to the arbitration committees set up by virtue of the Ministerial Order of 6 July 1944.

The ordinary law courts, operating as labour courts, are competent in matters concerning occupational diseases to the same extent as for industrial accidents.

*Mozambique.*

For legislation see under Convention No. 17.

All the provisions of Act No. 1706 apply to occupational diseases under the conditions indicated in sections 9 and 10 of the said Act.

The list of occupational diseases given in section 8 of the Act and that of the corresponding trades and industries annexed to the Act take into account the schedule given in the Convention, and even supplement it.

The administrative and police authorities and the Department for Technical Supervision of Insurance are responsible for the enforcement of the laws and regulations relating to the legal treatment of occupational diseases.

These provisions are applicable to all salaried workers and wage earners, including seafarers and fishermen.

*Portuguese Guinea.*

The report gives the list of the trades and industries corresponding to those occupational diseases which give rise to compensation, in particular poisoning by lead and mercury and anthrax infection. The list is identical to that annexed to Act No. 1942 of 27 July 1936 respecting the right to compensation for the consequences of industrial accidents or occupational diseases (L.S. 1936—Por. 2 (A)).

*Portuguese Indies.*

Act No. 1942 of 27 July 1936 (L.S.—Por. 2 (A)).  
Ministerial Order No. 5840 of 27 August 1953.

The provisions of Act No. 1942 respecting industrial accidents apply to the occupational diseases listed in section 8 of the Act. The schedule annexed to the Act gives the trades and types of work covered by the provisions relating to workmen's compensation for occupational diseases. The rate of compensation is the same as that applicable to victims of employment injuries.

Enforcement of the law is the responsibility of the labour courts and the Directorate of Civil Administration Services.

*San Tomé and Príncipe.*

Act No. 1942 of 27 July 1936 (L.S. 1936—Por. 2 (A)).  
Regulations approved by Ministerial Order No. 1723 of 10 May 1952.  
Legislative Decree No. 507 of 10 March 1958.  
Ministerial Order No. 2555 of 10 April 1958.

The principles governing compensation for occupational diseases are set forth in Act No. 1942 and in Legislative Decree No. 507.

The legislation guarantees to workmen incapacitated by occupational diseases, or their dependants, compensation based on the general principles established for compensation for industrial accidents.

Section 154 of Legislative Decree No. 507 stipulates that the provisions apply to the following occupational diseases: poisoning by lead, its alloys or compounds and their sequelae; poisoning by mercury, its amalgams and compounds and their sequelae; and anthrax infection.

Supervision of the enforcement of the legal provisions in this field is the responsibility of the Labour and Welfare Directorate and of the administrative and police authorities.

\* \* \*

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

*Denmark* (Faroe Islands, Greenland), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Portugal* (Macao, Timor).

## 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: 7 January 1957.

*Denmark.* Ratification: 31 March 1928.  
Applicable without modification:  
Faroe Islands: 31 March 1928.  
Greenland: 31 May 1954.

*France.* Ratification: 4 April 1928.  
Applicable without modification:  
Algeria: 6 March 1931.  
French Guiana, Guadeloupe, Martinique, Réunion: 22 February 1948.  
No declaration: all other territories.

*Italy.* Ratification: 15 March 1928.  
Applicable without modification: Trust Territory of Somaliland: 12 March 1952.

*Japan.* Ratification: 8 October 1928.  
Not applicable: Pacific Islands (League of Nations mandate): 8 October 1928.

*Netherlands.* Ratification: 13 September 1927.  
Applicable without modification: Surinam: 13 July 1951.  
No declaration: Netherlands Antilles, Netherlands New Guinea.

*Portugal.* Ratification: 27 March 1929.  
Decision reserved: Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor: 27 March 1929.

*Spain.* Ratification: 22 February 1929.  
No declaration.

*Union of South Africa.* Ratification: 30 March 1926.  
Applicable without modification: South West Africa: 15 June 1949.

*United Kingdom.* Ratification: 6 October 1926.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey, Isle of Man: 6 October 1926.

Applicable without modification<sup>2</sup>:

Aden, Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Fiji, Gambia, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Nigeria, Northern Rhodesia, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar: 27 March 1950.

Gibraltar: 29 December 1958.

Sarawak: 23 February 1959.

Solomon Islands: 27 February 1959.

Applicable with modification<sup>2</sup>: North Borneo, Nyasaland: 27 March 1950.

Decision reserved<sup>2</sup>: Bermuda, Brunei, Gilbert and Ellice Islands, Seychelles: 27 March 1950.

No declaration: British Somaliland.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

<sup>3</sup> Federation of the West Indies.

*Belgium.**Belgian Congo and Ruanda-Urundi (First Report).*

Decree of 20 December 1945 to provide compensation for injuries resulting from employment accidents to and occupational diseases contracted by non-Native workers.

Decree of 1 August 1949 to provide compensation for injuries resulting from employment accidents to and occupational diseases contracted by Native workers (L.S. 1949—Bel. 11 (A)).

*Article 1 of the Convention.* Equality of treatment is guaranteed to foreign workers without any condition as to residence. However, the insuring institution may, by reason

of difficulties of identification and control, decide upon expiry of the period of medical observation to pay a lump sum to the indigenous victim or his beneficiaries who are going to establish themselves abroad. This sum amounts to the capitalised value of the remainder of the pension and extinguishes the pension.

*Article 2.* No agreement has been concluded with other member States.

*Article 3.* Legislation on workmen's compensation exists in the Belgian Congo and Ruanda-Urundi.

Amendments to legal texts and information on the practical application of the Convention are enumerated in the annual reports on Conventions Nos. 12 and 17.

#### *Denmark.*

#### *Greenland.*

In reply to the observation made by the Committee of Experts the report states that the Committee entrusted with examining the creation of an insurance system for industrial accidents in undertakings whose head offices are located in Greenland has not yet finished its work.

#### *France.*

#### *Comoro Islands.*

Foreign workers employed in the Comoro Islands are entitled to the same compensation and allowances as nationals. However, in respect of the payment of pensions, a foreign worker who ceases to reside in a territory administered by the French Republic receives as compensation a lump sum equal to three times the annual pension. The dependants of a foreign worker receive no compensation unless they reside in a territory administered by the French Republic at the time of the accident.

#### *Madagascar.*

The new workmen's compensation scheme for occupational diseases, which is to come into force in 1959, makes no distinction between national and foreign workers.

#### *Portugal.*

#### *Angola.*

For legislation see under Convention No. 1.

*Article 1 of the Convention.* Foreign workers at present employed in Angola and their dependants are entitled to the same guarantees in case of industrial accident as Portuguese nationals, even if they do not reside in Portuguese territory.

*Article 2.* No agreement has been made with any other Members parties to the Convention.

*Article 3.* There is a system of workmen's compensation for industrial accidents.

#### *Cape Verde.*

Act No. 1330 of 9 February 1957, section 147.

*Article 1 of the Convention.* Employers who carry on their activities in Portuguese territory grant to foreign workers who suffer personal injury due to industrial accidents, or to their dependants or representatives, the same treatment as to Portuguese nationals, even when the foreign worker resides outside Portuguese territory, if the legislation of the country in question grants equality of treatment.

#### *Macao.*

Constitution of 1933, article 137.

*Article 1 of the Convention.* In accordance with article 137 of the Constitution of 1933 no discrimination is made between national and foreign workers.

#### *Mozambique.*

For legislation see under Convention No. 17.

*Article 1 of the Convention.* In so far as the principle of reciprocity is observed, foreign workers in Mozambique who suffer personal injury due to industrial accidents, and their dependants, are entitled to the same guarantees in case of industrial accident as Portuguese nationals, even if they reside outside Portuguese territory.

*Article 2.* No special agreements have been concluded.

*Article 3.* There is a system of compensation for industrial accidents.

#### *Portuguese Indies.*

Act No. 1942 of 27 July 1936 (*L.S.* 1936—*Por.* 2 (A)), section 3.

*Article 1 of the Convention.* Foreign workers who suffer personal injury due to industrial accidents occurring in Portuguese territory, and their dependants and representatives, are entitled to the same rights as Portuguese nationals, even if they do not reside in Portuguese territory, provided that the legislation of their country of residence grants equality of treatment.

#### *San Tomé and Príncipe.*

Act No. 1942 of 27 July 1936 (*L.S.* 1936—*Por.* 2 (A)).

Legislative Decree No. 507 of 10 March 1958 to issue rules on labour law (*Boletim Oficial*, No. 10, 10 Mar. 1958, p. 205).

*Article 1 of the Convention.* Foreign workers who suffer personal injury due to industrial accidents occurring in Portuguese territory, and their dependants, have the same rights as Portuguese nationals, even if they do not reside in Portuguese territory, provided that the legislation of their country of residence grants equality of treatment. Foreign workers who suffer personal injury due to industrial accidents happening outside Portuguese territory retain their right to compensation if the legislation of the countries whose nationals they are provides equality of treatment for Portuguese workers.



*Union of South Africa.**South West Africa.*

Laws concerning compensation for occupational accidents in South West Africa have been annulled and the Workmen's Compensation Act of 1941 has been extended to this territory.

*United Kingdom.**Gibraltar.*

Provision has been made to enable Gibraltar to give effect under the legislation to reciprocal agreements between the United Kingdom and other countries.

*Northern Rhodesia.*

A reciprocal agreement (Government Notice No. 183 of 1957) was made with the Government of Southern Rhodesia to provide compensation for workers temporarily transferred from one territory to the other.

*Southern Rhodesia.*

Southern Rhodesia has concluded two agreements on workmen's compensation, one with the Union of South Africa and the other with Northern Rhodesia.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *Portugal* (Angola, Mozambique, San Tomé and Príncipe), *United Kingdom* (Antigua, Gilbert and Ellice Islands, Hong Kong, Malta, Isle of Man, Nigeria, St. Christopher-Nevis-Anguilla, Singapore, Tanganyika, Uganda).

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

*Denmark* (Faroe Islands), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, New Caledonia, Togoland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *Portugal* (Portuguese Guinea, Timor), *United Kingdom* (Aden, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Guernsey, Jamaica, Jersey, Kenya, Mauritius, Montserrat, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Swaziland, Trinidad and Tobago, Zanzibar).

## 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 : 15 February 1928.

*Denmark.* Ratification : 18 May 1955.  
No declaration.

*France.* Ratification<sup>1</sup> : 13 January 1932.  
No declaration.

*Japan.* Ratification : 8 October 1928.  
Not applicable : Pacific Islands (League of Nations mandate) : 8 October 1928.

*Netherlands.* Ratification : 13 September 1927.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*United Kingdom.* Ratification<sup>1</sup> : 16 September 1927.

Applicable *ipso jure* without modification<sup>2</sup> : Guernsey, Jersey, Isle of Man : 16 September 1927.  
No declaration : all other territories.

---

<sup>1</sup> Conditional ratification.

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

*Netherlands.**Netherlands New Guinea.*

The Convention does not apply in this territory, where migration consists solely of temporary movements of indigenous workers to centres where there is a manpower shortage. The recruiting Ordinance entitles workers employed for less than 18 months to travel back to their place of origin at the employer's expense.

\* \* \*

The following report supplies information on the practical effect given to the Convention :

*Netherlands (Surinam).*

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *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 : Nauru, New Guinea, Norfolk Island, Papua : 1 April 1935.

*Belgium.* Ratification : 3 October 1927.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 3 October 1927.

*France.* Ratification : 4 April 1928.  
No declaration.

*Italy.* Ratification : 10 October 1929.  
Applicable without modification : Trust Territory of Somaliland : 10 October 1929.

*Netherlands.* Ratification : 15 December 1937.  
Applicable without modification : Netherlands Antilles : 5 August 1957.  
No declaration : Netherlands New Guinea, 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 modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 14 June 1929.  
No declaration : all other territories.

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

#### *Netherlands.*

##### *Netherlands Antilles.*

The Convention is applied by sections 490 to 555 of the Commercial Code. A new copy of the Code is being sent by the Government.

*Articles 1 and 2 of the Convention.* Section 566 of the Commercial Code provides for some exclusions from the application of the provisions of the Code concerning articles of agreements.

*Article 3.* According to section 556 of the Commercial Code, the crew list must be drawn up in the presence of a qualified official and, according to section 557, the shipowner must submit the signed articles of agreement to the official designated for this purpose. This official must satisfy himself that the seamen have understood the articles of agreement and that the parties have signed it.

*Article 4.* Section 554 of the Commercial Code enumerates the provisions from which the parties may not deviate to the disadvantage of the seamen. According to the same section provisions in the articles of agreement containing deviations from the general regulations with regard to the competency of the judge are null and void.

*Article 5.* A draft national Order is in course of preparation to apply this Article.

*Article 6.* The agreement may be made for an indefinite period. Section 535 determines the conditions for the termination of such agreement.

*Articles 7 to 9.* Section 556 of the Commercial Code applies these Articles.

*Articles 10 and 11.* Sections 536 and 537 of the Commercial Code specify the reasons for which an immediate termination of the employment may be made.

*Article 12.* Section 538 contains provisions concerning circumstances in which the seaman may demand his immediate discharge.

*Article 13.* Section 540 of the Commercial Code applies this Article.

*Article 14.* A draft Decree is in preparation to apply this Article.

#### *Netherlands New Guinea.*

See under Convention No. 8.

#### *United Kingdom.*

##### *Kenya.*

East Africa Order in Council, 1902, to apply to Kenya the Merchant Shipping Act, 1894.  
Kenya (Constitution) Order in Council, 1958 (sections 72 and 73) (Legal Notice 158/58).

##### *Zanzibar.*

Revised Laws of Zanzibar (Cap. 74).  
Ports Rules of 1927.

\* \* \*

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, Uganda).

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 Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jamaica, 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, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago).

## 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: 3 October 1927.

*France.* Ratification: 4 March 1929.  
No declaration.

*Italy.* Ratification: 10 October 1929.  
Applicable without modification: Trust Territory of Somaliland: 10 October 1929.

*Netherlands.* Ratification: 5 May 1948.  
Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.  
No declaration: Netherlands New Guinea.

*Spain.* Ratification: 23 February 1931.  
No declaration.

---

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 8.

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French Polynesia, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam).

## 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: 27 April 1955.  
No declaration: all other territories.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.* Ratification: 20 February 1931.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey, Isle of Man: 20 February 1931.  
No declaration: all other territories.

---

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

*France.*

*Comoro Islands.*

Order of 29 January 1958 to determine the participation of the Territory in the payment of allowances under section 47 of the Labour Code.  
Order of 6 June 1958 to issue rules for the application of sections 47 and 48 of the Labour Code.

Any worker recognised as sick and having done 20 days' work during the previous month is entitled to an allowance amounting to his full wage. In case of disability lasting for more than 15 days 10 per cent. of the allowance is reimbursed to the employer out of public funds.

*French Equatorial Africa.*

The Federal Collective Agreement for commercial occupations of 10 October 1957 and the collective agreements of 7 December 1957 and 9 June 1958, which cover bank employees and persons employed under contract by the State or group of territories respectively, provide for the grant of sickness benefits.

*French Polynesia.*

Order of 20 March 1958 to apportion the costs of sickness allowances.

The employee's sickness allowance is paid in full by the employer, except where the disability extends beyond 15 days, in which case one-half of it is paid out of the funds of the territory.

*United Kingdom.*

*Singapore.*

An I.L.O. expert on social security worked with the Singapore Government from October 1955 to September 1956. At the close of the period to which this report relates the recommendations contained in the report on his mission were under consideration by the Government.

\* \* \*

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, St. Pierre and Miquelon), *United Kingdom* (Cyprus, Guernsey, Jersey, Malta, Isle of Man, Singapore, Trinidad and Tobago, Uganda).

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

*France* (Cameroons, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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 modification<sup>1</sup>: Guernsey, Jersey, Isle of Man: 20 February 1931.  
No declaration: all other territories.

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

*United Kingdom.*

*Singapore.*

See under Convention No. 24.

\* \* \*

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

*United Kingdom* (Cyprus, Guernsey, Jersey, Malta, Isle of Man, Trinidad and Tobago, Uganda).

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

*United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Zanzibar).

## 26. Minimum Wage-Fixing Machinery Convention, 1928

*This Convention came into force on 14 June 1930*

*Australia.* Ratification: 9 March 1931.  
Decision reserved: Nauru, New Guinea, Norfolk Island, Papua: 21 November 1931.

*Belgium.* Ratification: 11 August 1937.  
Applicable without modification: Belgian Congo and Ruanda-Urundi: 7 July 1955.

*France.* Ratification: 18 September 1930.  
Applicable without modification: Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland: 19 March 1954.

No declaration: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.

*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: 15 June 1949.

*United Kingdom.* Ratification: 14 June 1929.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey, Isle of Man: 14 June 1929.  
No declaration: all other territories.

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

*Netherlands.*

*Netherlands New Guinea.*

As a result of the labour shortage it has not been found necessary to take measures for fixing minimum wages in the territory.

*New Zealand.*

*Western Samoa.*

Wages Council Ordinance, 1957.

The first of a series of Ordinances relating to labour—the Wages Council Ordinance—was

passed by the Legislative Assembly and came into effect on 1 December 1957. It enables the High Commissioner to establish, by Order, Wages Councils and Commissions of Inquiry if, in his opinion, no adequate machinery exists for the effective regulation of remuneration for a specified group of workers and employers. These Councils and Commissions are empowered to recommend to the High Commissioner rates of remuneration to be embodied in a Wages Order. As yet no such Councils or Commissions have been set up. The question of extending the Convention to Western Samoa will have to be deferred until the progress of these developments can be assessed.

*United Kingdom.*

*British Honduras.*

In the review of labour legislation a Wages Council Ordinance on modern lines has been drafted to replace the present Ordinance, and will soon be introduced into the Legislative Assembly.

*Gibraltar.*

Regulation of Wages and Conditions of Employment (Amendment) Ordinance 1957 (Cap. 159).

This amendment abolishes the separate Wages Councils and instead empowers the Regulation and Conditions of Employment Board to prescribe conditions of particular as well as of general application.

*Guernsey.*

Industrial Disputes and Conditions of Employment (Amendment) Law, 1958 (Order in Council, IX, 1958).

The above-mentioned Order in Council provides that the prior approval of the Industrial

Disputes Officer is required before wages fixed by arbitration or negotiated agreement, payable to persons of less than normal efficiency, may be abated.

Copies of local wage agreements are available at the States Labour Office, and particulars of all wage increases are published in local papers.

#### *Nyasaland.*

Regulation of Minimum Wages and Conditions of Employment Ordinance No. 4 of 1958.

Minimum Wage Order, 1957 (Government Notice No. 53 of 1957), as amended by Government Notices Nos. 77 and 84 of 1957.

Government Notice No. 102 of 1958 (establishing a Wages Advisory Board).

*Article 1 of the Convention.* Section 8 of Ordinance No. 4 of 1958 provides for the establishment of a Wages Advisory Board and the establishment of Wages Councils for all or any employees in any trade, industry or occupation, or any class of such employees when the Governor in Council is satisfied that no adequate machinery other than the Wages Advisory Board exists for the regulation of wages and conditions of employment.

*Article 2.* Section 7 of Ordinance No. 4 of 1958 provides that Wages Councils can be established by the Governor in Council and he may act on the recommendation of the Wages Advisory Board. No Wages Council has yet been established.

*Article 3.* The Wages Advisory Board already established under Government Notice No. 102 of 1958 includes employers' and workers' representatives in equal numbers. The constitution of both the Wages Advisory Board and Wage Councils require the consultation of employers' and workers' organisations before their representatives are appointed.

*Article 4.* Section 16 of Ordinance No. 4 of

1958 provides for the publication of statutory wage rates and their enforcement, and section 24 for the recovery of underpayments.

#### *St. Vincent.*

Wages Council (Industrial Undertakings) Order, 1958 (Statutory Rules and Orders, No. 25, 1958).

\* \* \*

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

*Australia* (Nauru), *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Netherlands* (Netherlands Antilles), *United Kingdom* (Barbados, British Guiana, British Honduras, Brunei, Grenada, Guernsey, Hong Kong, Kenya, Malta, Isle of Man, Nigeria, Northern Rhodesia, Sarawak, Sierra Leone, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Zanzibar).

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

*Australia* (New Guinea, Norfolk Island, Papua), *France* (French West Africa), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *Union of South Africa* (South West Africa), *United Kingdom* (Aden, Antigua, Basutoland, Bechuanaland, Bermuda, British Somaliland, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Jersey, Mauritius, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Singapore, Solomon Islands, Swaziland).

## 27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*This Convention came into force on 9 March 1932*

*Australia.* Ratification : 9 March 1931.  
Applicable without modification :  
New Guinea, Norfolk Island, Papua : 12 September 1931.

Nauru : 15 October 1931.

*Belgium.* Ratification : 6 June 1934.  
Applicable without modification : Belgian Congo and Ruanda-Urundi : 8 October 1954.

*Denmark.* Ratification <sup>1</sup> : 18 January 1933.  
Applicable without modification : Faroe Islands : 18 January 1933.

Not applicable : Greenland : 18 January 1933.

*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) : 16 March 1931.

*Netherlands.* Ratification : 4 January 1933.  
Applicable without modification : Surinam : 5 August 1957.

No declaration : Netherlands Antilles, Netherlands New Guinea.

*Portugal.* Ratification : 1 March 1932.

Not applicable : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 1 March 1932.

*Spain.* Ratification : 29 August 1932.

No declaration.

*Union of South Africa.* Ratification <sup>1</sup> : 21 February 1933.

No declaration.

*United Kingdom.*<sup>2</sup>

Decision reserved : Aden, Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

<sup>1</sup> Conditional ratification.

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

<sup>3</sup> Federation of the West Indies.

*France.**Comoro Islands.*

Effect is automatically given to the provisions of the Convention, since the maritime trade of the Comoros takes place in practice only with consignor countries having ratified the Convention; as for goods leaving the Comoros by sea, they are shipped in standard packages (bales, sacks or crates of the same weight and size).

*Portugal.**San Tomé and Príncipe.*

Political Constitution (articles 108 (4), 91 (7), and 81 (7)).

The above articles of the Political Constitution give effect to the Convention.

\* \* \*

The following report supplies information on the practical effect given to the Convention :

*Netherlands (Netherlands New Guinea).*

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles), *Portugal* (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, Timor).

## 29. Forced Labour Convention, 1930

*This Convention came into force on 1 May 1932*

*Australia.* Ratification : 2 January 1932.  
Applicable without modification : Nauru, New Guinea, Norfolk Island, Papua : 2 January 1932.

*Belgium.* Ratification : 20 January 1944.  
Applicable with modification : Belgian Congo and Ruanda-Urundi : 20 January 1944.

*Denmark.* Ratification : 11 February 1932.  
Applicable without modification<sup>1</sup> : Faroe Islands, Greenland : 11 February 1932.

*France.* Ratification : 24 June 1937.  
Applicable without modification :  
Algeria, French Guiana, Guadeloupe, Martinique, Réunion : 24 June 1937.<sup>1</sup>  
Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 26 July 1954.

*Italy.* Ratification : 18 June 1934.  
Applicable without modification : Trust Territory of Somaliland : 18 June 1934.

*Japan.* Ratification : 21 November 1932.  
Applicable without modification : Pacific Islands (League of Nations mandate) : 21 November 1932.

*Netherlands.* Ratification : 31 March 1933.  
Applicable without modification :  
Netherlands Antilles<sup>1</sup>, Surinam<sup>1</sup> : 31 March 1933.  
Netherlands New Guinea : 26 October 1956.

*New Zealand.* Ratification : 29 March 1938.  
Applicable without modification<sup>1</sup> : Cook Islands and Niue, Tokelau Islands, Western Samoa : 29 March 1938.

*Portugal.* Ratification : 26 June 1956.  
Applicable without modification<sup>1</sup> : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor : 26 June 1956.

*Spain.* Ratification : 29 August 1932.  
Applicable without modification<sup>1</sup> : Spanish Guinea, Spanish West Africa : 29 August 1932.

*United Kingdom.* Ratification : 3 June 1931.  
Applicable *ipso jure* without modification<sup>2</sup> : Guernsey, Jersey, Isle of Man : 3 June 1931.  
Applicable without modification :  
Aden<sup>1</sup> : 3 June 1931.

Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 3 June 1931.

Southern Rhodesia : 20 March 1933.

<sup>1</sup> In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

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

<sup>3</sup> Federation of the West Indies.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Decree of 10 May 1957 repealing and superseding the Decrees of 5 December 1933 and 29 December 1955 respecting Native districts.

*Article 2, paragraph 2 (a), of the Convention.*  
Work carried out by recruits is essentially military in character although the men are given a grounding in a trade or occupation during their service which they can take up once they go back to civilian life.

Paragraph 2 (b). Compulsory work or service does not form part of normal civic obligations.

Paragraph 2 (c). The prison regulations forbid any forms of work which by their nature make it impossible to keep a check on the output or behaviour of the prisoners. The latter may not therefore be hired out to private individuals, companies or associations.

Paragraph 2 (d). Certain regulations allow work to be carried out to cope with public disasters (shipwreck, fire, flood, etc.), to perform various tasks in the public interest, or to

meet special needs associated with mobilisation. The authorities may only take such steps as are strictly necessary to deal with the emergency.

Paragraph 2 (e). There are no minor communal services of the kind referred to in the Convention.

*Article 5.* No concessions are granted which involve forced labour.

*Article 6.* No constraint is exercised by officials to work for private individuals, companies or associations.

*Article 7.* The traditional services due from able-bodied adult males to Chiefs who do not exercise administrative functions have been abolished and replaced by cash levies. Chiefs who exercise administrative functions and Chiefs who are duly recognised may not avail themselves of personal services.

*Article 10.* Under section 73 of the Decree of 10 May 1957 able-bodied adult males may be required (for pay) to perform certain tasks on behalf, and at the expense, of their own districts. This occurs whenever the latter cannot, owing to a shortage of labour, fulfil their obligations to build schools, dispensaries, etc. This labour is paid for and the workers are entitled to all the benefits prescribed by social legislation. Work is never exacted as a tax, although a person who fails to pay his tax may be imprisoned for debt under the Decree of 17 July 1914 (as amended) and assigned to work of interest to the community under official supervision.

*Article 11.* Only adult able-bodied males may (as an exceptional measure) be called upon to perform work in the public interest.

*Article 12, paragraph 1.* Work which may, as an exceptional measure, be exacted from adult able-bodied males may not exceed 45 days a year in all. This limit may, however, be exceeded if the food supply of the indigenous population calls for urgent action. Native districts may, under section 73 of the above-mentioned Decree, exact work for a period of up to 15 days a year, except in cases where public health requirements make a longer period necessary. In either case, time spent in travel to and from work is counted as working time.

Paragraph 2. Details of the length of time worked are noted by district officials.

*Article 15.* Social legislation does not apply to workers required to perform certain agricultural tasks, since they are not bound by contracts and own the crops they produce. On the other hand, it does apply to workers engaged on certain public works.

*Article 18.* Owing to the development of the highway system and the widespread use of motor cars the need for porters and boatmen is steadily declining and they are hardly ever used by government officials, although occasionally itinerant missionaries employ them.

*Article 19.* Sections 71 to 75 of the Decree of 10 May 1957, which will come into force not later than 30 June 1959, allow agricultural labour to be exacted, mainly for the growing of food, for educational purposes, and for the

maintenance of arable and pasture land, as well as of drainage, irrigation and soil conservation works. However, a far-reaching change is taking place in this respect and in the future the usual practice will be for workers to choose their own employment and the crops they wish to grow.

The Native population is required to give its opinion, through its representatives on the district council, on any programme of individual exactions before the Governor gives his approval.

*Article 20.* Legislative Ordinance No. 211/AIVO of 24 July 1914 makes no provision for the collective punishment of an entire community for offences committed by some of its members, but for a financial contribution towards the cost of damage caused in disturbances. This legislation has never been implemented.

*Article 21.* There is no provision in the mines legislation for workers to be required to serve underground.

*Article 23, paragraph 2.* Compulsory work is exacted under the control and supervision of the authorities and any worker can submit his grievances to these authorities either directly or through his district council.

*Article 25.* The case dealt with in this Article of the Convention may be covered by section 180 of the Penal Code.

#### *France.*

#### *Cameroons.*

In reply to a statement by a trade union organisation alleging illegal imprisonment of a schoolteacher the Government states that this person was arrested under warrant for insulting a magistrate, and that the case involved nothing more than ordinary penal proceedings totally unrelated to the application of any international labour Convention.

#### *French Equatorial Africa.*

In reply to the allegations of the General Confederation of Labour to the effect that there are statutory or administrative regulations in existence in this territory making cotton growing compulsory at the expense of food production, and thereby (according to this organisation) impairing the health of the population, the Government states that there are no statutory or administrative regulations making cotton growing compulsory, and that the latter, so far from interfering with food production, is in fact complementary to it, since it can be alternated with the growing of millet, groundnuts and cassava. Moreover, an investigation by a doctor in one of the territories in question has shown that the allegations regarding the state of the population's health are untrue.

#### *French West Africa.*

A trade union organisation has submitted observations regarding the application of this Convention, quoting newspaper statements that the inhabitants of Dioila had been forced to clear certain paths of undergrowth. In its comments the Government asserts that, accord-

ing to the information available, this work was carried out voluntarily by the inhabitants concerned in order to reopen the paths which had become overgrown with the ending of the rainy season, so that their products could be sent to market.

#### *Madagascar.*

The report refers to allegations by the General Confederation of Labour that work in the public interest imposed by local Orders issued on 2 August 1948 and 7 June 1950 concerning the organisation of local communities constituted forced labour.

It has been replied that the work in question was not forced labour but was done in keeping with social customs dating from before the French occupation. Moreover, the Orders in question were abrogated by the High Commissioner on 20 December 1956.

#### *Portugal.*

*Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor.*

See under Convention No. 29, *Portugal*, p. 50.

#### *United Kingdom.*

##### *Basutoland.*

Prisons Proclamation No. 30 of 1957.  
Basutoland Prison Rules (Government Notice No. 27 of 1957).

In reply to the direct request of the Committee of Experts the Government states that work by persons convicted in a court of law is governed by the above-mentioned legislation. Work against soil erosion consists in the maintenance of works previously constructed by paid labour and does not involve any new works. The number of days occupied per person per year in this employment does not average more than two. Works which have to be maintained are frequently situated on communal grazing or on lands occupied by the individual concerned, and the maintenance of such works is of direct benefit only to the immediate locality. Further, the direct representatives of the people are consulted before such tasks are undertaken.

##### *Bechuanaland.*

For the Government's reply to observations made by the Committee of Experts see *Report of the Committee*, pp. 690-691.

The report adds that this kind of forced labour has practically disappeared in two of the eight tribal territories which constitute the Protectorate.

##### *British Honduras.*

In reply to the observation of the Committee of Experts the Government states that the promulgation of the new labour legislation has been somewhat delayed but will, it is hoped, take place in the course of the year.

##### *Fiji.*

For the Government's reply to the observations made by the Committee of Experts in 1958 see *Report of the Committee*, p. 691.

##### *Kenya.*

African District Councils (Amendment) Ordinance No. 9 of 1958.  
Emergency (Communal Services) (Amendment) Regulations, 1958 (Legal Notice No. 120 of 1958).

According to the amendments introduced by the above-mentioned Ordinance communal services on which able-bodied adult male Africans can be required to work are "of a kind which, being performed by the members of the community in the direct interest of such community, can therefore be considered as normal civic obligations incumbent on the members of the community". Members of the community or their representatives are consulted by the Councils in the making of by-laws requiring men to work.

On the other hand, the maximum number of days for which communal services can be demanded under the Emergency (Communal Services) Regulations has been reduced from 60 to 40. It remains the aim of the Government to abolish this form of communal labour as soon as local conditions permit.

##### *Sierra Leone.*

In reply to a direct request made by the Committee of Experts in 1958 the Government points out that the term "proper authority" means "public authority". Nevertheless, steps will be taken to amend the Ordinance, substituting the latter term for the former. Municipal corporations are to be considered as local government bodies. The Government also hopes to be able to draw up rules in the ensuing year to take action under section 6 of the Ordinance.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *Netherlands* (Netherlands Antilles), *United Kingdom* (Seychelles, Tanganyika).

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Guiana, French Polynesia, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, 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, Zanzibar).



## 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 the information previously supplied.

*New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

32. Protection against Accidents (Dockers) Convention (Revised), 1932<sup>1</sup>

*This Convention came into force on 30 October 1934*

---

*Belgium.* Ratification : 2 July 1952.  
Not applicable : Belgian Congo and Ruanda-Urundi : 2 July 1952.

*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 modification<sup>2</sup> : Guernsey, Jersey, Isle of Man : 10 January 1935.  
No declaration : all other territories.

---

<sup>1</sup> This Convention revises Convention No. 28 of 1929.

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

*France.*

*French Polynesia* (First Report).

Overseas Labour Code of 15 December 1952 (*L.S.* 1952—Fr. 5).

Order No. 621/IT of 29 May 1950 prescribing general conditions of hygiene and safety at workplaces.

There are no regulations concerned particularly with the protection of dockworkers. Only general safety and health provisions apply.

*United Kingdom.*

*Gibraltar.*

Dock Regulations similar to those in force in the United Kingdom will shortly be laid before the Legislature.

*Kenya.*

The proposal to replace the existing regulations (which are enforced by the staff of the East African Railways and Harbours Administration) by legislation to be enacted by the Kenya Government under the Factories Ordinance (No. 38 of 1950) has not yet been implemented.

\* \* \*

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

*United Kingdom* (British Guiana, Hong Kong, Kenya, Tanganyika, Zanzibar).

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, 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, Southern Rhodesia, Swaziland, Trinidad and Tobago).

33. Minimum Age (Non-Industrial Employment) Convention, 1932<sup>1</sup>

*This Convention came into force on 6 June 1935*

---

*Belgium.* Ratification : 6 June 1934.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 6 June 1934.

*France.* Ratification : 29 April 1939.  
Applicable without modification : Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 19 March 1954.

No declaration : Algeria, French Guiana, Guadeloupe, Martinique, Réunion.

*Netherlands.* Ratification : 12 July 1935.  
Applicable without modification : Netherlands Antilles : 5 August 1957.

No declaration : Netherlands New Guinea, Surinam.

*Spain.* Ratification : 22 June 1934.  
No declaration.

---

<sup>1</sup> This Convention was revised in 1937. See Convention No. 60.

*France.*

*Togoland.*

Order No. 884-55 of 28 October 1955 will shortly be replaced by a new Order giving effect to Articles 4, 5 and 8 of the Convention.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 5.

\* \* \*

### 35. Old-Age Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

---

*France.* Ratification : 23 August 1939.  
No declaration.

*Italy.* Ratification : 22 October 1947.  
No declaration.

*United Kingdom.* Ratification : 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

---

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

*France.*

*Comoro Islands.*

The Comoro Islands have joined the Overseas Mutual Aid Association for the staff of the administration who are not civil servants, with a view to the payment of old-age pensions to retired wage earners.

*French Equatorial Africa.*

The Federal Collective Agreement for commercial occupations of 10 October 1957 and the collective agreements of 7 December 1957 and 9 June 1958, which cover bank employees and persons employed under contract by the State or group of territories respectively, establish the principle of a retirement scheme for the employees in question.

*French West Africa.*

A collective agreement signed by the trade unions on 27 March 1958 has established a provident fund for the payment of retirement allowances to employees with at least three years' contributory service, survivors' benefits for orphans, widows and other dependants, and special allowances for aged workers who had not contributed to the scheme.

*United Kingdom.*

*Kenya.*

The Government, having studied the report of its Social Security Committee on old-age insurance for employees, has stated that the

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), *Netherlands* (Surinam).

present financial position precludes taking the steps recommended by the Committee.

*Singapore.*

Ordinance No. 16 of 1957 to amend the Central Provident Fund Ordinance.

*Article 1 of the Convention.* The scheme is a form of provision of old-age benefits but it is not a pension scheme.

*Article 3.* Employment with an employer for the first month is at present excluded from the scope of the Ordinance. Wages earned by subsidiary employment to the extent that such employment is overtime or outside the normal employment of the individual is also excluded.

The Ordinance empowers the Central Provident Fund Board to exempt certain categories of employees from contributions to the Fund ; some 2,600 employees are so exempted.

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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

*France* (New Caledonia), *United Kingdom* (Gibraltar, Guernsey, Jersey, Malta, Isle of Man, Singapore, Uganda).

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

*France* (Cameroons, French Polynesia, French Somaliland, Madagascar, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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 modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

---

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

*France.*

*Comoro Islands.*

See under Convention No. 35.

*United Kingdom.*

*Kenya.*

See under Convention No. 35.

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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

*France* (New Caledonia), *United Kingdom* (Jamaica, Malta, Isle of Man, Uganda).

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, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland, *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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 modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

---

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

*United Kingdom.*

*Singapore.*

See under Convention No. 24.

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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

*United Kingdom* (Jersey, Isle of Man, Uganda).

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), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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 modification<sup>1</sup> :  
Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

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

*United Kingdom.*

*Singapore.*

See under Convention No. 24.

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

The following reports supply information on

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

*United Kingdom* (Jersey, Isle of Man, Uganda).

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), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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 modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

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

*United Kingdom.*

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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

*United Kingdom* (Cyprus, Gibraltar, Jersey, Malta, Isle of Man, Singapore, Uganda).

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

*Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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<sup>1</sup> : Guernsey, Jersey, Isle of Man : 18 July 1936.  
No declaration : all other territories.

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

*United Kingdom.*

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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

*United Kingdom* (Fiji, Jersey, Malta, Isle of Man, Uganda).

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

*Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Zanzibar).

#### 41. Night Work (Women) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 22 November 1936*

*Belgium.* Ratification<sup>2</sup> : 4 August 1937.

No declaration.

*France.* Ratification<sup>2</sup> : 25 January 1938.

Applicable without modification : Algeria, 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 : 29 April 1940.

*Netherlands.* Ratification<sup>2</sup> : 9 December 1935.

Applicable without modification : Surinam : 25 July 1951.

No declaration : Netherlands Antilles, Netherlands New Guinea.

*New Zealand.* Ratification<sup>2</sup> : 29 March 1938.

No declaration.

*Union of South Africa.* Ratification<sup>2</sup> : 25 May 1935.

Not applicable : South West Africa : 15 June 1949.

*United Kingdom.* Ratification<sup>2</sup> : 25 January 1937.

Applicable *ipso jure* without modification<sup>3</sup> : Guernsey, Jersey, Isle of Man : 25 January 1937.

No declaration : all other territories.

<sup>1</sup> This Convention, which revised the 1919 Convention, was itself revised in 1948. See Conventions Nos. 4 and 89.

<sup>2</sup> Ratification denounced.

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

The following report reproduces the information previously supplied :

*Netherlands* (Surinam).

#### 42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 17 June 1936*

*Belgium.* Ratification : 3 August 1949.

Applicable without modification : Belgian Congo and Ruanda-Urundi : 3 September 1957.

*Denmark.* Ratification : 22 June 1939.

Not applicable : Greenland : 31 May 1954.

No declaration : Faroe Islands.

*France.* Ratification : 17 May 1948.

Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.

Applicable with modifications : Trust Territory of Somaliland : 26 June 1954.

*Japan.* Ratification : 6 June 1936.

No declaration : Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification : 1 September 1939.

Applicable without modification :

Surinam : 13 July 1951.

Netherlands Antilles : 15 December 1955.

No declaration : Netherlands New Guinea.

*New Zealand.* Ratification : 29 March 1938.

No declaration.

*Spain.* Ratification : 24 June 1958.

No declaration.

*Union of South Africa.* Ratification : 26 February 1952.

Applicable without modification : South West Africa : 21 January 1958.

*United Kingdom.* Ratification : 29 April 1936.

Applicable *ipso jure* without modification<sup>2</sup> : Guernsey, Jersey, Isle of Man : 29 April 1936.

No declaration : all other territories.

<sup>1</sup> This Convention revises the 1925 Convention. See Convention No. 18.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

Ordinance No. 22245 of 13 August 1957 to determine the industries, trades and processes in which occupational diseases contracted by non-indigenous workers give rise to compensation (*Bulletin administratif*, No. 37, 14 Sep. 1957, p. 1680).

Royal Order of 25 September 1957 to apply the Decree of 28 March 1957 respecting occupational diseases contracted by non-indigenous workers (*Bulletin officiel*, No. 20, 15 Oct. 1957, Part I, p. 2150).

The Ordinance of 13 August 1957 adds a new schedule of industries, trades and processes corresponding to the occupational diseases the list of which is given in the Decree of 28 March 1957, and defines the categories of workers, or

those of similar status who are exposed to occupational diseases.

The Royal Order of 25 September 1957 determines, *inter alia*, the amount of medical expenses to be paid by employers, and fixes the procedure to be followed in regard to requests for compensation, as well as the period during which employer's liability may be pleaded in the case of occupational diseases contracted by workers.

The Government points out that this report only concerns compensation for occupational diseases of non-indigenous workers. As to indigenous workers reference may be made to the information given with regard to Convention No. 17, since legislation governing compensation for employment injuries also includes provisions for compensation of occupational diseases.

#### *France.*

#### *Comoro Islands.*

See under Convention No. 18.

#### *Netherlands.*

#### *Netherlands Antilles.*

In reply to a direct request from the Committee of Experts the Government states that draft modifications of the scheme concerning compensation for employment injuries are now in the final stage.

#### *Surinam.*

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 691.

#### *Union of South Africa.*

#### *South West Africa (First Report).*

Workmen's Compensation Act No. 30 of 5 May 1941 (Consolidation) (L.S. 1941—S.A. 2), as amended.

The laws relating to accident compensation in the territory of South West Africa have been repealed and the metropolitan Workmen's Compensation Act No. 30 of 1941, as amended, has been extended to the territory with effect from 1 September 1956. Since then the Act has been

administered by the Workmen's Compensation Commissioner for the Union of South Africa. The reports submitted by the Union Government on the application of Conventions Nos. 19 and 42 therefore cover also the territory of South West Africa.

#### *United Kingdom.*

#### *Fiji.*

Workmen's Compensation (Amendment) Ordinance No. 30 of 1957.

#### *Malta.*

See under Convention No. 12.

#### *Zanzibar.*

Workmen's Compensation Decree No. 27 of 1957.

This Decree, which contains a list of occupational diseases for which compensation is payable, has not yet come into force.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Kenya, Isle of Man, North Borneo, Singapore, Tanganyika).

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

*Denmark* (Faroe Islands, Greenland), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *(Netherlands)* (Netherlands, New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, 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: 4 August 1937.

*France.* Ratification : 5 February 1938.  
No declaration.

*United Kingdom.* Ratification <sup>1</sup> : 13 January 1937.  
Applicable *ipso jure* without modification <sup>2</sup> : Guernsey, Jersey, Isle of Man : 13 January 1937.  
No declaration : all other territories.

<sup>1</sup> Ratification denounced.

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

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 :

*France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *United Kingdom* (Aden, Antigua, Bar-

bados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Zanzibar).

#### 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 : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*United Kingdom.* Ratification : 29 April 1936.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 29 April 1936.  
No declaration : all other territories.

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

*United Kingdom.*

*Kenya.*

The report states that, in spite of the surplus of manpower resulting from the employment of members of other tribes and from the economic recession, a great number of workers do not make full use of the government placement services and accept only certain types of employment.

*Malta.*

National Insurance Act No. VI of 1956 (Malta Laws, Statutes, etc., Vol. LXXXVIII).  
National Insurance (Amendment) Act No. XVII of 1957 (*Malta Gazette*, No. 10994, 25 Sep. 1957).

*Singapore.*

The Social Welfare Department administers a non-statutory public assistance scheme under which persons who have been unemployed for

longer than one month and are in need of relief can receive regular cash payments for their maintenance and that of their dependants. An I.L.O. expert has been invited by the Government to make a survey on social security problems, including unemployment benefits.

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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* (Guernsey, Malta, Isle of Man, St. Helena).

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), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Hong Kong, Jersey, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, 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, Papua: 14 December 1954.  
Not applicable: Nauru, Norfolk Island: 14 December 1954.

*Belgium.* Ratification: 4 August 1937.  
Not applicable: Belgian Congo and Ruanda-Urundi: 4 August 1937.

*France.* Ratification: 25 January 1938.  
No declaration.

*Italy.* Ratification: 22 October 1952.  
Applicable without modification: Trust Territory of Somaliland: 7 June 1954.

*Netherlands.* Ratification: 20 February 1937.  
Applicable without modification: Netherlands Antilles: 5 August 1957.  
Decision reserved: Surinam: 5 August 1957.  
No declaration: Netherlands New Guinea.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*Portugal.* Ratification: 18 October 1937.  
Not applicable: Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor: 18 October 1937.

*Spain.* Ratification: 24 June 1958.  
No declaration.

*Union of South Africa.* Ratification: 25 June 1936.  
Applicable without modification: South West Africa: 15 June 1949.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification<sup>2</sup>: Bahamas, Basutoland, Bechuanaland, British Guiana, Cyprus, Falkland Islands, Fiji, Gibraltar, Hong Kong, Kenya, Nigeria, Northern Rhodesia, Nyasaland, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda: 27 March 1950.

Decision reserved<sup>2</sup>: Brunei, Gilbert and Ellice Islands, Jamaica<sup>3</sup>, Malta, Sarawak: 27 March 1950.  
Not applicable<sup>2</sup>: Aden, Antigua<sup>3</sup>, Barbados<sup>3</sup>, Bermuda, British Honduras, British Virgin Islands, Dominica<sup>3</sup>, Gambia, Grenada<sup>3</sup>, Mauritius, Montserrat<sup>3</sup>, North Borneo, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Seychelles, Trinidad and Tobago<sup>3</sup>, Zanzibar: 27 March 1950.

No declaration: British Somaliland.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

<sup>3</sup> Federation of the West Indies.

### Portugal.

#### Angola.

For legislation under Convention No. 14.

*Article 1 of the Convention.* The law does not define the term "mine".

*Article 2.* Underground employment of any person of the female sex, regardless of age, is prohibited (sections 90 and 83).

*Article 3.* Persons in managerial positions or engaged in intellectual or welfare work are exempted from the prohibition.

The enforcement of the laws and administrative regulations is primarily the respon-

sibility of the Directorate of Civil Administration and of the commune or district administrators, and also of all administrative and police authorities and corporative organs in general.

#### Mozambique.

For legislation see under Convention No. 1.

Under section 90 of Legislative Text No. 1595 the Governor-General may, in certain cases, issue orders prohibiting the employment of women on underground work. There are no other provisions prohibiting such employment, as mines do not employ female labour.

#### Portuguese Indies.

Legislative Decree No. 1497 of 13 August 1953 (*Boletim Oficial*, 1st series, No. 33, 13 Aug. 1953, p. 155).

*Article 1 of the Convention.* The law gives no definition of the term "mine", but it is generally understood to mean any undertaking, whether public or private, for the extraction of substances from under the surface of the earth.

*Article 2.* The employment of women and young persons underground in mines is prohibited (paragraph 1 of section 4 of Legislative Decree No. 1497).

*Article 3.* The legislation does not authorise any exemptions from the above-mentioned prohibition.

Supervision in respect of wage earners or salaried employees in mines is the responsibility of the district administrator for the area in which the mine is located (section 2 of Legislative Decree No. 1497).

#### San Tomé and Príncipe.

Legislative Decree No. 507 of 10 March 1958 to issue rules of labour law (*Boletim Oficial*, No. 10, 10 Mar. 1958, p. 205).

Ministerial Order No. 2541 of 27 March 1958 to prescribe conditions of employment for women and young persons, in accordance with section 132 of Legislative Decree No. 507 (*Boletim Oficial*, No. 13, 27 Mar. 1958, p. 279).

*Article 1 of the Convention.* There are no mining undertakings, public or private, for the extraction of substances from under the surface of the earth.

*Article 2.* Legislative measures have nevertheless been taken to give effect to the Convention.

#### Timor.

There are no special laws or regulations dealing with the employment of women underground, as there are neither mines nor underground employment in the province of Timor.

\* \* \*



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

*Netherlands* (Netherlands Antilles), *Portugal* (Angola), *United Kingdom* (Hong Kong, Uganda).

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 Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands New

Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Portugal* (Cape Verde, Macao, Portuguese Guinea), *Union of South Africa* (South West Africa), *United Kingdom* (Aden, Antigua, 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, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Zanzibar).

#### 47. Forty-Hour Week Convention, 1935

*This Convention came into force on 23 June 1957*

---

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

---

*New Zealand.*

*Cook Islands and Niue, Tokelau Islands, Western Samoa* (First Reports).

Reference is made to previous voluntary reports.

#### 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, Netherlands New Guinea, 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* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, 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 : 26 July 1948, confirmed 3 September 1957.

*Japan.* Ratification : 8 September 1938.  
Applicable without modification : Pacific Islands (League of Nations mandate) : 8 September 1938.

*New Zealand.* Ratification : 8 July 1947.  
Applicable without modification : Cook Islands, Western Samoa : 8 July 1947.  
No declaration: Tokelau Islands.

*United Kingdom.* Ratification : 22 May 1939.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 22 May 1939.

Applicable without modification : Antigua<sup>2</sup>, Barbados<sup>2</sup>, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica<sup>2</sup>, Fiji, Gambia, Gilbert and Ellice Islands, Grenada<sup>2</sup>, Hong Kong, Jamaica<sup>2</sup>, Kenya, Mauritius, Montserrat<sup>2</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago<sup>2</sup>, Uganda : 22 May 1939.

Southern Rhodesia : 11 March 1940 ;

Bahamas : 30 September 1944 ;

Swaziland : 3 April 1958.

Applicable with modifications : Basutoland, Bechuanaland : 3 April 1958.

Not applicable : Aden, Bermuda, Cyprus, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar : 22 May 1939.

---

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

<sup>2</sup> Federation of the West Indies.

### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

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

Division VII of the Royal Order of 19 July 1954 forms an integral part of the consolidated regulations governing contracts of employment for indigenous workers and applies only to

recruitment with a view to the conclusion of contracts falling within the scope of this legislation.

Only non-registered persons employing domestic servants or wage earners are exempt from personal taxes, subject to the further proviso that they do not operate an industrial or commercial establishment. Recruitment by Native employers within the meaning of the consolidated decrees is non-existent in practice because such employers always hire individuals from their own immediate circle.

The Ordinance of 8 December 1940 respecting workers' health and safety has been repealed but the Ordinance of 12 December 1954 contains exactly the same provisions regarding workers' physical aptitudes as the previous Ordinance.

### *United Kingdom.*

#### *British Guiana.*

Legislation is being drafted to provide for the implementation of those provisions of the Convention which are not already the subject of legislation.

### *Brunei.*

*Article 13, paragraph 3, of the Convention.*  
In reply to observations by the Committee of Experts, the Government states that the question of payment of salary or allowances to the agent of a licensee has not arisen as all recruitment is carried out directly by the licensee himself. Under section 46 (2) of the Labour Enactment, 1954, the Commissioner of Labour has full discretion in respect of the terms of issue of licences and it is not policy to issue licences which could be used by agents. If circumstances should arise requiring the issue of a licence usable by the agent of the licensee,

legislation or rules to apply the terms of Article 13, paragraph 3, would be introduced. At present such measures would appear to be unnecessary.

*Gambia.*

There is no recruiting of indigenous labour in the sense of this Convention nor is it considered likely that any permit for recruiting will be applied for in the foreseeable future. It is therefore thought to be unnecessary to amend the existing legislation to control a practice which does not and is not likely to exist.

*Hong Kong.*

Appropriate legislation to give effect to the Convention is now being drafted and it is hoped that this legislation will come into effect in 1959.

*Kenya.*

Employment Ordinance (Cap. 109): Notice of Application (Legal Notice No. 371 of 1958).

*North Borneo.*

Labour (Amendment) Ordinance No. 15 of 1957.

*Northern Rhodesia.*

*Article 13, paragraph 2, of the Convention.* Holders of labour agents' licences who do not comply with the conditions attached to their licences are warned that failure to do so may result in cancellation of the licence and refusal of future applications. In the past attesting officers have not been required to submit returns of contracts attested by them. In the case of recruiting for work outside the territory by the Witwatersrand Native Labour Association, the Association provides lists of attested workers.

*Singapore.*

In reply to a direct request made by the Committee of Experts the Government states that it will consider the desirability of amending the definition of "workman" in section 2 of the Labour Ordinance (at least in its application to Part XI of the same Ordinance) so as to limit the exemption corresponding to

Article 3 (c) of the Convention to non-professional recruiting.

*Swaziland.*

African Labour (Further Amendment) Proclamation No. 11 of 1958.

*Tanganyika.*

Employment Ordinance (Exemption) Order, 1958 (Government Notice No. 311, published on 20 June 1958).

In reply to a request by the Committee of Experts the Government states as follows.

Section 2 (a) of the above-mentioned Order exempts from the operation of Parts II to VI and Parts VIII to XI of the Employment Ordinance persons earning more than £420 per annum—a class of persons who would not be attracted to the low wage employment for which recruitment is undertaken.

*Articles 16 and 18 of the Convention.* Of the workers recruited in 1957 only 4.7 per cent. were recruited for periods of less than six months and therefore did not appear before a public officer or a medical officer. Licences to recruit persons for short-term contracts are strictly controlled and adequate medical facilities must be available to such persons at their places of employment before licences are approved.

\* \* \*

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

*United Kingdom* (Aden, Antigua, British Honduras, Fiji, Hong Kong, Nigeria, North Borneo, Northern Rhodesia, Sarawak, Solomon Islands, 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* (Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Somaliland, Cyprus, Dominica, Falkland Islands, Gibraltar, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sierra Leone, Trinidad and Tobago, Zanzibar).

## 52. Holidays with Pay Convention, 1936

*This Convention came into force on 22 September 1939*

---

<i>Denmark.</i> Ratification: 22 June 1939. Not applicable: Greenland: 31 May 1954. No declaration: Faroe Islands.
<i>France.</i> Ratification: 23 August 1939. No declaration.
<i>Italy.</i> Ratification: 22 October 1952. No declaration.
<i>New Zealand.</i> Ratification: 10 November 1950. Decision reserved: Cook Islands and Niue, Western Samoa: 10 November 1950. Not applicable: Tokelau Islands: 10 November 1950.

---

*Denmark.*

*Faroe Islands.*

Act No. 37 of 3 May 1957.

The new Act increases annual holidays with pay from two to three weeks and raises the holiday allowance from 4 to 6 per cent. of normal earnings as from the holiday year 1958-59.

*Greenland.*

The Convention applies in practice to all workers. Under the collective agreement negotiated by the Greenland trade unions and the authorities concerned, all skilled workers who normally live in Greenland are entitled to an annual holiday with pay of 1½ days for every month of service.

*France.**Comoro Islands.*

Act of 27 March 1956 to amend the holidays with pay scheme, promulgated by local Order of 24 January 1958.

Local Order No. 58-129 IT/C of 6 June 1958 to apply the provisions of the foregoing Act.

Entitlement to holidays with pay is acquired at the rate of five days per month of service for workers recruited outside the territory and 1½ days per month of service in the case of other workers.

This entitlement to 1½ days' leave is increased to two working days in the case of young persons under 18 years of age, although the total holiday may not exceed 24 days; the holiday is increased in the case of working mothers by two working days for each child under 15 years of age (provided his birth has been duly registered and he is living at home) or alternatively by only one day if the mother's leave entitlement does not exceed six days. It is also increased by two days in the case of all workers with 20 years' service (whether or not with the same undertaking), by four working days after 25 years and by five working days after 30 years, although these extensions combined with the normal leave may not total more than 24 working days.

A holiday of more than 12 working days may be split up by agreement with the worker and employer. In this case one part of it must consist of not less than 12 consecutive working days between two weekly rest days. A worker becomes entitled to leave after one year's service.

*French Polynesia.*

Act No. 56-332 of 27 March 1956 to amend the holidays with pay scheme, promulgated by local Order of 24 May 1957.

Local Order of 10 September 1957 to apply the provisions of the foregoing Act.

See under *St. Pierre and Miquelon*.

*St. Pierre and Miquelon.*

Order No. 884 of 26 December 1957 to apply Act No. 56-332 of 27 March 1956 amending the holidays with pay scheme.

Under the above-mentioned Order the annual holiday with pay for all workers has been increased to 1½ days per month of service, i.e. 18 working days per year.

\* \* \*

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

*France* (Cameroons, French Polynesia, St. Pierre and Miquelon).

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

*France* (French Equatorial Africa, French West Africa, Madagascar, 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 : 11 April 1938.

*Denmark.* Ratification : 13 July 1938.  
Applicable without modification : Faroe Islands : 13 July 1938.  
Not applicable : Greenland : 31 May 1954.

*France.* Ratification : 19 June 1947.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other 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, American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands : 29 October 1938.  
Decision reserved : Panama Canal Zone : 29 October 1938.  
No declaration : Trust Territory of Pacific Islands.

---

*Denmark.**Greenland.*

Act No. 208 of 7 June 1958 respecting the manning of ships.

The provisions of the above-mentioned Act extend also to Greenland; so far, however, no decision has been taken as to the modifications dealt with in section 40 (3) of the Act as far as Greenland is concerned.

*United States.**American Samoa.*

Provisions for the documentation of vessels in American Samoa are contained in the Code of American Samoa, Chapter 25. This Code requires that no person shall operate as the master or engineer of any vessel engaged in the coastwise or inter-island traffic of American

Samoa and adjacent waters until he has been duly licensed under such rules and regulations as the Board of Marine Inspectors may provide. All vessels operated under the laws of American Samoa must have a complement of licensed officers as specified by the Board.

*Panama Canal Zone.*

The general application of the Convention, "which would appear to require the establishment of special inspection services to the detriment of expeditious shipping" is still a matter under consideration. In practice, standards equivalent to those laid down in the Convention are in most cases enforced with signing on in the Zone on vessels of United States registry.

*Trust Territory of Pacific Islands.*

Section 850 of the Code provides for the establishment of a Board of Marine Inspectors. The Board, according to section 853, is authorised to make rules and regulations concerning the examination and licensing of masters and engineers. According to the same section 853 no person shall operate as master or engineer of any vessel engaged in coastwise or inter-

island traffic in the Trust Territory unless he has been duly licensed under the rules and regulations established by the Board.

Section 17 of the rules and regulations promulgated by the Board provides that all motor boats carrying passengers for hire must be operated or navigated in charge of a person duly licensed for such service. This section contains, moreover, provisions concerning the procedure for the granting of licences.

\* \* \*

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), *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 : 11 April 1938.

*France.* Ratification : 19 June 1947.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*United States.* Ratification : 29 October 1938.  
Applicable without modification : Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands : 29 October 1938.

Decision reserved : Panama Canal Zone : 29 October 1938.

No declaration : Trust Territory of Pacific Islands.

---

*United States.*

*American Samoa.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, pp. 691-692.

*Trust Territory of Pacific Islands.*

As requested, the Government has supplied

a separate report for the Territory. According to the report no legislation exists giving effect to the Convention, but the possibility of applying it to vessels documented in the Territory is under study by the Government. The report suggests that the exemption permitted in Article 1, paragraph 2 (a) (iii), of the Convention would apply, but notes that vessels in the Territory do exist which are beyond the 25-ton limit of the exemption.

\* \* \*

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

*France* (French Polynesia, French Somaliland, St. Pierre and Miquelon).

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

*France* (Cameroons, Comoro Islands, French Equatorial Africa, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *United States* (Alaska, Guam, Hawaii, Panama Canal Zone, 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 : 29 October 1949.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*United Kingdom.* Ratification : 30 September 1944.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 30 September 1944.  
Applicable with modification : Malta, 29 December 1958.

Decision reserved : Aden, Antigua<sup>2</sup>, Bahamas, Barbados<sup>2</sup>, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>2</sup>, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>2</sup>, Hong Kong, Jamaica<sup>2</sup>, Kenya, Mauritius, Montserrat<sup>2</sup>, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago<sup>2</sup>, Zanzibar : 30 September 1944.

Not applicable : Basutoland, Bechuanaland, Gambia, Northern Rhodesia, Nyasaland, St. Helena, Swaziland, Uganda : 30 September 1944.

No declaration : Southern Rhodesia.

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

<sup>2</sup> Federation of the West Indies.

*United Kingdom.*

*Trinidad and Tobago.*

See under Convention No. 24.

\* \* \*

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), *United Kingdom* (Bermuda, Malta, Isle of Man, Uganda, Zanzibar).

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, Togoland), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika).

58. Minimum Age (Sea) Convention (Revised), 1936<sup>1</sup>

*This Convention came into force on 11 April 1939*

*Belgium.* Ratification : 11 April 1938.  
Decision reserved : Belgian Congo and Ruanda-Urundi : 11 April 1938.

*Denmark.* Ratification : 4 June 1955.  
Not applicable : Faroe Islands : 4 June 1955.  
No declaration : Greenland.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 8 July 1947.  
Applicable without modification : Netherlands Antilles : 5 August 1957.

Decision reserved : Surinam : 5 August 1957.  
No declaration : Netherlands New Guinea.

*New Zealand.* Ratification : 7 June 1946.  
No declaration.

*United Kingdom.*<sup>2</sup>  
Applicable without modification :  
Aden, Dominica<sup>3</sup>, Fiji, Gambia, Grenada<sup>3</sup>, Jamaica<sup>3</sup>, Kenya, Mauritius, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Uganda, Zanzibar : 27 March 1950.

Gibraltar, 29 December 1958.

Applicable with modification : Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, British Guiana, British Honduras, British Virgin Islands, Cyprus, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Malta, Montserrat<sup>3</sup>, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Singapore, Tanganyika, Trinidad and Tobago<sup>3</sup> : 27 March 1950.

Decision reserved : Bermuda, Brunei : 27 March 1950.

Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

*United States.* Ratification : 29 October 1938.  
Applicable without modification : Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands : 29 October 1938.

Decision reserved : Panama Canal Zone : 29 October 1938.

No declaration : Trust Territory of Pacific Islands.

<sup>1</sup> This Convention revises the 1920 Convention. See Convention No. 7.

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

<sup>3</sup> Federation of the West Indies.

*Netherlands.**Netherlands New Guinea.*

See under Convention No. 8.

*United States.**Panama Canal Zone*

See under Convention No. 53.

\* \* \*

The following report supplies information on the practical effect given to the Convention :

*United States (Alaska).*

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

*Denmark* (Greenland), *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), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United States* (American Samoa, Guam, Hawaii, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands).

**59. Minimum Age (Industry) Convention (Revised), 1937<sup>1</sup>**

*This Convention came into force on 21 February 1941*

*Italy.* Ratification : 22 October 1952.  
No declaration.

*New Zealand.* Ratification : 8 July 1947.  
No declaration.

*United Kingdom.*<sup>2</sup>

Applicable without modification : Aden, Bechuana-land, Fiji, Gambia, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar : 27 March 1950.

Applicable with modification : Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Malta, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago<sup>3</sup>, Uganda : 27 March 1950.

Decision reserved : Brunei : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

<sup>1</sup> This Convention revises the Convention of 1919. See Convention No. 5.

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

<sup>3</sup> Federation of the West Indies.

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<sup>1</sup>**

*This Convention came into force on 29 December 1950*

*Italy.* Ratification : 22 October 1952.  
No declaration.

*New Zealand.* Ratification : 8 July 1947.  
No declaration.

<sup>1</sup> 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 and Niue, 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 : 7 January 1957.

*France.* Ratification : 16 December 1950.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Netherlands.* Ratification : 2 May 1950.

Not applicable : Netherlands New Guinea : 25 June 1951.

Decision reserved : Netherlands Antilles : 25 June 1951.

Applicable without modification : Surinam : 25 June 1951.

*Spain.* Ratification : 24 June 1958.

No declaration.

*Belgium.**Belgian Congo (First Report).*

Decree of 16 March 1950 to establish a Labour Inspectorate (*Bulletin administratif*, 1950, p. 350, and *Code du travail du Congo belge*, Vol. I, Part I, pp. 3-5.)

Decree of 21 March 1950 to empower the Governor-General to prescribe measures appropriate for ensuring technical safety and health in work-places.

Ordinance No. 23/146 of 6 May 1953 to lay down general provisions concerning safety in places of work (sections 2, 3, 5, 6, 15, 23 and 28 to 30) (*Bulletin administratif*, No. 22 of 1953, p. 967, and *Code du travail*, Vol. II, Part VI, p. 398B/20.)

Ordinance No. 23/41 of 5 February 1953 respecting work in the building industry (sections 4 to 11, 17, 18, 21 to 29, 31, 33 to 35, 38 to 40, 46, 48 to 50 and 52 to 56) (*Bulletin administratif*, No. 27, 4 July 1953, p. 1166, and *Code du travail*, Vol. II, Part VI, p. 368B/41.)

Ordinance No. 22/276 of 16 August 1955 respecting earthworks, digging and excavations of all kinds (sections 6, 15 and 16 to 40) (*Bulletin administratif*, 1955, p. 1094.)

Ordinance No. 29/96 of 4 April 1956 to regulate the installation and operation of hoisting appliances (sections 2, 5, 6 to 14, 31 to 34 and 37 and 40) (*Bulletin administratif*, 1956, pp. 841-842, and *Code du travail*, Vol. II, Part VI, pp. 398B/148/1 to 13.)

*Article 1 of the Convention.* The above legislation is patterned on the provisions of Parts II to IV of the Convention.

The Governor-General, by means of a legislative ordinance having force of law, may lay down any regulations necessary to ensure safety in the building industry.

*Article 2.* The legislation applies to all building work.

*Article 3.* Those concerned are informed of this legislation by means of codes (sections 28 of Ordinance No. 23/146, 15 of Ordinance No. 22/276 and 14 of Ordinance No. 29/96).

The competent officers for labour inspection are inspectors, engineer-inspectors and mines' inspectors (sections 29 of Ordinance No. 23/146, 55 of Ordinance No. 23/41, 16 of Ordinance No. 22/276 and 37 of Ordinance No. 29/96).

Penalties are prescribed for non-compliance with the codes (sections 30 of Ordinance No. 23/146, 56 of Ordinance No. 23/41, 40 of Ordinance No. 22/276 and 40 of Ordinance No. 29/96).

*Article 4.* By the Decree of 16 March 1950 a labour inspection service was set up to deal with the industry covered by the Convention. This Decree lays down the powers of officers responsible for labour inspection (sections 5 to 8).

*Article 5.* No area is exempt from the scope of this legislation.

*Article 6.* Owing to the extent of the territory accident statistics have not yet been compiled.

*Article 7.* General provisions relating to scaffolds are laid down in sections 4 to 11 and 21 of Ordinance No. 23/41.

*Article 8.* Provisions as to working platforms are laid down in sections 26 to 29 and 31 of Ordinance No. 23/41.

*Article 9.* Provisions concerning openings and the fall of persons or material are laid down in sections 15 of Ordinance No. 23/146, 38 to 40, 46 and 48 of Ordinance No. 23/41, 6 of Ordinance No. 22/276 and 8 of Ordinance No. 29/96.

*Article 10.* Provisions concerning means of access, ladders, etc., are laid down in sections 33 to 35, 49, 50 and 52 of Ordinance No. 23/41.

*Article 11.* Provisions concerning hoisting machines and ropes are laid down in sections 17, 18, 21 to 23 and 25 of Ordinance No. 23/41 and 2 of Ordinance No. 29/96.

The technical criteria in general are those laid down by the Belgian Institute for Standardisation.

*Article 12.* Provisions concerning examination, test and re-examination of hoisting machines, chains, etc., are laid down in sections 33 and 34 of Ordinance No. 29/96 and 21 and 24 of Ordinance No. 23/41.

*Article 13.* The qualifications of operators are subject to the provisions laid down in sections 2, 5, 31 and 32 of Ordinance No. 29/96 and 22 and 24 of Ordinance No. 23/41.

*Article 14.* With respect to the marking of the safe working load provisions are laid down in sections 2, 12 and 33 of Ordinance No. 29/96.

*Article 15.* Efficient safeguards, particularly for gearing, are dealt with in sections 5, 9, 10 and 11 of Ordinance No. 29/96 and 2, 3, 5 and 6 of Ordinance No. 23/146.

*Article 16.* The text of the Convention has been reproduced in sections 53 of Ordinance No. 23/41, 28 of Ordinance No. 23/146 and 15 of Ordinance No. 22/276.

*Article 17.* The text of the Convention has been reproduced in section 53 of Ordinance No. 23/41.

*Article 18.* The text of the Convention has been reproduced in section 54 of Ordinance No. 23/41.

The application of the laws and administrative regulations is entrusted to the labour inspectorate for work coming under its jurisdiction, on the one hand, and to the mines' inspectorate for mines, quarries and work related thereto, on the other.

*France.**Cameroons.*

New regulations prescribing safety measures in building and public works are now being drafted.

*Netherlands.**Netherlands Antilles.*

The draft statutory provisions which are mentioned in last year's report have now been completed. It is expected that these regulations will come into force before the end of 1958.



*Surinam.*

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 692.

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Polynesia, Togoland), *Netherlands* (Netherlands New Guinea).

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.* Ratification <sup>1</sup>: 5 September 1939.  
No declaration.

*Denmark.* Ratification <sup>2</sup>: 22 June 1939.  
Not applicable : Greenland : 31 May 1954.  
No declaration : Faroe Islands.

*France.* Ratification : 28 June 1951.  
Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Netherlands.* Ratification : 9 March 1940.  
No declaration.

*New Zealand.* Ratification <sup>1</sup>: 18 January 1940.  
Not applicable : Cook Islands and Niue, Tokelau Islands, Western Samoa : 18 January 1940.

*Union of South Africa.* Ratification <sup>3</sup>: 8 August 1939.  
Not applicable : South West Africa : 15 June 1949.

*United Kingdom.* Ratification : 26 May 1947.  
Applicable *ipso jure* without modification <sup>4</sup>: Guernsey, Jersey and Isle of Man : 26 May 1947.  
No declaration : all other territories.

<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part III.

<sup>3</sup> Excluding Parts II and IV.

<sup>4</sup> See footnote 1 to Convention No. 2.

*Denmark.**Faroe Islands.*

While the Convention is not at present applicable in the Faroe Islands the local government of the islands is considering laying down rules governing the introduction of statistics of wages and hours of work so as to make the Convention applicable.

*United Kingdom.**Cyprus.*

For the first time an index number of earnings has been compiled and published.

*Kenya.*

The Statistics (Employees in Kenya) Regulations, 1958, contain, *inter alia*, a questionnaire designed to obtain information on average

earnings, classified by race, sex, age, and type of employment (full-time, part-time, regular, casual, etc.), and, in the case of non-African workers, by occupation as well.

*Nigeria.*

The full report on employment and earnings for September 1957 has not yet been produced. A preliminary bulletin has, however, been issued.

*Trinidad and Tobago.*

A third labour force survey, including the collection of statistics of hours worked, was undertaken by the Central Statistical Office.

\* \* \*

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, St. Pierre and Miquelon), *United Kingdom* (Bermuda, Mauritius, Nigeria, North Borneo, Singapore, Tanganyika).

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

*Australia* (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Greenland), *France* (Cameroons, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *Union of South Africa* (South West Africa), *United Kingdom* (Aden, Antigua, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Malta, Isle of Man, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Uganda, Zanzibar).

## 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 : 26 July 1948, confirmed on 3 September 1957.

*New Zealand.* Ratification : 8 July 1947.

Applicable without modification : Cook Islands and Niue, Western Samoa : 8 July 1947.

No declaration : Tokelau Islands.

*United Kingdom.* Ratification : 24 August 1943.

Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 24 August 1943.

Applicable without modification : Aden, Antigua<sup>2</sup>, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica<sup>2</sup>, Fiji, Gambia, Gilbert and Ellice Islands, Grenada<sup>2</sup>, Hong Kong, Jamaica<sup>2</sup>, Kenya, Mauritius, Montserrat<sup>2</sup>, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>2</sup>, Uganda, Zanzibar : 24 August 1943.

Decision reserved : Bahamas, Barbados<sup>2</sup>, Bermuda, North Borneo : 24 August 1943.

Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta : 24 August 1943.

No declaration : Southern Rhodesia.

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

<sup>2</sup> Federation of the West Indies.

### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

Decree of 10 June 1958 to amend the decrees consolidated by the Royal Order of 19 July 1954 respecting contracts of employment (*Bulletin officiel*, 1958, p. 990).

*Article 5, paragraph 2 (a) and (d) of the Convention.* Under section 1 of the Decree of 10 June 1958, whenever the duration of the engagement is not fixed either by agreement or by the nature of the work itself it can be terminated by either party after giving due notice.

*Article 12.* The Decree of 10 June 1958 lays down the procedure for giving notice in the case of indefinite contracts.

*Article 13.* Under the new Decree the place of origin for repatriation purposes is the place at which the worker accepted an engagement or a promise of engagement, or was recruited.

*Article 14.* In the absence of proof that, of his own choice, a worker did not exercise his right to repatriation before the expiry of the three months' period, the employer is no longer granted the legal exemption from liability for repatriation expenses (in accordance with clause (b) of this Article of the Convention) which was formerly laid down by section 53 of the Royal Order of 19 July 1954. On the other hand, new cases of lawful exemption from repatriation expenses have been established, viz. termination of the contract by the employer for good reason (it being understood that the worker is entitled to appeal to the labour

inspector); termination of the contract by the worker without good reason; and failure by the worker to observe the period of notice (against the employer's wish).

In reply to the observations made by the Committee of Experts in 1957 and 1958 the Government has supplied the following information.

*Article 6, paragraphs 3 to 5.* While it is a fact that an employer who has failed to have a contract attested can adduce in evidence an admission made by a worker, it cannot be concluded from this that the law does not conform to paragraphs 3 to 5 of Article 6 of the Convention. Contracts which are compulsorily submitted for attestation and which the competent authority refuses to sign are contracts which do not comply with the law and therefore have no validity. Moreover, the hypothesis that, if the worker does make an admission a non-attested contract can be enforced against him, is quite exceptional. The law allows any Native worker to apply to the competent authority either for his contract to be submitted for attestation or for it to be cancelled. Section 91 of the consolidated decrees also empowers officials of the Public Prosecutor's Office to institute civil proceedings on behalf of injured workers.

*Article 13, paragraph 5.* An employer's liabilities to his workers by virtue of a contract constitute liens on the bulk of his property (Ordinance of 22 February 1896 and Decree of 15 April 1896). In addition the colony's budget makes provision, under the heading of welfare, for the payment of repatriation costs, which can be taken to cover all the expenses listed under Article 13, paragraph 3, of the Convention.

*Article 12, paragraph 2 (b) (i).* Normally contractual obligations are terminated by agreement between the parties, although under section 91 of the Royal Order of 19 July 1954 officials of the Public Prosecutor's Office may institute civil proceedings on behalf of injured workers. Should consent have been given under duress, by fraud or by mistake the court dealing with the case will always take the necessary judicial measures.

### *United Kingdom.*

#### *Basutoland.*

*Article 6, paragraph 4, of the Convention.* Draft legislation to define the consequences of non-attestation of a written contract has been prepared and is under consideration.

#### *Bechuanaland.*

No amending legislation has yet been promulgated, although discussions with the councils and other interested parties are continuing.

During the year, however, a number of administrative instructions were issued which had the effect of checking abuses of existing legislation. Among the more important were those designed to prevent the recruitment of underage labourers and to ensure that labourers were not recruited by stealth at remote places.

#### Brunei.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 692.

#### Gambia.

For many years there has been no record of workers having been recruited on a contract of service. It is accordingly felt that there is no need for legislation to go beyond the safeguards already provided by the Native Labour (Foreign Service) Ordinance (Cap. 92), particularly since the pre-war conditions which this Convention envisaged no longer exist.

#### Kenya.

Employment (Amendment) Ordinance No. 16 of 1957.

Employment Ordinance (Cap. 109): Notice of Application (Legal Notice No. 371 of 1958).

The Notice revising the scope of application of the Employment Ordinance comes into force on 1 December 1958 and raises the wage ceiling of application for most provisions of the Ordinance from 100 to 200 shillings per month; for workers on foreign contracts the ceiling remains at 400 shillings per month. In reply to requests by the Committee of Experts, the following information is given.

*Articles 1 and 2 of the Convention.* With the raising of the wage ceiling, the majority of indigenous manual workers and virtually all those on written contracts outside government service will once more be brought within the scope of the Employment Ordinance. The use of written contracts for indigenous manual workers is diminishing and is now largely confined to recruited workers. If an indigenous manual worker is employed exceptionally on a written contract providing for wages in excess of 200 shillings, it can be expected that the employer will treat him no differently from workers whose contracts are covered by the Ordinance. Other factors now operate to protect the interests of indigenous workers—the rapid development of trade unionism and joint negotiating machinery, increasing resort to minimum wage fixing machinery and expanded labour inspection services.

*Article 6, paragraph 1.* There is no legislative provision requiring the attestation of contracts of non-recruited literate workers other than foreign contracts. There appears to be little practical necessity for such provision as it is unusual for fully literate indigenous workers to undertake manual work and, if they do so, they are normally employed on verbal contracts. It is difficult to see justification for requiring attestation of written contracts in the case of literate workers.

*Article 7.* There is no longer any requirement for the medical examination of non-recruited workers. It is unusual for non-recruited

indigenous manual workers to be engaged on written contracts. New rules are under consideration to replace the present Employment (Contract and Return) Rules, 1949, and opportunity might be taken to meet the Committee's point; however, it is not thought that this would have much practical significance.

*Article 13, paragraph 1.* It is agreed that the proviso to section 54 of the Employment Ordinance limits the employer's liability in respect of repatriation in a manner not provided for in the Convention. The proviso was intended to cover cases such as that of the man who offers himself for employment in order to obtain free transport to a particular area and then leaves his employment for reasons other than those specified in the Convention. In practice, employers repatriate recruited workers and their families when the contract is terminated on grounds falling within Article 13, paragraph 1 (b), (c) or (e); the majority indeed go further and repatriate non-recruited workers engaged at the place of employment. When a general review of the Employment Ordinance is undertaken consideration will be given to redrafting section 54 to clarify the legal position. As no difficulty has been encountered with repatriation, and this is normally undertaken freely by employers without pressure from the authorities, it is not considered that the matter has sufficient urgency to justify special legislation.

*Paragraph 5.* The Labour Department has special financial provision for the repatriation of workers, and if an employer failed to fulfil his obligations in this regard the worker would be repatriated by the Department.

*Article 14.* As noted in connection with Article 13, paragraph 1, there has been no difficulty in relation to repatriation and workers are not diffident about applying to the competent authority when they suspect any infringement of their rights.

#### Northern Rhodesia.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 692.

The African Employment Bill has been further revised; it is hoped to bring it before the Legislative Council shortly.

*Article 15, paragraph 3, of the Convention.* Workers returning on completion of contract do so individually, with the exception of those recruited by the Witwatersrand Native Labour Association who are transported by air and are therefore supervised.

#### Sierra Leone.

In reply to the observations of the Committee of Experts the Government states that the drafting of the amendments to the Employers and Employed Ordinance is now being undertaken, and it is hoped that the amended text will be introduced in 1959.

\* \* \*

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

*New Zealand (Cook Islands and Niue), United*

*Kingdom* (Aden, Basutoland, British Honduras, Fiji, Nigeria, North Borneo, Northern Rhodesia, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Zanzibar).

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

*New Zealand* (Tokelau Islands, Western

Samoa), *United Kingdom* (Antigua, Barbados, Bermuda, British Guiana, British Somaliland, Cyprus, Dominica, Falkland Islands, Gibraltar, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Singapore, Trinidad and Tobago).

## 65. Penal Sanctions (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

### *Italy*<sup>1</sup>

Applicable without modification : Trust Territory of Somaliland : 12 March 1952.

*New Zealand*. Ratification : 8 July 1947.

Applicable without modification :

Cook Islands, Western Samoa : 8 July 1947.

Tokelau Islands : 13 June 1956.

*United Kingdom*. Ratification : 24 August 1943.

Applicable *ipso jure* without modification<sup>2</sup> : Guernsey, Jersey, Isle of Man : 24 August 1943.

Applicable without modification :

Aden, Antigua<sup>3</sup>, Barbados<sup>3</sup>, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica<sup>3</sup>, Fiji, Gambia, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Mauritius, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 24 August 1943.

Bahamas, Bermuda : 30 September 1944.

Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta : 24 August 1943.

No declaration : Southern Rhodesia.

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

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

<sup>3</sup> Federation of the West Indies.

### *United Kingdom*.

#### *Bechuanaland*.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 692.

#### *British Guiana*.

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

legislation to repeal section 36 (1) of the Labour Ordinance is in draft.

#### *Kenya*.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 692.

#### *Northern Rhodesia*.

In reply to the observation made by the Committee of Experts the report states that the new African Employment Bill is now being further revised and will be placed before the Legislature as soon as possible.

\* \* \*

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, Basutoland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Zanzibar).

## 68. Food and Catering (Ships' Crews) Convention 1946

*This Convention came into force on 24 March 1957*

*Belgium*. Ratification : 5 December 1951.

Not applicable : Belgian Congo and Ruanda-Urundi : 5 December 1951.

*France*. Ratification : 9 December 1948.

Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

*Italy*. Ratification : 22 October 1952.

No declaration.

*Netherlands*. Ratification : 17 June 1958.

Not applicable : Surinam : 11 November 1958.

No declaration : Netherlands Antilles, Netherlands New Guinea.

*Portugal*. Ratification : 13 June 1952.

No declaration.

*United Kingdom*. Ratification : 6 August 1953.

Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.

No declaration : all other territories.

*France.**Cameroons* (First Report).

The Convention is not applied in this territory.

*Comoro Islands* (First Report).

Some conditions of employment (minimum age, medical examinations) are regulated by the general legislation applying to all occupations.

*French Polynesia.*

Code of Maritime Employment of 13 December 1926.

Seagoing vessels are defined as those over 25 tons. The competent authorities are the Head of the Merchant Shipping Department and the Shipping Inspector; the latter may be assisted in his duties by a national manpower office or merchant marine office. There is an annual inspection of all vessels.

*French Somaliland* (First Report).

Seagoing ships registered at Djibouti apply the provisions in force in metropolitan France.

The supervision of the application of these provisions is entrusted to the registration authorities for seamen and to the labour inspector.

*French West Africa* (First Report).

The supervision of food and water provisions is made by the Shipping Inspector.

The shipowner is not permitted to contract with the master or another officer for the provision of food to the crew.

As a general rule the crew must receive the minimum food rations agreed upon in the collective agreements.

*Madagascar* (First Report).

For Madagascar, the relevant legislation consists of the Commercial Code (Part IV, Book II) and the Act of 17 April 1907 respecting safety at sea and conditions on board merchant vessels. Nevertheless, as regards food and catering on board ship, the Convention is applied by the Act of 13 December 1926.

*New Caledonia* (First Report).

Under the collective agreement of 9 June 1956 the Convention applies to vessels of more than 25 tons. Section 39 of this collective agreement lists the menus which must be served to the crew. Enforcement is the responsibility of the Head of the Merchant Shipping Department. Supervision is carried out either by this official or by the Shipping Inspector at the time of the annual or periodical inspections.

*St. Pierre and Miquelon* (First Report).

Maritime Labour Code of 13 December 1926, applied in this territory under the Order of 10 January 1927.  
Order of 20 July 1910.

All vessels carrying a crew are considered to be seagoing. The competent authorities are the Registrar of Shipping, the seamen's doctor and the Shipping Inspector. Supervision is carried out either during regular inspections or at the request of the crew.

There is no certification of ships' cooks in St. Pierre and Miquelon. The Order of 20 July 1910 fixes the quantity of the foods which must be served to the crew. There is no check on the cooks' qualifications. Any comments on the food must be entered in the ship's log. The Shipping Inspector may make recommendations. Penalties are laid down in the Merchant Shipping Disciplinary and Penal Code.

*Italy.**Trust Territory of Somaliland* (First Report).

In view of the minor importance of the Somali merchant marine it has not so far appeared necessary to give effect to the provisions of the Convention.

*United Kingdom.**Basutoland* (First Report).

The Convention is regarded as inapplicable to this territory as it has no seaboard.

*Bechuanaland* (First Report).

See under *Basutoland*.

*Northern Rhodesia* (First Report).

See under *Basutoland*.

*Nyasaland* (First Report).

See under *Basutoland*.

*Southern Rhodesia* (First Report).

See under *Basutoland*.

*Swaziland* (First Report).

See under *Basutoland*.

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland).

The following report reproduces the information previously supplied:

*France* (French Equatorial Africa).

## 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 : 5 December 1951.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 23 February 1951.  
Applicable without modification : Netherlands Antilles : 7 September 1951.  
Decision reserved : Netherlands New Guinea, Surinam : 7 September 1951.

*Portugal.* Ratification : 13 June 1952.  
No declaration.

*United Kingdom.* Ratification : 29 July 1949.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 29 July 1949.  
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.  
No declaration : all other territories.

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

#### *Netherlands.*

##### *Netherlands Antilles.*

Statutory regulations are in course of preparation and will be completed as soon as possible.

##### *Netherlands New Guinea.*

See under Convention No. 8.

##### *Portugal.*

##### *Angola (First Report).*

There are no vessels in Angola which require the application of the Convention.

##### *Cape Verde (First Report).*

The Convention is not applied in Cape Verde.

##### *Macao (First Report).*

There are no provisions concerning the certification of ships' cooks. This is due to the fact that the only shipping in Macao is engaged in the coastal trade.

If the need were felt for the organisation of examinations for ships' cooks the syllabus would be the same as that used in metropolitan Portugal.

##### *Mozambique (First Report).*

Legislative Decree No. 23764 of 13 April 1934, as amended by Legislative Decree No. 41643 of 23 May 1958.

The above-mentioned legislation (sections 23, 24, 61 and 62), in force in metropolitan Portugal, is also applied in Mozambique. The supervision of the application of this legislation is entrusted to the maritime authority.

##### *Portuguese Indies (First Report).*

Legislative Decrees Nos. 23764 of 13 April 1934 and 24235 of 27 July 1934, as amended by Legislative Decree No. 41643 of 23 May 1958. Order No. 4655 of 6 May 1948.

##### *San Tomé and Príncipe (First Report).*

Legislative Decree No. 38344 of 21 July 1951 respecting regulations for the port authority of San Tomé and Príncipe.

Vessels registered in the territory are small ones and the Convention does not apply to them.

Candidates for the examination as ship's cook must be 21 years of age. They must show their knowledge of the quality of food and their ability to prepare meals of different kinds.

Examinations are held by the port authority.

Certificates of ships' cooks issued in other territories are not recognised in San Tomé and Príncipe.

##### *Timor (First Report).*

Vessels calling at Timor are owned by undertakings having their headquarters outside the territory and are manned by foreign seafarers. Therefore the provisions of the Convention are not applied in Timor, and it is unnecessary at present to lay down provisions concerning a question which may have some importance only in the future.

##### *United Kingdom.*

##### *Basutoland (First Report).*

This Convention is regarded as inapplicable to this territory as it has no seaboard.

##### *Bechuanaland (First Report).*

See under *Basutoland*.

##### *Northern Rhodesia (First Report).*

See under *Basutoland*.

##### *Nyasaland (First Report).*

See under *Basutoland*.

##### *Southern Rhodesia (First Report).*

See under *Basutoland*.

##### *Swaziland (First Report).*

See under *Basutoland*.

\* \* \*

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), *Portugal* (Portuguese Guinea).

## 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 : 5 December 1951.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 17 June 1958.  
Not applicable : Surinam : 11 November 1958.  
No declaration : Netherlands Antilles, Netherlands New Guinea.

*Portugal.* Ratification : 13 June 1952.  
No declaration.

---

*Portugal.*

*Angola, Portuguese Indies and Timor* (First Reports).

See under Convention No. 69.

*Cape Verde* (First Report).

Decree No. 23764 of 13 April 1934, applied to Cape Verde by Ministerial Order No. 8196 of 9 August 1935.  
Legislative Decree No. 26051 of 15 November 1935.

Seamen before being employed on board ship must obtain a medical certificate showing their fitness for the work they have to perform.

The medical certificate must be renewed every ten years.

Seamen to whom a medical certificate has been refused may apply for a further examination by a board composed of doctors who have no connection with any shipowners' or seafarers' organisation.

*Macao, Portuguese Guinea and San Tomé and Príncipe* (First Reports).

The Convention is not applied in these territories as there are no vessels of more than 200 tons gross.

*Mozambique* (First Report).

Legislative Decree No. 23764 of 13 April 1934, as amended by Legislative Decree No. 41643 of 23 May 1958.

The above-mentioned legislation (sections 117 and 120), in force in metropolitan Portugal, is also applied in Mozambique. The supervision of the application of this legislation is entrusted to the maritime authority.

\* \* \*

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).

## 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 : 5 December 1951.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Netherlands.* Ratification : 14 July 1950.  
Applicable without modification : Netherlands Antilles : 7 September 1951.  
Not applicable : Netherlands New Guinea, Surinam : 7 September 1951.

*Portugal.* Ratification : 13 June 1952.  
No declaration.

*United Kingdom.* Ratification : 13 May 1952.  
Applicable without modification : Guernsey, Jersey, Isle of Man : 3 December 1956.  
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.  
No declaration : all other territories.

*United States.* Ratification : 9 April 1953.  
No declaration.

---

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 8.

*Portugal.*

*Angola.*

See under Convention No. 69.

*Cape Verde* (First Report).

Legislative Decree No. 23764 of 13 April 1934, as amended by Legislative Decree No. 41643 of 23 May 1958.

The legislation applying the Convention is the same as that of metropolitan Portugal. The supervision of the application of this legislation is entrusted to the port authorities.

*Macao* (First Report).

No special legislation exists concerning certification of able seamen. The regulations of

the port authorities of the territory are the same as those of metropolitan Portugal.

*Mozambique* (First Report).

Legislative Decree No. 23764 of 13 April 1934, as amended by Legislative Decree No. 41643 of 23 May 1958.

*Portuguese Guinea* (First Report).

The Convention is not applied in the territory as no ships are registered there.

*Portuguese India*.

See under Convention No. 69.

*San Tomé and Príncipe* (First Report).

Legislative Decree No. 38365 of 6 August 1951 respecting regulations for the port authority of San Tomé and Príncipe.

Sections 127 and 128 of the above-mentioned Legislative Decree lay down the requirements to be fulfilled for admission to an examination for a certificate of able seaman. The minimum age is fixed at 21 years. Paragraph 4 of Article 2 of the Convention is not applied.

The Legislative Decree lays down the syllabus of the examination.

*Timor* (First Report).

See under Convention No. 69.

*United Kingdom*.

*Basutoland* (First Report).

This Convention is regarded as inapplicable to this territory as it has no seaboard.

*Bechuanaland* (First Report).

See under *Basutoland*.

*Isle of Man* (First Report).

Merchant Shipping (Isle of Man) Act, 1954.

By this Act the provisions of the Merchant Shipping (United Kingdom) Act, 1948, and of the regulations made under section 5 of that

Act are extended to ships registered in the Isle of Man.

*Northern Rhodesia* (First Report).

See under *Basutoland*.

*Nyasaland* (First Report).

See under *Basutoland*.

*Southern Rhodesia* (First Report).

See under *Basutoland*.

*Swaziland* (First Report).

See under *Basutoland*.

*United States*.

*American Samoa*.

Very few vessels of appreciable size exist in American Samoa. Many of them belong to community or family groups and are used as joint fishing boats or as a means of transporting friends and relatives. Monetary gain is not the purpose of these small vessels.

*Panama Canal Zone*.

See under Convention No. 53.

*Trust Territory of the Pacific Islands*.

See under *American Samoa*.

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Netherlands* (Surinam), *United States* (Alaska, Guam, Hawaii, Puerto Rico).

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

*France* (St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey), *United States* (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 : 27 April 1955.  
No declaration : all other territories.

*Italy*. Ratification : 22 October 1952.  
No declaration.

*United Kingdom*.<sup>1</sup>

Decision reserved : Aden, Antigua<sup>2</sup>, Bahamas, Barbados<sup>2</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>2</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>2</sup>, Hong Kong, Jamaica<sup>2</sup>, Kenya, Malta, Mauritius, Montserrat<sup>2</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>2</sup>, Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

<sup>1</sup> Unratified Convention. See footnote 2 to Convention No. 3.  
<sup>2</sup> Federation of the West Indies.

The following reports supply information on minor legislative changes :

*France* (Cameroons, Comoro Islands).

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

*France* (French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, 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 : 27 April 1955.  
No declaration : all other territories.  
*Italy.* Ratification : 22 October 1952.  
No declaration.

---

The following reports supply information on minor legislative changes :

*France* (Cameroons, Comoro Islands).

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

*France* (French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, 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 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 : 5 April 1957.

*Denmark.* Ratification : 6 August 1958.  
Not applicable :  
Greenland : 6 August 1958.  
Faroe Islands : 16 September 1958.

*France.* Ratification : 16 December 1950.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 15 September 1951.  
Applicable without modification : Netherlands Antilles, Surinam : 26 September 1951.  
Decision reserved : Netherlands New Guinea : 26 September 1951.

*United Kingdom.* Ratification : 28 June 1949.<sup>1</sup>  
Applicable *ipso jure* without modification <sup>2</sup> : Guernsey, Jersey, Isle of Man : 28 June 1949.

Applicable without modification : Antigua<sup>3</sup>, Barbados<sup>3</sup>, Brunei, Cyprus, Gibraltar, Grenada<sup>3</sup>, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Vincent<sup>3</sup>, Sarawak, Singapore, Tanganyika, Uganda : 22 March 1958.

British Guiana : 15 April 1958.  
Applicable with modification : British Honduras, Hong Kong, Sierra Leone : 22 March 1958.

Decision reserved : Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Somaliland, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Montserrat<sup>3</sup>, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, Seychelles, Solomon Islands, Swaziland, Zanzibar : 22 March 1958.

Dominica<sup>3</sup>, Trinidad and Tobago<sup>3</sup> : 16 December 1958.

No declaration : Northern Rhodesia, Nyasaland, Southern Rhodesia.

---

<sup>1</sup> Excluding Part II.

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

<sup>3</sup> Federation of the West Indies.

*France.*

*Togoland.*

Decree No. 57-81 of 26 July 1957 respecting the organisation and operation of the Ministry of Labour and Social Affairs.

*Netherlands.*

*Netherlands New Guinea.*

The Labour Inspectorate, which is entrusted with social and legal supervision, and the Occupational Safety Department come under the Labour Division of the Department of Social Affairs. The Labour Inspectorate is staffed by two inspectors with legal training and one safety engineer.

*United Kingdom.*

*Antigua* (First Report).

Factories Ordinance No. 12 of 1957.  
Labour Ordinance No. 3 of 1950.

Workmen's Compensation Ordinance No. 24 of 1956.

*Article 1 of the Convention.* A system of inspection is provided for under section 6 of the Labour Ordinance and section 18 of the Factories Ordinance.

*Article 2.* Under the Labour Ordinance the system of inspection applies to any premises in which workers other than domestic servants are employed.

*Article 3.* Inspection is authorised under the Labour Ordinance for the purpose of obtaining information as to the number of workers employed, their wages, hours and conditions of work, and the causes and circumstances of occupational accidents, and of inspecting the state and condition of workers' dwelling houses or barracks. In the main, the duties of the labour inspection staff are the safeguarding and promotion of the general welfare of workers and the promotion of good employer-employee relations.

The purpose of inspection under the Factories Ordinance is to secure the execution of provisions relating to safety, health and welfare, the employment of young persons and other connected matters.

The provisions of clauses (b) and (c) of paragraph 1 are adhered to in practice.

*Article 4.* Inspection is under the supervision and control of the Labour Commissioner (sections 5 and 6 of the Labour Ordinance and section 17 of the Factories Ordinance).

*Article 5.* In practice there is effective co-operation between the inspection service and other services engaged in similar activities, and between inspection officials and employers and workers and their organisations.

*Article 6.* Inspectors are government officers on the permanent pensionable establishment. Their employment is independent of changes of government.

*Article 7.* In practice, labour inspectors must be eligible for appointment to the Clerical Grade, or higher, of the civil service. They are initially trained on appointment by an officer or officers on the inspection staff, and are subsequently sent to the United Kingdom or other territory where there is wider scope for training and experience.

*Article 8.* There are no legislative or administrative barriers to the appointment of women as inspectors, although there are none on the staff at present.

*Article 9.* In effect, the services of technical experts and specialists in government employment are at the disposal of the inspection staff, and the services of experts from other West Indies territories, and if necessary from the United Kingdom, may be sought.

*Article 10.* The inspection staff consists of a Labour Commissioner, a Labour Inspector and clerical officers.

*Article 11.* There is no need for local offices as all parts of the island, which is 108 square miles in size, are accessible from the office housing the inspection staff. Inspectors are provided with transport facilities at government rates.

*Article 12.* Inspectors have the powers provided for in this Article under section 18 of the Factories Ordinance and section 49 of the

Workmen's Compensation Ordinance. Paragraph 2 is applied by section 19 of the Factories Ordinance.

*Article 13.* Paragraphs 1 and 2 (a) are applied under sections 28 and 18 of the Factories Ordinance, and paragraph 2 (b) under section 9 of that Ordinance.

*Article 14.* Under section 6 of the Labour Ordinance the Labour Commissioner may call for reports on accidents to workers involving loss of life or disability for more than 24 hours.

*Article 15.* Clause (a) is applied under the General Orders covering civil servants. Under section 21 of the Factories Ordinance inspectors are prohibited from revealing information obtained in the course of their duties (clause (b)). Clause (c) is applied as a normal practice.

*Article 16.* Approximately two routine inspections of each workplace are made each year. Additional inspections are made on complaint.

*Article 17.* The prevailing practice is in harmony with these provisions.

*Article 18.* Penalties for violations and for obstructing inspectors are provided for under sections 24 to 42 of the Factories Ordinance and section 6 of the Labour Ordinance.

*Article 19.* This question does not arise; see above under Article 11.

*Article 20.* The Annual Report of the Labour Department includes information on inspection.

*Article 21.* The provisions of this Article have been noted for guidance in the preparation of future reports.

It is estimated that 12,000 persons are covered by the relevant legislation.

#### *Barbados (First Report).*

Labour Department Act No. 21 of 1943.  
Labour Department (Amendment) Act No. 43 of 1951.  
Factories Act No. 29 of 1947.  
Factories (Amendment) Act No. 53 of 1951.  
Quarries Act, 1951.  
Shops Act No. 27 of 1945.  
Employment of Women, Young Persons and Children Act, 1938.  
Employment of Women, Young Persons and Children (Amendment) Act, 1940.  
Wages Council Act, 1955.  
Holiday with Pay Act, 1951.  
Accidents and Occupational Diseases (Notification) Act, 1951.

*Article 1 of the Convention.* A system of labour inspection with regard to industrial workplaces is provided for under the above legislation.

*Article 2.* There are a limited number of industrial workplaces, and the system of inspection is the same for industrial as for other workplaces. Neither mining nor transport undertakings are excluded from the scope of the Convention.

*Article 3, paragraph 1 (a).* Effect is given to this paragraph by the legal provisions in force.

Paragraph 1 (b). It is the established practice of the Labour Inspectorate to supply information and advice to employers and workers.

Paragraph 1 (c). The Labour Commissioner advises the Government on all questions con-

cerning the betterment of industrial relations and generally on all labour matters.

Paragraph 2. Other functions are entrusted to the Labour Inspectors but these do not interfere with their principal duties.

*Article 4.* Labour inspection is placed under the supervision of the Labour Commissioner. Certain inspectorial duties can, however, be performed by justices of the peace and the police.

*Article 5.* Full co-operation exists between the inspectorate and other government departments. Co-operation is also ensured with the public, particularly through section 2 of the Labour Department (Amendment) Act No. 43 of 1951, which requires employers to facilitate communication between the inspectors and the workers.

*Article 6.* Members of the Labour Inspectorate have the same status as civil servants.

*Article 7.* Labour inspectors are recruited on the basis of their qualifications for their duties. They receive appropriate instruction, both theoretical and practical, and undergo further periods of training on the job.

*Article 8.* Women are eligible for appointment as labour inspectors.

*Article 9.* There are no technical experts or specialists in any of the fields mentioned in this Article. Where necessary, resort is had to the services of technicians and experts from other departments.

*Article 10.* The staff of the Labour Inspectorate consists of seven persons.

*Article 11.* Transport facilities and premises are supplied to the Labour Inspectorate.

*Article 12.* The following legislative provisions give effect to this Article: section 5 of Act No. 21 of 1943, and section 2 of Act No. 43 of 1951; section 7 (1) of the Quarries Act, 1951; section 10 (2) of the Factories Act, 1947, and section 2 (c) of the Factories (Amendment) Act No. 53 of 1951; section 14 (1) of the Shops Act No. 27 of 1945. See also section 2 (2), (3) and (4) of the Labour Department (Amendment) Act No. 43 of 1951.

*Article 13, paragraph 1.* Effect is given to the provisions of this Article by the following texts: Shops Act, 1945; Quarries Act, 1951; Factories Act, 1947 and 1951.

Paragraph 2. The Labour Inspectorate is not vested with the powers enumerated in this paragraph.

Paragraph 3. The requirements are covered by relevant statutory provisions.

*Article 14.* This Article is covered by the Accidents and Occupational Diseases (Notification) Act, 1951.

*Article 15, clause (a).* There are no statutory provisions prohibiting inspectors from having any direct or indirect interest in undertakings under their supervision. However, the Civil Service Regulations prohibit any officer from investing in any local commercial, industrial or agricultural undertaking. Legislation to conform with this requirement of the Convention is under consideration.

Clause (b). This provision is to be found in

the Labour Department (Amendment) Act No. 43 of 1951 and the Factories Act of 1947.

Clause (c). There are no statutory provisions giving effect to this clause, but it is applied in practice. Measures to bring the law into conformity with the Convention are under consideration.

*Article 16.* Workplaces are inspected as often as possible.

*Article 17, paragraph 1.* This is covered by section 7 (a) and (b) of the Labour Department Act No. 21 of 1943, as amended by section 4 of the Labour Department (Amendment) Act No. 43 of 1951.

Paragraph 2. The established policy is to give warning before instituting proceedings.

*Article 18.* This Article is applied.

*Article 19.* The case does not arise in this territory.

*Articles 20 and 21.* The provisions of these Articles are given effect to in the Annual Report of the Labour Department.

*Article 25.* A declaration has been made under this Article excluding Part II (Articles 22 to 24) from the application of the Convention.

#### *Basutoland.*

In the absence of any mines or industries a decision regarding the application of the Convention must be reserved.

#### *Bechuanaland.*

There is at present no labour inspectorate and it would be impracticable at the present stage of development of the territory to enforce the provisions of the Convention.

#### *Bermuda.*

No labour inspection services are maintained in Bermuda since there are neither factories nor mines nor any other forms of large-scale industry.

#### *British Honduras (First Report).*

Accidents and Occupational Diseases (Notification) Ordinance No. 29 of 1952.

Employers and Workers Ordinance No. 6 of 1943. Employers and Workers Regulations No. 46 of 1943.

Factories Ordinance No. 9 of 1942.

Factories Regulations No. 24 of 1943.

Statutory Instruments No. 37 of 1953 and No. 28 of 1955.

*Article 1 of the Convention.* A labour inspection service is maintained by the Labour Department.

*Article 2, paragraph 1.* The Labour Commissioner, who is the Chief Factory Inspector, is responsible for enforcing the law in all *factories*, as defined in the Factories Ordinance. The Commissioner is empowered to delegate the exercise of his powers and duties to inspectors (the system of labour inspection applies to all other places of employment, including agriculture and forestry).

Paragraph 2. No undertakings or parts of undertakings have been exempted in virtue of this paragraph.

*Article 3.* The functions of the labour inspection service are those outlined in paragraph 1 of this Article. Labour inspectors are not entrusted with duties other than those set out in the Article.

*Article 4.* The Labour Department comes under the supervision and control of the central government, which provides funds for the carrying out of its functions.

*Article 5, clause (a).* The Labour Department seeks and obtains co-operation from other government departments which are concerned with certain aspects of conditions of work, such as the Medical Department, the authority for sanitation, and the Public Works Department.

Clause (b). Labour inspectors frequently in the course of their work consult with and are consulted by employers, workers and union officials.

*Article 6.* Labour inspectors are appointed by the Government after recommendation by a Public Service Board. They are permanent civil servants and are not subject to be changed except in matters pertaining to service discipline.

*Article 7, paragraphs 1 and 2.* No conditions other than qualifications for the purpose of their duties are applied in the recruitment of labour inspectors.

Paragraph 3. Labour inspectors receive training from the experienced officer in charge of the Department and by means of courses of instruction in other Labour Departments.

*Article 8.* Women are not ineligible for appointment as inspectors.

*Article 9.* The labour inspection staff does not include any technical experts or specialists. The provisions of this Article are applied in so far as technical experts and specialist officers employed in other government departments are available for giving consultation and advice to the labour inspectorate.

*Article 10.* Information concerning this Article is included in the Annual Reports of the Labour Department. The labour inspection staff comprised one senior labour inspector and three inspectors during the period under review.

*Article 11.* The Government provides the labour inspectorate with office and transport facilities together with travelling and subsistence allowances.

*Article 12.* The Government states that this Article is applied with modification. It quotes, however, the text of Regulation No. 13 of the Employers and Workers Ordinance, 1943, as amended in 1953.

Section 18 of the Factories Ordinance also provides for the Chief Factory Inspector and any inspector to enter and inspect any factory at any reasonable time.

Inspectors are provided with credentials.

*Article 13.* This Article is applied with modification, as inspectors' powers are at present limited to prosecution for failure to comply with statutory provisions.

*Article 14.* Section 3 of the Accidents and Occupational Diseases (Notification) Ordinance No. 29 of 1952 requires employers to notify the Labour Department of all accidents which incapacitate a worker for more than three days.

*Article 15.* Labour inspectors are prohibited from having any direct or indirect interest in undertakings under their supervision and are bound to secrecy in accordance with the provisions of this Article. They are required to treat as absolutely confidential the source of any complaint.

*Article 16.* All undertakings (including non-industrial undertakings) are inspected at least once a year.

*Article 17.* Section 21 of the Factories Ordinance provides that any person who contravenes any of the provisions of the Ordinance for which no penalty is expressly provided, shall be guilty of an offence and liable to a fine not exceeding 250 dollars and, in default of payment, imprisonment for a term not exceeding three months. It is the practice for labour inspectors to warn and advise employers before legal proceedings are instituted.

*Article 18.* Section 19 of the Factories Ordinance makes it an offence to obstruct the Chief Factory Inspector or any inspector in the performance of their duties. Appropriate penalties are prescribed.

*Article 19.* The labour inspectors submit inspection reports along the lines laid down by the Head of the Labour Department and these reports form part of the information contained in the Department's Annual Report which is submitted to the Government.

*Articles 20 and 21.* Copies of the Annual Report of the Labour Department are forwarded to the International Labour Office. This report covers the points referred to in Article 21 of the Convention except for clauses (c) and (d). It is proposed to include this information in future reports.

*Articles 22 to 24.* These Articles (Part II) are excluded from the application of the Convention.

*Article 25.* There is no legislation specifically providing for the inspection of commercial workplaces and it is not usually the practice to inspect these places.

*Articles 26, 27 and 29.* There have been no decisions with regard to these Articles.

*Brunei (First Report).*

Labour Enactment, 1954.

*Articles 1 and 2.* No undertakings or parts of undertakings are exempted from the application of the Convention by virtue of paragraph 2 of Article 2.

*Article 3.* The duties of the labour inspectors are those set out in paragraph 1 of this Article.

*Article 4.* The provisions of this Article are applied.

*Article 5.* The labour inspector, in his capacity as assistant resident or district officer, controls and supervises other government services and creates the conditions for effective co-operation between employers and workers in the fields within his competence.

*Article 6.* The inspection staff is composed of permanent public officials assured of stability of employment.

*Articles 7 and 10.* The inspection staff receive training appropriate to their functions, particularly in the field of safety, building construction, ventilation, sanitation and prevention of diseases and accidents. In addition, selected officers may be sent abroad for courses of special training.

*Article 8.* Women are eligible for appointment as labour inspectors.

*Article 9.* Duly qualified technical experts and specialists are associated in the work of inspection, particularly in the oilfields. The state medical officer and the state engineer are consulted whenever necessary.

*Article 11.* The provisions of this Article are applied.

*Articles 12 and 13.* The Government refers to section 3 (1) of the Labour Enactment, 1954, which it quotes, and to sections 4 (2) and (3) and 5 (a) and (b) which give effect to these two Articles of the Convention.

*Article 14.* According to the report effect is given to this provision of the Convention by sections 13 (1) and (2) of the Workmen's Compensation Enactment, 1957.

*Article 15.* The Government states that inspecting officers are public servants and as such are governed by the Sarawak General Orders, of which the Government quotes the relevant provisions giving effect to this Article.

*Article 16.* Workplaces are required to be inspected at least once a year.

*Articles 17 and 18.* The Government states that effect is given to this Article by sections 6 and 7 of the Labour Enactment, 1954.

*Article 19.* The inspectors submit periodical reports of their activities.

*Articles 20 and 21.* The Government states that a report covering all the activities of the Labour Department is published annually.

*Article 25.* The Government states that the labour inspection system covers commercial establishments.

#### *Fiji.*

Consideration will be given to the application of this Convention when experience of administering the Factories Ordinance has been gained and when the staff position of the Labour Department permits.

#### *Gambia.*

It is considered that the small number of industrial undertakings in respect of which legal provisions relating to the conditions of work and the protection of workers are enforceable does not warrant the appointment of special labour inspectors and, consequently, none has been appointed.

#### *Gibraltar (First Report).*

Factories Ordinance, 1956 (Cap. 170).  
Shop Hours Ordinance, 1952 (Cap. 118).  
Employment of Women, Young Persons and Children Ordinance, 1948 (Cap. 41).  
Regulation of Wages and Conditions of Employment Ordinance, 1953 (Cap. 159).  
Control of Employment Ordinance, 1956 (Cap. 163).

*Article 1 of the Convention.* A system of labour inspection is covered by the legislation cited above.

*Article 2.* Labour inspection applies to industrial undertakings. Those parts of transport undertakings which are not factories are excluded from inspection under the Factories Ordinance. There are no mines.

*Article 3.* The functions detailed in this Article are dealt with by labour inspectors. Where secondary duties are assigned to inspectors these do not interfere with the effective discharge of their inspection duties.

*Article 4.* The supervision and control of labour inspection is vested in the Director of Labour and Social Security.

*Article 5.* Co-operation is maintained with the Welfare and Safety Officers employed by the Defence Departments and other official employers, and with the trade unions and employers.

*Article 6.* All staff employed on inspection duties are permanent and pensionable employees of the Government.

*Article 7.* Labour inspectors are selected on the basis of personal qualities and qualifications and have to satisfy the normal conditions for entry to the public service. All have received training in the United Kingdom with the Labour Ministry and subsequent training is arranged where appropriate.

*Article 8.* Women are not ineligible for appointment to the inspectorate.

*Article 9.* The factory inspector has considerable technical experience but, where necessary, independent experts are called in to advise on specialised questions.

*Article 10.* Inspection under the Factories Ordinance is carried out by a specially trained factory inspector. The Senior Labour Officer, assisted by another officer who undertakes routine inspections, is responsible for all inspection other than under the Factories Ordinance.

*Article 11.* All the inspectors are based at the central office of the Department of Labour and Social Security. Transport facilities are adequate and such travelling expenses as are incurred by inspectors are reimbursed.

*Article 12.* Each of the Ordinances contains appropriate provisions to empower inspectors to enter workplaces and carry out inspections as provided for in this Article.

*Article 13.* Under section 44 of the Factories Ordinance a court of summary jurisdiction has the power, on complaint by an inspector, to make orders to remedy or prohibit dangerous conditions and practices.

*Article 14.* Accidents and occupational diseases must be notified under sections 71 and 73 of the Factories Ordinance.

*Article 15.* The provisions of this Article are applied by regulation.

*Article 16.* The aim of the programme of inspection is to inspect under the Factories Ordinance at least once a year and under the other labour Ordinances at least once every

two years. Complaints are investigated immediately.

*Articles 17 and 18.* Each of the Ordinances provides for penalties on conviction for offences.

*Article 19.* Labour officers make reports in all cases where infringements of the Ordinance are disclosed.

*Articles 20 and 21.* An annual report is published by the Department of Labour and Social Security. It contains the details called for by Article 21.

*Article 25.* All employees are protected by the Regulation of Wages and Conditions of Employment Ordinance; for commercial workplaces specifically there is the Shops Hours Ordinance.

#### *Guernsey.*

Safety of Employees (Electricity) Ordinance, 1956.

#### *Hong Kong (First Report).*

Factories and Industrial Undertakings Ordinance and Regulations, 1955.

Factories and Industrial Undertakings (Radiation) Special Regulations, 1957.

*Article 1 of the Convention.* Section 3 of the Ordinance provides for the appointment of such officers, including inspectors, as may be considered necessary for carrying out the purposes of the Ordinance.

*Article 2.* The Ordinance applies to industrial undertakings and mines, as defined. Transport undertakings which do not come under that definition, including the loading and unloading of ships, are exempted.

*Article 3.* The duties of the officers appointed to carry out the purposes of the Ordinance are to enforce its provisions, to advise employers and workers of the most effective ways of complying with the provisions, and to report defects or abuses not specifically covered by existing regulations. No duties that might interfere with these functions or prejudice the authority or impartiality of inspectors are entrusted to them.

*Article 4.* The Labour Inspectorate is responsible to the Commissioner of Labour.

*Article 5.* There is effective co-operation between the Inspectorate and other government services, employers and workers.

*Article 6.* Labour inspectors are appointed on probation for three years, at the end of which, subject to satisfactory performance of their duties, they are confirmed to the pensionable establishment of the Government. Their conditions of service are the same as for all other civil servants.

*Article 7.* Appointments of labour inspectors are made according to the standard procedure for all government appointments. Candidates must have reasonable academic qualifications and must be within certain age limits.

After appointment inspectors receive one year's full training in public health and in their second year of service intra-departmental training in industrial safety, health and welfare. At the same time they are attached, for training in inspection duties, to experienced in-

spectors. Progress examinations are held after the second and third years of service. Lectures are also given to all trained inspectors on new developments. Five inspectors have attended training courses in the United Kingdom and more are to be sent.

*Article 8.* Both men and women are eligible for appointment to the Inspectorate. In practice, women inspectors have carried out most of the work connected with the employment of women and young persons.

*Article 9.* Within the Inspectorate there are officers with qualifications and training in electrical, mechanical, structural and chemical engineering as well as in public health inspection. Co-operation is maintained with specialists in related fields in other government departments, and a medical officer, qualified in industrial and public health, is seconded with his staff by the Medical Department to the Labour Department where he holds the position of Industrial Health Officer.

*Article 10.* Under the responsibility of the Labour Officer (Industrial Undertakings), the Inspectorate comprises the Chief Labour Inspector, two Senior Labour Inspectors, 29 Labour Inspectors (five of whom are women) and an Industrial Training and Safety Officer.

*Article 11.* The Inspectorate has two fully equipped and accessible offices: the head office on Hong Kong Island and a branch office in Kowloon on the mainland. Both public transport and inspectors' private cars are used for travel, and the expenses are reimbursed.

*Article 12.* The powers provided for in this Article are conferred on inspectors by section 4 of the Ordinance and Regulation 15 (1) made under the Ordinance.

*Article 13.* The powers provided for in paragraph 2 are conferred on inspectors by Regulation 14 of the Factories and Industrial Undertakings Regulations.

*Article 14.* Industrial accidents are required by Regulation 11 to be notified. There are as yet no regulations to require the notification of cases of occupational disease. By administrative arrangement, however, the Industrial Health Officer is notified of suspected cases of occupational disease.

*Article 15.* This Article is applied by Colonial Regulations 44, 45 and 48, by General Orders 430, 440 to 442, and 452, and by Regulation 15 (4).

*Article 16.* Every factory is inspected at least once a year and follow-up inspections are made to check safety, health and welfare requirements. There are 3,843 registrable premises and during the year 22,917 inspections were made.

*Articles 17 and 18.* The general policy of the Inspectorate is to give verbal warnings and advice on the discovery of a breach of the law; when such warnings are ignored, prosecution is initiated. Certain offences of a deliberate nature are prosecuted immediately.

*Article 19.* All labour inspectors are required to submit monthly reports of their inspection activities.

*Articles 20 and 21.* The Annual Reports of the Commissioner of Labour include full information on the subjects listed in Article 21 with the exception of clause (g), in respect of which the declaration is modified.

*Jersey.*

The Government reports in particular on the activities of the full-time inspector who was appointed to supervise the application of the Safeguarding of Workers (Jersey) Act, 1956.

*Kenya (First Report).*

Factories Ordinance No. 38 of 1950 and subsequent Ordinances concerning application.  
Employment Ordinance (Cap. 109).  
Employment of Persons (Sanitation) Rules, 1949 (Government Notice No. 1145 of 1949).  
Employment of Women, Young Persons and Children Ordinance (Cap. 111).  
Regulation of Wages and Conditions of Employment Ordinance No. 1 of 1951.  
Workmen's Compensation Ordinance (Cap. 119), and Regulations of 1956.  
Mining Ordinance (Cap. 168).  
Mining (Safety) Regulations.  
Explosives Ordinance (Cap. 303), and Rules.  
Code of Regulations for Officers of the (Kenya) Government Service.  
Shop Hours Ordinance (Cap. 114).  
Mombasa Shop Hours Ordinance No. 26 of 1949.

*Articles 1 and 2 of the Convention.* Section 68 of the Factories Ordinance (safety and welfare in factories) provides for the appointment of factory inspectors, and there is also a wages inspectorate (Wages and Conditions of Employment Ordinance). A system of inspection applies to all industrial workplaces and other places of employment. No exemptions have been made; the health, safety and welfare of workers in mines and quarries are supervised by a Mines Inspectorate.

*Article 3.* The functions of the labour inspection system are precisely as specified in paragraph 1. Paragraph 2 is also applied.

*Article 4.* Enforcement of the first six legislative texts mentioned above is carried out by the Labour Department (Ministry of Education, Labour and Lands). The Mines and Geographical Department (Ministry of Commerce and Industry) is responsible in respect of the regulations concerning mining and explosives.

*Article 5.* The co-operation required is maintained at the national, provincial and district levels. Joint inspections are frequently carried out, for example with the mines and quarries authorities, with the railways and harbours administration (ports) and with health inspectors as regards housing and hygiene.

*Articles 6 and 7.* Factory inspectors are appointed by the Secretary of State for the Colonies at a salary scale according to their qualifications. Other inspection staff are almost invariably appointed locally by the Kenya Civil Service Commission. The conditions of service of all staff are laid down in the Kenya Government's Code of Regulations. The Government confirms that the requirements of Article 6 of the Convention are fulfilled. Recruitment is by qualifications for the work, but a general aim is also to associate, as far as possible, the indigenous population with the

operation of the inspection services. Non-African officers must qualify in the Swahili language during their first two years of service. Training, where necessary, is given by the immediate superior officer; it is closely supervised by provincial and headquarters staffs. Special courses for subordinate inspectors are held at intervals at the Labour Department's headquarters and consideration is being given to putting this training on a more systematic basis. Labour officers on leave in the United Kingdom attend, during two-and-a-half months, intensive courses in London dealing with the functions of overseas labour departments.

*Article 8.* There are at present two women officers, one specially dealing with the employment of women and juveniles.

*Article 9.* The staff of the Labour Department includes a medical officer and personnel qualified in chemistry and mechanical and electrical engineering, all of whom are associated in the work of the inspectorate. The services of other specialised staff of the Government are also sought for technical inspections.

*Article 10.* The headquarters staff of the Labour Department's inspection services consists of a Labour Commissioner and a Deputy Labour Commissioner, and of five other senior officers. The field inspection services include factory inspectors, labour officers and inspectors and wages inspectors, a total of 70 officers. A senior labour officer is in charge of each of five regions, and within these regions there are 18 labour offices, each under a labour officer. The Government's report gives details of the distribution of the field staff. Inspection concerned with mines and explosives is based on three centres; there are four inspectors of mines and four inspectors of explosives.

*Article 11.* The Government's report confirms the application of all the requirements of this Article. The Labour Department maintains a motor vehicle at each of its stations for the use of inspectors who have no other means of transport.

*Articles 12 and 13.* The legislation and regulations contain provisions which together provide for the powers of inspectors laid down in these Articles to be applied, where appropriate, in both industrial and non-industrial workplaces. Relevant sections of the legislation are referred to in the Government's report.

*Article 14.* Section 14 (1) of the Workmen's Compensation Ordinance requires that the nearest available competent authority be notified of industrial accidents; the Ordinance applies not only to industrial workers but to workmen as defined in it. Sections 35 to 41 of the Ordinance deal similarly with occupational diseases. The Factories Ordinance, 1950, requires every factory to keep a register showing the prescribed particulars of the accidents and occupational diseases which are to be notified (section 65 (1) (d)). A special additional provision for accident notification is contained in the Mining Ordinance and the Explosive Rules.

*Article 15.* The application of clause (a) of this Article is ensured by the Kenya Government's Code of Regulations and by Part I of



the Colonial Regulations (Colonial Office). The Factories Ordinance (section 56 (4)) and the Wages and Conditions of Employment Ordinance (section 20 (3)) cover clause (b), and all inspectors are bound by the Official Secrets Acts to respect its requirements. Clause (c) is applied in practice and procedure for dealing with complaints is laid down.

*Article 16.* The general aim is to inspect all major industrial undertakings and those subject to wage regulation orders at least once a year. Frequent instructions are issued as to adequate inspection visits.

*Articles 17 and 18.* The Government confirms that the provisions of Article 17 are applied, and it cites various legislative texts which deal with penalties for infringement of the Ordinances, including penalties for obstructing inspectors.

*Article 19.* The Government describes the procedure of detailed reporting on inspection activities required of labour and wages inspectors at regional levels, and of monthly reporting from field stations to headquarters. Copies of the numerous forms used for these reports accompany the Government's report.

*Articles 20 and 21.* The International Labour Office receives the Annual Reports of the Labour Department (which contain detailed information on the work of the inspection services). The Government states that it is the intention to include statistics of inspection visits in future reports.

*Articles 22 to 24.* These Articles (Part II) have been declared excluded from the Government's acceptance of the Convention, but the report contains information on the application of Articles 3 to 21 to commercial workplaces.

*Article 26.* The decisions on the question of application are made by the competent authority and are generally given effect to in the legislation.

*Article 29.* By virtue of the Factories Ordinance (Postponement of Application) Order, 1951, the Factories Ordinance applies as regards certain specified areas only to factories in which ten or more persons are employed or which are situated within the boundaries of townships. The legislative texts designating the areas concerned are quoted in the Government's report which also explains the reasons for these provisions. The Employment Ordinance and other labour ordinances have not this restriction on their application, but for practical reasons certain areas are not subject to regular inspection visits.

#### *Malta (First Report).*

Order No. 1 of 1950 (concerning inspectors).  
Conditions of Employment (Regulation) Act, 1952.  
National Insurance Act, 1956.

*Article 1 of the Convention.* A number of inspectors appointed for the purpose of enforcing labour laws are attached to the Department of Emigration, Labour and Social Welfare.

*Article 2.* All industrial workplaces are liable to inspection. No exceptions have been made.

*Article 3, paragraph 1 (a).* The report refers to section 3 of Order No. 1 of 1950, section 28

(2) of the Conditions of Employment (Regulation) Act, 1952, and section 49 (1) of the National Insurance Act, 1956.

Paragraph 1 (b) and (c). The Government states that these sub-paragraphs are applied.

*Article 4.* The Department of Emigration, Labour and Social Welfare, which administers the foregoing legislation, supervises and controls labour inspectors.

*Article 5.* The Government states that arrangements exist whereby both employers and workers may attend at the Labour Division of the Department to have difficulties as to the interpretation or requirements of the law explained to them or to submit complaints.

*Article 6.* The inspecting staff is composed of civil servants on the permanent establishment.

*Article 7.* Inspectors are recruited by competition and their aptitudes and qualifications are taken into consideration at the time of recruitment. On appointment, inspectors undergo a course of theoretical and practical training before taking up their duties. Staff training facilities for labour inspectors also exist in the United Kingdom.

*Article 8.* There is one woman labour inspector.

*Article 9.* A technical officer on the permanent staff of the Department is entrusted with the enforcement of the legal provisions relating to the protection of the health and safety of workers. A number of technical experts also help the Department as examiners of steam boilers and machinery and gear on board vessels for the purposes of the Dock Safety Regulations.

*Article 10.* The inspecting staff consists of one senior labour officer, one technical officer and ten labour officers.

*Article 11.* The Government states that adequate arrangements are made to implement this Article.

*Article 12.* The Government refers to sections 6 and 3 of Order No. 1 of 1950, section 49 of the National Insurance Act, 1956, and section 28 of the Conditions of Employment (Regulation) Act, 1952.

*Article 13.* The Government states that the procedure is for the labour officer to draw the attention of an employer to any irregularity detected in the course of his visit and to tender advice thereon. The employer is also invited by letter to remedy these defects, usually within a time limit. If he fails to comply action in court is taken against him.

*Article 14.* The Department is notified of industrial accidents and occupational diseases.

*Article 15.* This Article is applied.

*Article 16.* All workplaces are inspected at least once a year.

*Article 17.* Recourse to the courts to enforce labour legislation is only had by the Department when persuasion fails.

*Article 18.* The Government refers to the legal provisions which implement this Article of the Convention.

*Article 19.* Inspectors are housed in one central office in Valletta and submit daily reports



on their activities. The Government transmits a form of report.

*Article 20.* The Department publishes a report on its activities every year.

*Mauritius (First Report).*

Labour Ordinance (Cap. 214, as subsequently amended).

Factories Ordinance No. 42 of 1946.

Workmen's Compensation Ordinance (Cap. 220, as subsequently amended).

Trade and Industries Ordinance No. 65 of 1951.

*Articles 1 to 3 of the Convention.* Section 3 of the Factories Ordinance and section 21 of the Labour Ordinance are the main provisions covering the requirements of these Articles of the Convention. The report states that no undertakings are exempted and that inspectors have no duties additional to that of labour inspection.

*Articles 4 and 5.* The central authority is a Labour Commissioner (head of the Labour Department). The report states that the provisions of Article 5 are complied with through the staff of the Labour Department.

*Article 6.* All inspection staff are government servants on pensionable establishment.

*Articles 7 and 8.* Officers should have a knowledge of labour laws and of rural matters and field works. The initial training is given by supervisors, followed by attendance at the Labour Officers' course at the Ministry of Labour in the United Kingdom. A female Labour Officer is attached to the inspectorate staff.

*Article 9.* The report refers to Part VI of the Labour Ordinance, which lays down detailed provisions concerning the physical welfare of estate labourers. Application of the provisions is supervised by a Medical Officer, and various sections of the Ordinance provide for association with the Commissioner of Labour staff. Reference is also made to regulations under the Factories Ordinance and the Trade and Industries Ordinance, as providing for the application of Article 9.

*Article 10.* There are six Labour Officers and nine Labour Inspectors responsible for ensuring the application of the legal provisions. For other information relevant to Article 10, the report refers to the Annual Report of the Labour Department, which indicates that the Article is fully applied.

*Article 11.* Inspection officers attend at offices situated in suitable and accessible places, at convenient hours on fixed days of the week, for the purpose of recording complaints, and all expenses incurred by them in the performance of their duties are refunded by the Government.

*Article 12.* Various sections of the Labour Ordinance and section 16 of the Factories Ordinance provide scope for the application of Article 12. The report states that the Article is being applied and also that the recommendation of the Committee of Experts in respect of Article 4 of Convention No. 85 (paragraph 1 (c) (iv) of Article 12)) has been noted for action.

*Article 13.* Sections 126 to 129 of the Labour Ordinance give powers of the kind required under Article 13, and regulations under the Factories Ordinance and the Trade and Industries Ordinance provide for the application of the Article.

*Article 14.* Notification of accidents is provided for by section 17 of the Factories Ordinance and section 4 of the Workmen's Compensation Ordinance. The report states that measures are being taken regarding occupational diseases.

*Article 15.* The recommendation of the Committee of Experts concerning written regulations governing inspectors' code of conduct has been noted for necessary action.

*Article 16.* According to the report workplaces are visited at least four times a year.

*Articles 17 and 18.* Various sections of the Labour Ordinance and the Factories Ordinance provide for proceedings and penalties in respect of infringements of the legal provisions and for obstructing labour inspectors in the performance of their duties.

*Articles 20 and 21.* The Annual Report of the Labour Department for 1956 contains information on the activities of the inspection services and on all the matters mentioned in Article 21.

*Articles 22 to 24.* A declaration of exclusion has been made, but the Government states that these Articles are being applied.

*Montserrat.*

Labour Ordinance, 1950.

Labour (Amendment) Ordinance, 1954.

Economic circumstances do not permit the setting up of a labour department under which inspection could function. For financial reasons no labour commissioner has been appointed under the Labour Ordinance. Renewed consideration is being given to such an appointment for a limited period and, in the meantime, the Labour Commissioner of either Antigua or St. Christopher is invited to visit the territory when his help and advice are needed.

*North Borneo (First Report).*

Labour Ordinance, 1949 (Cap. 67), as amended by the Labour (Amendment) Ordinance, 1955, and the Labour (Amendment) Ordinance, 1957.

Machinery Ordinance, 1920 (Cap. 75).  
Workmen's Compensation Ordinance No. 14 of 1955, as amended by the Workmen's Compensation (Amendment) Ordinance, 1957.

*Article 1 of the Convention.* This Article is applied by sections 4 and 5 of the Labour Ordinance, 1949 (Cap. 67) and sections 6, 12 and 13 of the Machinery Ordinance (Cap. 75).

*Article 2.* No undertakings or parts of undertakings have been exempted.

*Article 3.* No duties additional to those set out in paragraph 1 are entrusted to labour inspectors.

*Article 4.* Labour inspection and machinery inspection are both under the control of the Commissioner of Labour and Welfare.

*Article 5.* There is full co-operation between the Labour Inspectorate and other govern-

ment departments, as well as with the employers and workers.

*Article 6.* All inspection staff are government officers.

*Article 7.* The Government prescribes the procedure for the recruitment of inspectors and the qualifications required of them. On recruitment, inspectors are given a course of training.

*Article 8.* At the moment there are no women inspectors.

*Article 9.* In the event of any technical matter not being within the competence of an inspector, the aid of the appropriate technical government department is sought.

*Article 10.* The details regarding the number of inspectors are given in the Annual Reports of the Labour Department.

*Article 11.* Transport and other facilities are provided for labour inspectors, and their travelling expenses are reimbursed in full.

*Article 12.* See sections 4 and 5 of the Labour Ordinance, 1949 (Cap. 67).

*Article 13.* Under section 3 (1) and/or section 4 (4) of the Labour Ordinance, the Commissioner of Labour issues the necessary orders or recommendations. In cases of urgency these are notified direct to the employer by the inspector and confirmed by the Commissioner in writing.

*Article 14.* Sections 13 and 5 of Workmen's Compensation Ordinance No. 14 of 1955 provide respectively for the notification of accidents and occupational diseases.

*Article 15.* Under section 125 of the Labour Ordinance all inspectors are considered to be public servants. Clause (a) of this Article is covered by G.O. 121 and 122. Clause (b) is ensured by the undertaking which all government officers sign on appointment. Clause (c) is ensured by departmental administrative orders.

*Article 16.* Inspections are carried out as often as possible.

*Article 17.* All penalties are enforceable without previous warning. By departmental administrative order it is left to the discretion of inspectors to comply with this part of the Article, but the Commissioner of Labour must be immediately informed.

*Article 18.* This Article is applied by sections 7, 16, 33, 42, 54, 69, 95, 99, 120 and 123 of the Labour Ordinance, section 22 of the Machinery Ordinance and section 13 of the Workmen's Compensation Ordinance No. 14 of 1955.

*Article 19.* Inspection reports are submitted to the Commissioner of Labour immediately after an inspection is carried out.

*Articles 20 and 21.* Reference is made to the Annual Reports of the Labour Department.

*Article 25.* All the Ordinances referred to apply equally to commercial workplaces.

*St. Christopher-Nevis-Anguilla.*

The Labour Ordinance 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, and a draft amendment to the Ordinance is being considered.

*St. Helena (First Report).*

The number of industrial workplaces on the island is so small and the number of employees relatively few that the appointment of inspectors with the duties envisaged in the Convention is not justified.

*St. Lucia.*

The Labour Commissioner, his Assistant and the Senior Officer of the Labour Department are authorised inspectors and perform this service in conjunction with their other duties.

*Sarawak (First Report).*

Labour Ordinance No. 24 of 1951 (L.S. 1951—Sar. 1).

*Articles 1 and 2 of the Convention.* No undertaking or part of an undertaking is exempted from the application of the Convention.

*Article 3.* The duties of the labour inspectors are those set out in paragraph 1 of this Article.

*Article 4.* Chapter II of the Labour Ordinance of 1951 provides that the Labour Inspectorate shall be placed under a central authority.

*Article 5.* The Government states that, owing to the conditions existing in Sarawak, and particularly the absence of large factories, the inspection staff co-operates with employers and workers. Generally speaking, the labour inspector is the district officer. As such, he largely controls other government services.

*Article 6.* The labour inspection staff is composed of permanent public officials whose status assures them of stability.

*Article 7.* The Government states that in view of the present state of economic development in Sarawak there is no need for labour inspectors with qualifications similar to those in the more industrialised countries. However, the officials called upon to act as labour inspectors receive theoretical and practical training, concerned mainly with safety matters. They may also be sent abroad for special training courses.

*Article 8.* Women as well as men are eligible for appointment to the inspection staff.

*Article 9.* Duly qualified technical experts and specialists are associated in the work of inspection (e.g. experts in safety and health, particularly in the oilfields).

*Article 10.* The Government refers to its remarks on Article 7.

*Article 11.* Effect is given to this Article.

*Articles 12 and 13.* The Government refers to the provisions of the Labour Ordinance which give effect to the Convention (sections 3 (1), 4 (1), (2) and (3), and 5 (a) and (b)).

*Article 14.* The Government refers to the provisions of the Labour Ordinance which give effect to the Convention (section 13 (1) and (2) of the Workmen's Compensation Ordinance, 1956).

*Articles 15 and 16.* The Government states that all inspecting officers are public servants (section 125 of the Labour Ordinance), and that they are also employed under the terms of the General Orders of the Government of Sarawak, which are quoted by it. Workplaces are required to be inspected at least once a year.

*Articles 17 and 18.* Sections 6 and 7 of the Labour Ordinance give effect to the provisions of these Articles of the Convention.

*Article 19.* Labour inspectors submit periodical reports to the Commissioner of Labour.

*Articles 20 and 21.* The Government states that a labour report covering all activities of the Labour Department, including a general report on the work of the inspection service, is published annually.

*Article 25.* The Labour Ordinance applies equally to commercial and industrial establishments.

#### Sierra Leone.

Wages Boards Ordinance (Cap. 258 of the Laws of Sierra Leone, 1946 Edition), as amended by Ordinances of 1947 (Nos. 15 and 30) and 1952 (No. 3).

Wages Boards (Mining Workers) Rules, 1946, as amended in 1946; Maritime and Waterfront Workers, 1947; Printing Trade Workers, 1953 (Public Notices Nos. 12 and 89 of 1946, 229 of 1947 and 79 of 1953, respectively).

Employers and Employed Ordinance (Cap. 70 of the Laws of Sierra Leone, 1946 Edition).

Machinery (Safe-Working and Inspection) Ordinance (Cap. 134 of the Laws of Sierra Leone, 1946 Edition).

Machinery (Safe-Working and Inspection) Rules (Public Notices Nos. 59 of 1943, 72 of 1944 and 107 of 1946) (Laws of Sierra Leone, 1946 Edition, Vol. III, p. 618).

Workmen's Compensation Ordinance No. 18 of 1954 (L.S. 1954—S.L.1).

Workmen's Compensation (Notification of Injuries) Rules, 1955 (Public Notice No. 26 of 1955).

*Articles 1 to 3 of the Convention.* The Government states that labour inspectorates exist in the Labour Department and the Mines Department. The legislation and rules give effect to Article 2, paragraph 1 (advantage has not been taken of the permissive exceptions under paragraph 2). Article 3 is applied in practice, inspectors being wholly or mainly engaged on inspection work or work ancillary to it.

*Article 4.* The central inspection authority is the Labour Department, but the Mines Department is responsible for inspections under the Machinery Ordinance, and the Railway Department is responsible for the safety of boilers in that department.

*Article 5.* The Government explains how co-operation between departments responsible in labour inspection matters takes place as a matter of course. Workers and their organisations are encouraged to make use of the services of inspectors; for example, posters issued under Ordinances state where the inspectors are stationed.

*Articles 6 to 8.* Every member of the labour inspectorates is an established civil servant. The provisions of Articles 6 and 7 are respected. The theoretical and practical training given to new wage inspectors is fully described in the report, as are also the academic qualifications

and practical experience required of mines inspectors (who also carry out machinery inspection in general). Women are eligible for appointment to the inspection staff but so far no woman has been appointed.

*Article 9.* Co-operation between all departments concerned with any aspect of inspection is a normal procedure. The Medical Department is responsible for public health, housing and related matters in labour health areas.

*Article 10.* The Government states that close watch is kept on these requirements. On 31 December 1957 there were five machinery and 11 other labour inspectors on the staff, excluding medical officers.

*Article 11.* Inspectors are based at headquarters and at regular intervals they make treks to provincial centres, in a few of which there are also local officers. Transport for labour inspection is an important item in the travelling vote of the department concerned, and the provision laid down in paragraph 2 of Article 11 is observed.

*Articles 12 and 13.* The Wages Boards Ordinance (section 23) and the Machinery Ordinance (section 11) give inspectors the powers mentioned in Article 12. Under the Machinery Ordinance machinery inspectors may resort to appropriate powers of the kind mentioned in Article 13.

*Article 14.* Application is provided for in the Machinery Ordinance Rules and the Workmen's Compensation Ordinance and Rules.

*Article 15.* Sections 44, 45 and 49 of the Colonial Regulations, to which all public servants are subject, cover clause (a) of this Article. Clause (b) is applied in respect of wages inspectors under section 27 of the Ordinance, and the Government states that it is proposed to provide similarly for machinery inspectors by an amendment of the Machinery Ordinance. Clause (c) is applied in practice.

*Article 16.* It is stated in the report that the whole inspection organisation is designed for this purpose.

*Articles 17 and 18.* Legal proceedings and penalties in cases of violation of the legal provisions are provided for in the legislation. The policy is to get compliance by persuasion and to regard legal action as a last resort.

*Articles 19 to 21.* Inspection reports must be submitted soon after the inspection is made; wage inspectors use special forms. An account of the work of the services is included in the 1955 Annual Report of the Labour Department and the 1956 Annual Report of the Mines Department. As far as possible the information covers the matters mentioned in Article 21.

Part II of the Convention is excluded in the declaration of ratification, but the Government states that the law and practice relate to commerce as well as to industry.

#### Singapore (First Report).

Machinery Ordinance (Cap. 223).

Labour Ordinance No. 40 of 1955.

Shop Assistants Employment Ordinance No. 13 of 1957.

Clerks Employment Ordinance No. 14 of 1957.

Workmen's Compensation Ordinance.

*Article 1 of the Convention.* A section of the Labour Department of Singapore is entrusted with labour inspection in industrial workplaces.

*Article 2.* The system of labour inspection applies to all workplaces in respect of which labour inspectors are entrusted with the enforcement of legal provisions relating to conditions of work and the protection of workers. No exceptions are made and even the armed services are subject to inspection.

*Article 3.* Labour inspectors are entrusted with the duties listed in subparagraphs (a), (b) and (c) of paragraph 1. They do not have any other duties.

*Article 4.* Labour inspection is under the supervision of a central authority, i.e., the Commissioner for Labour.

*Article 5.* There is co-operation between the inspection services and other government departments. There is also collaboration between officials of the Labour Inspectorate and employers' and workers' organisations.

*Article 6.* Inspection staff are public officials with stability of employment and are independent of changes of government.

*Article 7.* The Permanent Secretary (Establishment), in conjunction with the Public Service Commission, ensures compliance with this Article. At the time of their appointment all inspectors serve a three-year probationary period and are attached to experienced serving officers for training and observation. During this period they are required to pass a language examination and an examination on the general laws administered by the Labour Department.

*Article 8.* Women as well as men may be appointed to the inspection staff. At present, the Department employs one woman labour inspector.

*Article 9.* As the Labour Department itself does not have the services of technical experts and specialists, it resorts to the assistance of other government departments with such qualified staff.

*Article 10.* The inspection staff consists of 25 labour officers and five inspectors of factories. The Government states that, generally speaking, 70 per cent. of all establishments in Singapore are visited once a year.

*Article 11.* The provisions of this Article are complied with.

*Article 12, paragraph 1.* The provisions of this paragraph are complied with. The Government refers to sections 137 and 139 of Labour Ordinance No. 40 of 1955.

Paragraph 2. This provision is covered by section 138.

*Article 13.* Labour inspectors are not empowered to remedy defects observed in the course of their visits, but they have the right to bring such matters to the attention of the competent authority for appropriate action.

*Article 14.* The Commissioner for Labour is notified of all cases of industrial accidents and occupational diseases.

*Article 15, clause (a).* It is one of the disciplinary regulations of the Government of

Singapore that no public servant shall directly or indirectly be concerned in the management or proceedings of any industrial, agricultural or commercial undertaking.

Clause (b). This is covered by section 141 of Labour Ordinance No. 40 of 1955.

Clause (c). This provision of the Convention is complied with.

*Article 16.* Workplaces are inspected as often as possible.

*Article 17.* This Article is complied with.

*Article 18.* This is covered by sections 145 and 146 of the Labour Ordinance.

*Article 19.* The inspecting staff submits reports to the Assistant Commissioner for Labour (Enforcement) after every inspection.

*Articles 20 and 21.* The Government refers to the Annual Report of the Labour Department.

*Article 22.* A system of labour inspection exists in commercial workplaces and shops.

*Articles 23 and 24.* The Government states that these Articles are complied with.

#### Swaziland.

Neither the industrial nor the commercial development of the territory would justify the organisation of a labour inspection system at the present time. A decision regarding the application of the Convention has therefore been deferred.

The first steps in the creation of a labour department have, however, been taken with the appointment of a labour officer.

#### Zanzibar.

Labour Decree of 1946, as amended by Decrees Nos. 25 of 1951, 10 of 1952, 27 of 1955 and 2 of 1957.

Factories (Supervision and Safety) Decree, 1943.

*Article 2 of the Convention.* No specific exemption has been made.

*Article 4.* Section 62 of the Labour Decree empowers labour inspectors to carry out inspections.

*Article 5.* Co-operation with other government services, institutions, employers and workers has been satisfactory.

*Article 6.* All labour inspectors are employed by the Government on a permanent basis.

*Article 7.* Labour inspectors are recruited and selected from a panel of men who have reached a reasonably high standard of education and whose character has been accepted as satisfactory.

The labour inspectors are trained by experienced Labour Officers and, wherever practicable, they are afforded the opportunity of attending special courses.

*Article 9.* There are no technical experts or specialists on the inspection staff, but technical advice from such persons is easily obtainable when necessary.

*Article 10.* There are four labour inspectors but none are technical experts or specialists.

*Article 11.* The labour inspectors' office is located in the central part of the main town of

Zanzibar. Adequate means of transport are placed at the disposal of the inspectors and their travelling and incidental expenses are reimbursed.

*Article 13.* Under section 62 of the Labour Decree the labour inspectors possess most of the powers referred to in this Article. They are assisted by medical officers having similar powers.

*Article 14.* Section 31 (1) of the Labour Decree requires employers to notify the Labour Inspectorate of death or injury resulting from accidents but not of occupational diseases.

The Workmen's Compensation Decree No. 27 of 1957, which is not yet operative, contains provisions for the notification of occupational diseases.

*Article 16.* All workplaces are inspected at least once a year.

*Article 18.* Section 64 of the Labour Decree provides for penalties.

*Article 19.* The reports of labour inspectors are compiled in a quarterly bulletin which is issued by the Labour Office.

*Article 24.* The powers of labour inspectors

are limited to workplaces where "servants", and "plantation workers", as defined in section 2 of the Labour Decree, are employed. This excludes commercial workplaces.

*Article 25.* The remarks under article 24 are applicable.

\* \* \*

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

*France* (Togoland), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, Brunei, Fiji, Gambia, Gibraltar, Guernsey, Kenya, Malta, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Lucia, Sarawak, Singapore, Swaziland, Zanzibar).

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), *Italy* (Trust Territory of Somaliland), *United Kingdom* (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 : 27 January 1955.

*France.* Ratification : 26 July 1954.  
Applicable with modification : Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 26 July 1954.

Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : Algeria.

*New Zealand.* Ratification : 19 June 1954.  
Applicable with modification : Cook Islands and Niue, Tokelau Islands : 19 June 1954.  
Decision reserved : Western Samoa : 19 June 1954.

*United Kingdom.* Ratification : 27 March 1950.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey and Isle of Man : 27 March 1950.

Applicable without modification : Aden, Antigua<sup>2</sup>, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica<sup>2</sup>, Gambia, Gibraltar, Grenada<sup>2</sup>, Jamaica<sup>2</sup>, Malta, Mauritius, Montserrat<sup>2</sup>, Northern Rhodesia, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Southern Rhodesia : 27 March 1950.

Applicable with modification : Barbados<sup>2</sup>, Basutoland, Bechuanaland, Brunei, Cyprus, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Kenya, Nigeria, North Borneo, Nyasaland, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>2</sup>, Uganda, Zanzibar : 27 March 1950.

Sarawak : 23 February 1959.

No declaration : British Somaliland.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Decree of 10 June 1958 to amend the decrees respecting contracts of employment consolidated by Royal Order of 19 July 1954.

Ordinance No. 22/13 of 4 January 1958 to implement the consolidated decrees respecting contracts of employment.

Legislative Ordinance No. 22/457 of 31 December 1957 respecting workers' invalidity allowances. Ordinance No. 22/442 of 28 December 1957 to implement the Decree of 16 April 1957 respecting the maintenance of unemployed non-Natives.

Legislative Ordinance No. 22/456 of 31 December 1957 to amend the Decree of 6 June 1956 respecting workers' pensions in the Belgian Congo and Ruanda-Urundi.

Ordinance No. 22/253 of 24 August 1957 to implement the Decree of 10 September 1956 respecting labour secretariats.

Legislative Ordinance No. 22/251 of 20 August 1957 to amend the Decree of 1 August 1949 prescribing compensation for workers in the Belgian Congo and Ruanda-Urundi in respect of industrial accidents and occupational diseases.

Ordinance No. 22/250 to fix the basic ration used in calculating family allowances for workers in the Belgian Congo and Ruanda-Urundi.

Decree of 19 May 1958 to establish the Workers' Family Allowances Equalisation Scheme in the Belgian Congo and Ruanda-Urundi (section 56 deals with Ruanda-Urundi).

Ministerial Order of 22 May 1958 respecting the affiliation of employers to the Workers' Family Allowances Equalisation Funds in the Belgian Congo and Ruanda-Urundi.

Ministerial Order of 13 June 1958 to define the status of the Central Workers' Family Allowances Equalisation Fund for the Belgian Congo and Ruanda-Urundi.

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

<sup>2</sup> Federation of the West Indies.

Ordinance No. 22/394 of 4 December 1957 to fix public holidays.

Ordinance No. 22/395 of 4 December 1957 to make exceptions to the hours of work regulations in travel and transport agencies.

Decree of 14 March 1957 respecting the limitation of hours of work, and rest on Sundays and public holidays (L.S. 1957—Bel.C.3).

Legislative Ordinance No. 22/103 of 28 February 1958 to amend the Decree of 14 March 1957 respecting the limitation of hours of work, and rest on Sundays and public holidays.

Ordinance No. 22/199 of 13 May 1958 to make exceptions to the hours of work regulations in respect of certain classes of intermittent workers.

Legislative Ordinance No. 22/290 to prescribe the conciliation and arbitration procedure in collective labour disputes.

Ordinance No. 22/174 of 29 April 1958 to appoint the members of the Advisory Committee on Apprenticeship set up by Decree of 23 July 1957.

Royal Order of 24 December 1957 to fix contributions in respect of salaried employees' family allowances.

*Article 7 of the Convention.* The report indicates the action taken under a Decree of 10 May 1957 to control migratory movements.

*Article 8.* Under two Decrees issued on 23 July 1957 co-operative associations formed under the Decree of 24 March 1956 are completely exempted from personal and income taxes during the five years following the granting of official approval.

*Article 9.* Since 1 January 1957 minimum wages have been calculated on the basis of a married worker's needs.

*Article 19.* The Government intends to fix a school-leaving age as soon as education becomes compulsory. It is not therefore practicable to forbid the employment of children below this age during school hours.

The consolidated Decrees respecting contracts of employment prohibit the recruitment or engagement of children under 12 years of age, or of persons under 16 years of age unless they have their parents' permission and a special permit from the Labour Inspectorate.

The Decree of 14 March 1957 respecting the limitation of hours of work stipulates that juveniles under 16 years of age may not be employed for more than nine hours a day and their working day must be divided by a break of not less than one hour.

#### France.

#### Comoro Islands.

*Article 19 of the Convention.* The equipment of three already existing apprenticeship centres has been installed in one. Training lasts a total of four years. The first candidates will be tested for the certificates of occupational ability and may be placed in undertakings from 1960.

#### New Caledonia.

*Article 19, paragraph 1, of the Convention.* A set of rules for apprenticeship, as well as a list of undertakings in which a ratio of apprentices to the total number of workers is compulsory, was drawn up in February 1958.

#### United Kingdom.

#### Aden.

In reply to a request by the Committee of Experts the Government has supplied the following information.

*Article 15, paragraph 1, of the Convention.* No provision is made or contemplated for the issue to workers of statements of wage payments. A large percentage of the workers is illiterate and such statements would have little meaning for them. Only a few important employers keep wage records other than those relating to the legal minimum wage, and to insist upon the issue of wage payment statements would not only add to the costs of the small employer at a time when trade is in recession but bring to a standstill his modest administrative arrangements.

*Article 16.* Section 23 (a) of the Minimum Wages and Wages Regulation Ordinance in effect limits the amounts of the advance which can be made to the amount earned during the first complete wage period. Inspection has shown that this provides adequate protection at the moment, and no further measures are proposed.

*Article 19, paragraphs 2 and 3.* At present nearly all Aden-born children of school age are provided with a four-year course, which they enter at the age of seven plus. As nearly all these children remain at school until the end of the course, the school leaving age is *de facto* though not *de jure*, 11 plus. It is hoped that when a seven-year course commencing at the age of seven plus has been provided for all Aden-born children, the *de facto* school leaving age would be raised to 14 plus.

#### Antigua.

In reply to a request by the Committee of Experts the Government states that the drafting of new legislation giving full effect to Article 16 of the Convention is being considered.

#### Barbados.

*Article 19 of the Convention.* Under section 22 of the Education Act the Education Board was given power to make rules and regulations. No regulations have, however, been made.

#### Basutoland.

*Article 18, paragraph 1 (b), of the Convention.* There is no discrimination on the grounds of race, colour, belief, tribal association or trade union affiliation. As regards discrimination on the grounds of sex this does not exist in those fields where women may appropriately be employed. Thus, in the clerical section of government service, women clerks are employed and they are freely employed in commerce.

Paragraph 1 (c). As regards the conditions of engagement and promotion the question of discrimination does not arise except in so far as special conditions safeguarding women in employment are concerned.

Paragraph 1 (d). Opportunities for vocational training are provided by the Government through courses and night classes held under the auspices of the Education Department. There is no discrimination.

Paragraph 1 (e) to (h). There is no discrimination.

Paragraph 1 (i). Wage rates differ for Basuto and non-Basuto. This is due to the fact that only Basuto can be permanently

domiciled in the territory, while the others receive a pay differential which takes into account the fact that this category, being away from home, cannot raise livestock or plough the land.

*Article 19*, paragraphs 2 and 3. It has not been possible to enact legislation prescribing a school-leaving age. Many students are adult, and while public opinion is gradually hardening against the practice of employing young boys of school age as cattle herds, it has not reached the stage where legislation is either practicable or desirable. Almost without exception schools are filled to capacity and in many cases are overcrowded.

#### *British Guiana.*

*Article 9 of the Convention.* A family living study which began in 1955 was conducted by an expert from the I.L.O. A report by the expert was released by the Government and a new consumer price index, based on the methods recommended in the report, has been introduced.

#### *British Honduras.*

*Article 19*, paragraph 2, of the Convention. In reply to a request by the Committee of Experts, the Government states that section 12 of the Education Ordinance No. 14 of 1926 empowers the Governor, with the advice of the Board of Education, to declare any area to be a compulsory attendance area; the age limit for attendance at schools in such areas is from six years to not less than 12 and not more than 14. Under the Education Ordinance, since 1945 rules have been made by the Board of Education prescribing an upper age limit of 14 years for all children. At government and government-aided schools attendance is compulsory within a radius of approximately two miles from the school. The existing schools are situated within the populated areas of the country.

#### *Cyprus.*

*Article 7 of the Convention.* A town and country law is under consideration.

Under the law density of development is controlled and legislation is being contemplated to prevent overcrowding of existing buildings.

*Article 19.* Four new technical schools have been opened, including a Technical Institute for secondary and post-secondary education. A new Teachers' Training College for men and women was opened in Nicosia in January 1958.

#### *Fiji.*

Factories Ordinance No. 13 of 1955.

Factories (Health, Safety and Welfare) Regulations, 1957.

Labour (Amendment) Ordinance No. 16 of 1957.

Workmen's Compensation (Amendment) Ordinance No. 30 of 1957.

Industrial Disputes (Arbitration and Inquiry) Ordinance No. 2 of 1958.

#### *Gambia.*

*Article 15*, paragraph 1, of the Convention. It is customary for salaried staffs to receive salary

statements; no provision is made for daily wage employees.

*Article 16.* So far as government salaried staffs are concerned, advances on wages are limited by financial instructions to a maximum of one month's salary subject to certain conditions. Repayment is usually made in six equal and consecutive monthly instalments. Advances are not made to daily wage employees. Similar practices are followed by commercial firms. There are no legal sanctions.

*Article 19*, paragraphs 2 and 3. There is no statutory school-leaving age and its enforcement over the greater part of the territory, where registration of birth is non-existent or voluntary, would be impossible. There is no statutory prohibition of the employment of children during school hours (school attendance is not compulsory) but the employment of children under 14 years of age in industrial undertakings or shops is prohibited. No new measures are contemplated.

#### *Gibraltar.*

*Article 4 of the Convention.* The standards in respect of the matters listed in this Article are generally comparable with those of the metropolitan territory.

*Article 15*, paragraph 1. Consideration is being given to the desirability of introducing statutory provisions requiring the issue to workers of statements of wage payments. Investigation shows that such statements are provided for most workers but excluding domestic servants. Piecework and production bonus rates are rarely operated, so that in general there is very little fluctuation in wage payments.

*Article 19.* The standard of education is comparable with that in the metropolitan territory and the degree of literacy is high both in English and Spanish.

A full-time school attendance officer enforces the attendance of children of compulsory school age and penalties are imposed upon parents of children who fail to send their children to school. Education in government schools is free and attendance is now comparable with that in England.

#### *Grenada.*

*Article 15*, paragraph 1, of the Convention. No provision is made or contemplated for the issue to workers of a statement of wage payments. Workers are mainly employed on a daily basis and when employed on a "task" basis, such "task" is considered to be the equivalent of a day's work and is paid for at the daily rate. No difficulty therefore arises in determining the amount due when the total wage earned is paid out at the end of the week or fortnight.

*Article 19*, paragraphs 2 and 3. The Primary Education (Compulsory) Ordinance, 1920, provides for the compulsory education of children between the ages of six and 14 years. This Ordinance was applied to certain areas but, owing to numerous requests for exemption by affected parents on economic grounds, the



education authorities considered it undesirable to extend the Ordinance to the entire island. The policy now pursued is aimed at giving financial assistance to parents who are financially incapable of keeping their children in school.

The prohibition of employment during school hours of children who are under the school-leaving age is covered by the Employment of Women, Young Persons and Children Ordinance, 1934, as amended.

#### *Hong Kong.*

*Article 7 of the Convention.* A special committee was appointed by the Government in 1956 to investigate housing problems and its final report is shortly to be published. To alleviate the distress caused by heavy rains in May 1957 special funds were made available by the Government for the relief, in cash or in kind, of individual farmers who had suffered unusual hardship.

*Article 14, paragraphs 1 and 2.* During 1957 a model agreement for conditions of service was prepared in the Labour Department. This document is intended to serve as a basis for discussion between employers and workers. It refers to wages, hours of work, overtime, holidays, bonuses, notices, retiring benefits, discipline, etc., and contains explanatory notes some of which indicate current practice.

*Article 19.* Enrolment has increased in the private post-secondary colleges which offer higher education in the medium of Chinese.

Further extension in apprenticeship training will be given by a second government secondary school.

According to the result of a recent survey many commercial engineering firms have indicated their willingness to participate in the part-time day-release scheme for training their apprentices. Part-time day-release courses for laboratory technicians and a sandwich course for electrical engineering will also be started in the near future.

*Article 20, paragraph 1.* During 1957 a technical assistance expert in production engineering provided by the I.L.O. assisted in the planning of the mechanical and production engineering workshops of the new technical college, to be opened in 1959, and trained three lecturers of the college in production engineering techniques. The I.L.O. also provided an expert on Training Within Industry in order to survey the need for, and the possibility of introducing, supervisory training in the colony. The Government is actively considering the provision of a supervisory training section in the Labour Department.

#### *Kenya.*

Employment Ordinance (Cap. 109).  
Employment Ordinance: Notice of Application  
(Legal Notice No. 371 of 1958).

*Article 4 of the Convention.* A separate Ministry of Housing has been set up.

The report of the Social Security Committee set up in 1954 to inquire into the need "to provide by legislation for the social security of employees in their old age" was laid before the Legislature during the period under review.

The Government decided, however, having regard to the colony's financial circumstances, not to proceed further with the matter at the present time.

*Article 9.* The social survey of Mombasa has now been completed and the final report thereon will be presented shortly to the Government. A survey of the family budgets of semi-skilled and skilled African workers is currently being conducted in Nairobi.

*Article 15.* By Legal Notice No. 371 of 1958 the wage ceiling for application of the Employment Ordinance was raised from 100 to 200 shillings per month, and as regards section 20 (relating to the engagement of employees, employment returns and employment records) from 300 to 400 shillings per month.

No legal provision is made, or contemplated, for the issue to workers of statements of wage payments, as such provision does not appear necessary. Most African workers are illiterate; wage computation is almost invariably straightforward; and the average worker is well able to satisfy himself, without wage statements, that he is paid the wage due. In the case of the "ticket" contract, which is widely used in agriculture, the ticket itself provides the worker with the basis of wage assessment. The Labour Department's inspection services and field offices (which are widely distributed and whose services are freely used by workers) give further safeguards against abuses in regard to wage payments.

*Article 16.* Legislation does not regulate the manner of repayment of advances of wages, nor specifically prohibit the recovery of excess advances by the withholding of wages which would otherwise be due. In practice, employers accept section 81 (3) of the Employment Ordinance as setting a limit to the amount of any wage advances which they may properly make to their employees. Moreover, the majority of workers are employed on verbal contracts, of a nature (usually monthly or ticket) which do not lend themselves to the giving of advances in excess of the stated limits. The absence of provisions regulating the manner of repayment of advances has not led to difficulty. When the major review of the Employment Ordinance is undertaken consideration will be given to the question of achieving closer compliance with the provisions of this Article.

*Article 18.* In reply to a request by the Committee of Experts for information on the practical application of the Resident Labourers Ordinance, the Government has supplied the following information.

Section 22 of this Ordinance empowers local authorities, subject to certain conditions, to make orders regulating the employment of resident labourers in the areas of their jurisdiction. All the local authorities concerned have, in fact, made such orders, aimed primarily at regulating the number of resident labourers and the numbers and kind of the stock they are allowed to keep. In practice the problem of excess stock with its threat alike to the fertility and good use of lands exists in any marked degree only in the Uasin Gishu district, where some 15,000 excess cattle and 12,000



excess sheep belonging to resident labourers had to be removed during the last nine months of 1957. These animals were sold by public auction, the money realised accruing to the resident labourers themselves.

Section 4 of the Ordinance restricts the rights of residence of Africans (including Somalis) on farms or railway land. The section may, however, be considered to operate to some extent to the African's advantage inasmuch as it defines his rights of residence in fairly broad terms.

Section 7 restricts the cultivation rights of Africans (other than occupiers or members of occupiers' families) residing on farms, and also places obligations, both in the matter of such cultivation and in the matter of illegal residence, on farm occupiers.

Section 15 lays down the conditions under which Africans (other than occupiers or the members of occupiers' families) residing on farms may keep stock, and also places obligations upon the employer in this regard. Penalties are laid down for contravention, and provision is also made for the disposal of stock illegally kept.

Section 17 provides for the removal of Africans from unoccupied farms, or from farms where the occupier of the farm is not exercising the control necessary to ensure observance of the provisions of the Ordinance. The section still serves a useful purpose, although seldom invoked.

The report also contains a summary of prosecutions under the Resident Labourers Ordinance in 1957.

*Article 19.* The Labour Department's Trade Testing Centre (in Nairobi) was enlarged during the period under review, and the Centre is now considered adequate to meet the demands likely to be made upon it in the next few years.

*Article 20.* The Labour Department's Training Section was strengthened by the appointment of an African training assistant. Training Within Industry courses (covering both industry and agriculture) have been held, with encouraging results, in various parts of the territory.

#### *Malta.*

In reply to a request by the Committee of Experts the Government states as follows.

*Article 15, paragraph 1, of the Convention.* The law provides for every employer to give to the employee a statement showing among other things the normal rates of wages payable, the overtime rates, the normal hours of work and the periodicity of wage payments.

Paragraph 4. It is laid down by law that the entire amount of wages earned by, or payable to, any employee shall be paid to him in money being legal tender. The law does not debar an employer from making any contract with an employee for giving him food, a dwelling place or other allowances or privileges in addition to cash wages as remuneration for his services.

*Article 16.* Advances on wages are very rare and it is not therefore felt necessary to limit the amount of advances or regulate the manner of repayment by statute. The law already

prohibits deductions from wages by way of discount, interest or any charge of a similar nature in view of any advance of wages made to any employee in anticipation of the covenanted date of payment thereof.

#### *Mauritius.*

Education Ordinance No. 37 of 1957.

*Article 15, paragraph 1, of the Convention.* Under section 123 (4) of the Labour Ordinance the worker is notified daily of the nature of his work and wage payments.

*Article 15, paragraph 5, and Article 16.* Adequate measures are now under consideration.

*Article 19.* A second five-year plan for educational development has been approved. It provides for raising primary school places to 135,000 by 1962, for enlarging the existing three government secondary schools and building a fourth, and for the development of central schools with a vocational bias.

Under section 37 of the Education Ordinance school attendance within certain age limits may be made compulsory when facilities exist in any area for such a measure. This clause has not yet been invoked, but every effort is being made to build schools and train teachers so as to reach the objective of free universal primary education.

*Article 20.* A Technical Institute and a Trade Centre for training respectively technicians of a higher grade and artisans are to be set up. The Technical Institute is to be opened in January 1959.

#### *Northern Rhodesia.*

*Article 16 of the Convention.* A note has been made for the provisions of this Article to be incorporated in the new African Employment Bill.

*Article 18.* The Apprenticeship Ordinance has been amended to permit Africans to be apprenticed under the Ordinance.

*Article 19, paragraphs 2 and 3.* In reply to a direct request by the Committee of Experts the Government repeats information given in previous reports—that the compulsory school attendance rule is in abeyance pending the provision of adequate facilities.

#### *Nyasaland.*

Regulation of Minimum Wages and Conditions of Employment Ordinance No. 4 of 1958.

Wages Advisory Board Establishment Order (Government Notice No. 102 of 1958).

Minimum Wage Order of 1957 (Government Notice No. 53 of 1957, as amended by Government Notice No. 84 of 1957).

*Article 10 of the Convention.* Although an employer must provide housing accommodation for every employee who is unable to return to his home, the law is silent in this respect as regards his family. Workers and their families hold traditional land rights and according to tribal custom provide themselves, and sometimes the urban worker as well, with food from the tribal area.

*Article 11.* The Tripartite Migrant Workers Agreement, 1947, between the three territories

of the Federation provides for the transfer of part of the worker's wages from the area of labour utilisation to the area of labour supply.

*Article 14.* The parties to any agreement relating to wages and conditions of employment may agree to forward such agreement to the Governor, who may make an Order regulating wages and conditions of employment in accordance with the terms of the agreement (section 12 of Ordinance No. 4 of 1958).

The Wages Advisory Board advises the Governor in Council on minimum wages and conditions of employment and may, of its own volition, inquire into such matters. The Board consists of an equal number of representatives of employers and workers, with three independent members (section 4 (1) of Ordinance No. 4 of 1958 and Government Notice No. 102 of 1958). In making recommendations to the Governor in Council as to minimum wages and conditions of employment, the Board must consider written representations and may make such further inquiries as it considers necessary (section 5 (1) and (4)) of the Ordinance.

The minimum wage has been fixed for all employees throughout the Protectorate other than domestic servants, caretakers, watchmen, etc. (Government Notice No. 53 of 1957).

Minimum wages prescribed by any Order are published in the Official Gazette (section 11 (6) of Ordinance No. 4 of 1958). The labour inspectorate staff are responsible for the enforcement of such orders (section 18). Employers must exhibit prescribed notices regarding the applicable orders (section 16). In proceedings in respect of an offence of failing to pay the statutory minimum wage the Court may order the employer to pay any amounts of wages underpaid (section 14 (3) (b)).

*Article 20.* It is intended to train an officer of the Labour Department in Training Within Industry as an institute leader.

#### *St. Christopher-Nevis-Anguilla.*

*Article 16 of the Convention.* No decision has yet been reached on the measures to be taken to give effect to this Article.

#### *St. Lucia.*

*Article 15 of the Convention.* In reply to a request by the Committee of Experts the Government states that although, as a matter of convenience to both sides, the wages of the lower income groups in question are paid at weekly or fortnightly intervals, they are employed on a daily basis, and are legally covered by the provisions of the Daily Labourers' Wages Payment Ordinance.

#### *St. Vincent.*

*Article 19, paragraphs 2 and 3, of the Convention.* Parents are not expected to take children away from school up to the age of 14 years and it is an offence to employ children under the age of 14 years in any private or industrial undertaking, except in undertakings in which only members of the employer's family are employed and which are not dan-

gerous to the life, health or morals of the persons employed.

#### *Sierra Leone.*

*Article 15, paragraph 5, of the Convention.* In reply to a request by the Committee of Experts, the Government states that it is not proposed to introduce legislation to give effect to this paragraph, since it is not the practice for wages to be paid in taverns or stores except in the case of workers employed in those places. Wages are paid "on the site".

#### *Singapore.*

Shop Assistants Employment Ordinance No. 13 of 1957.  
Clerks Employment Ordinance No. 14 of 1957.

#### *Solomon Islands.*

In reply to a request by the Committee of Experts the Government has supplied the following information.

*Article 15, paragraph 1, of the Convention.* Effect will be given to this paragraph in regulations now under consideration.

Paragraph 4. A section dealing with payment of wages in legal tender, which is to be inserted in new labour regulations, will exclude the possibility of payment of wages in the form of alcohol.

*Article 16.* No provision exists to give effect to this Article nor is it considered necessary in view of local conditions.

#### *Swaziland.*

*Article 19, paragraphs 2 and 3, of the Convention.* In the present social financial and industrial state of the territory it is not proposed to institute a minimum school-leaving age for African or Eurafican children or to impose a minimum age and conditions of employment for juveniles. However, under existing legislation, no child under the age of 14 may be employed below ground in any mine. No measures are contemplated to give effect to paragraph 3.

#### *Tanganyika.*

*Article 7 of the Convention.* As a practical measure towards planning economic development with the healthy evolution of the territory's indigenous communities, a survey was undertaken into the problems associated with detribalisation, and the results were published in 1957. The survey has provided detailed information concerning systems of administration for urban and peri-urban areas, the problem of drift to the towns, unemployment, provision of housing, education, and positive methods of approach to the essential problems associated with detribalisation. The recommendations made for the improvement of the standard of living of the indigenous population are currently under consideration.

*Article 12.* The revised form of contract for employees engaged in Ruanda-Urundi for employment in Uganda and Tanganyika was brought into operation with effect from 1 January 1958.

*Trinidad and Tobago.*

In reply to a direct request the Government states as follows.

*Article 16 of the Convention.* The measures to be taken to give effect to this Article will be considered in the light of the recommendations of the I.L.O. expert who is now reviewing the territory's labour legislation.

*Article 19.* The Compulsory Education Regulations require that children should receive schooling up to the age of 12 years and this requirement is enforceable by School Attendance Officers (Regulations 3, 7 and 12). The Children Ordinance (Chap. IV, No. 21), forbids the employment of children under 12 years of age (section 95 (1)).

\* \* \*

The following reports supply information on

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Comoro Islands, French Equatorial Africa, French Somaliland, New Caledonia, Togoland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Antigua, Barbados, Bermuda, British Guiana, Cyprus, Gibraltar, Hong Kong, Kenya, Mauritius, Nigeria, Northern Rhodesia, Nyasaland, Singapore, Tanganyika).

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

*France* (Cameroons, French Polynesia, French West Africa, Madagascar, St. Pierre and Miquelon), *United Kingdom* (Bechuanaland, British Somaliland, Brunei, Dominica, Falkland Islands, Guernsey, Jersey, Isle of Man, Montserrat, North Borneo, St. Helena, Sarawak, Zanzibar).

## 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 : 3 September 1957.

*France.* Ratification : 26 July 1954.  
Applicable without modification : Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 6 December 1954.

Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : Algeria.

*Italy.*<sup>1</sup>  
Applicable without modification : Trust Territory of Somaliland : 31 July 1952.

*New Zealand.* Ratification : 1 July 1952.  
Applicable without modification : Cook Islands and Niue : 1 July 1952.

Not applicable : Tokelau Islands : 1 July 1952.  
Decision reserved : Western Samoa : 1 July 1952.

*United Kingdom.* Ratification : 27 March 1950.  
Applicable without modification : Aden, Antigua<sup>2</sup>, Bahamas, Barbados<sup>2</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica<sup>2</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada<sup>2</sup>, Hong Kong, Jamaica<sup>2</sup>, Kenya, Malta, Mauritius, Montserrat<sup>2</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>2</sup>, Uganda, Zanzibar : 27 March 1950.

Decision reserved : Brunei, Gilbert and Ellice Islands, Solomon Islands : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

Order No. 56-1037/C of 30 October 1956 to promulgate Decree No. 56-918 of 13 September 1956 extending the provisions of the Right of Association (Agriculture) Convention, 1921, to the Overseas Territories.

*Article 2 of the Convention.* The only condition governing the formation of a trade union is that its rules must be filed with the local administrative authorities and that copies must also be supplied to the labour inspector and the Public Prosecutor. Trade unions are bodies corporate.

*Article 3.* The conclusion and validity of collective agreements are regulated by sections 68 to 86 of the Overseas Labour Code.

*Article 4.* Any measures taken to protect the workers or to implement social legislation require consultation with the Labour Advisory Committee, a joint body comprising six employers and six workers. All these delegates are in theory selected by the most representative employers' and workers' organisations, but as there are no trade unions in the Comoro Islands they are selected by the Governor on the recommendation of the labour inspector. In order to ensure that the interests of labour are properly represented, the workers are chosen from among the delegates elected by the electoral college of workers in each establishment, and their number is in proportion to the labour force in the establishment. These delegates are given special protection and may not be dismissed during their term of office except for misconduct.

*Articles 5 and 6.* In the event of an individual labour dispute the procedure is as follows : conciliation by the labour inspector ; hearing by the labour tribunal ; second attempt at conciliation followed by a recommendation with writ of execution ; reasoned court verdict (subject to appeal) ; appeal in accordance with

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

<sup>2</sup> Federation of the West Indies.

*France.**Comoro Islands.*

Overseas Labour Code of 15 December 1952 (*L.S.* 1952—Fr. 5), Title II (Trade Unions), sections 3 to 28.

the normal procedure. In the event of a collective dispute the procedure is as follows: conciliation by the labour inspector; arbitration by an expert appointed by the parties or (in the event of disagreement) by the labour inspector; in case of refusal to accept the expert's recommendation, appeal to the Arbitration Tribunal composed of the President of the Court of Appeal and two assessors chosen from the list of arbitrators; appeal to the Central Arbitration Tribunal on grounds of *ultra vires* or breach of the law.

*Article 7.* Employers and workers are associated with the settlement procedure in all labour disputes and at each stage.

#### *United Kingdom.*

##### *Aden.*

In reply to the request made by the Committee in 1958 the Government states that the provisions relating to the immunities of trade unions and "workers" are regarded as covering agricultural workers, although no relevant decision involving an interpretation on this point has so far been given by the courts.

##### *Bahamas.*

In reply to the request for information made by the Committee in 1958 the Government states that the definition of "worker" given by the law is regarded as covering agricultural workers, although so far there has been no occasion for the definition to be interpreted by the courts.

##### *Barbados.*

In reply to a request made by the Committee of Experts in 1958 the Government states that revision of the relevant legislation to restore the right of association to agricultural and other workers affected by the Trade Union (Amendment) Act, 1949, is under active consideration, and it is hoped that the matter will soon be finalised. The Government adds, however, that the amending Act has had no practical effect on agricultural workers, as they have continued to enjoy all the rights and privileges that they enjoyed prior to 1949.

##### *Basutoland.*

In reply to the request made by the Committee in 1958 the Government states that sections 2 and 17 to 22 of the Trade Unions and Trade Disputes Proclamation, 1942, apply in the case of agricultural workers.

##### *Bechuanaland.*

In reply to the request made by the Committee of Experts in 1958 the Government confirms that sections 17 to 22 of the Trade Unions and Trade Disputes Proclamation, 1942, apply to registered agricultural workers' unions in the same way as to other unions.

##### *Dominica.*

See under *Aden*.

##### *Falkland Islands.*

See under *Aden*.

##### *Fiji.*

On the advice of the Labour Advisory Board the Government is now considering the drafting of a Bill to amend the Industrial Associations Ordinance, 1945, including the deletion from section 8 (A) of the words "regularly and normally".

Section 35 of Fijian Regulation No. 10 of 1948 has been repealed.

##### *Gambia.*

See under *Bahamas*.

##### *Hong Kong.*

In reply to the observation made by the Committee in 1958 the Government states that it is considered that the existing exceptional circumstances of the colony still require in the public interest that appeals against the decision of the Registrar of Trade Unions must lie to the Governor in Council. Further consideration will, however, be given to this question when local circumstances permit. No cases of appeal against either cancellation or refusal of registration by the Registrar have occurred since the enactment of the Trade Unions and Trade Disputes Ordinance, 1948.

##### *Kenya.*

Employment (Amendment) Ordinance No. 16 of 1957.

Under section 2A of the Employment Ordinance (Cap. 109), introduced by the amending Ordinance of 1957, the Labour Advisory Board has been given statutory status. Its duty is "to advise the Minister upon such matters connected with employment and labour as the Board think fit, and upon any questions referred to the Board by the Minister". The Board now has nine representatives of employees, nine representatives of employers and four independent members.

The Government is currently reviewing its legislation relating to the settlement of trade disputes. As a first step it intends to reduce the number of services covered by the Essential Services (Arbitration) Ordinance No. 4 of 1950.

##### *Nigeria.*

During the year ending June 1958 there were 307 registered trade unions, with a membership of 236,648. One hundred and thirty-six disputes were reported to the Department of Labour; 49 of these resulted in stoppages of work, involving 21,797 workers, with a loss of 63,411 man-days. Only two disputes were referred to arbitration, settlements in all other cases being reached either through departmental negotiations between the disputants or through conciliation under officers of the Department.

Whitley Councils in the Northern and Eastern Regions are progressing satisfactorily; consideration is being given to the establishment

of a Council in the Western Region. There is no such Council in the Southern Cameroons and the need for one is remote, in view of the activities of the area committees in the plantations and the improvement in industrial relations through joint consultation.

In reply to a request made by the Committee in 1958 with respect to the reasons underlying the provisions of section 5 (2) of the Trade Disputes (Arbitration and Inquiry) Ordinance (Cap. 219), and the circumstances in which they are applied, the Government gives the following explanations. The principal reason underlying the provisions of section 5 (2) of the Ordinance is to ensure that the proceedings of an arbitration tribunal are not unnecessarily prolonged, halted or invalidated merely by reason of the occurrence of a vacancy in the number of assessors. Under section 4 (2) (a) and (b) the arbitrator is solely responsible for making and issuing the award and any recommendations which he may have to make after the completion of the proceedings. The circumstances in which the provisions of section 5 (2) are applied depend entirely on the character of the dispute being dealt with. It has never been the practice to proceed with an arbitration without filling a vacancy occurring in the number of assessors. In any case, such a vacancy had always been filled.

In reply to a further request the Government states that the definition of "worker" in section 2 of the Trade Unions Ordinance (Cap. 218), is regarded as covering agricultural workers, but that so far there have been no relevant decisions in which an interpretation of the provision had been given by the courts.

#### *North Borneo.*

In reply to the request for information made by the Committee in 1958 with respect to the measures the Government intended to take to bring section 15 (1) of the Trade Unions and Trade Disputes Ordinance No. 28 of 1947 into harmony with Article 2 of the Convention, the Government states that consideration is being given to amending legislation and will be reported in due course.

No use has yet been made of the provisions in the Ordinance empowering the Registrar of Trade Unions to refuse to register a new union when a union representative of the occupation concerned already exists.

#### *Northern Rhodesia.*

Ordinances Nos. 17 and 18 of 1958.

The Industrial Conciliation Ordinance (Cap. 26 of the Laws of Northern Rhodesia) was amended by Ordinance No. 17 of 1958, to give the Chief Secretary of the Government discretion in the appointment of a conciliator in a trade dispute. The Trade Union and Trade Disputes Ordinance (Cap. 25 of the Laws) was amended by Ordinance No. 18 of 1958, so as (a) to ensure that conciliation procedure is either followed or attempted and a secret ballot held before a strike or lockout is called or enforced; and (b) to minimise the possible adverse effect of a "closed shop" agreement upon members of a trade union.

#### *Nyasaland.*

In reply to the observation made by the Committee of Experts in 1958 the Government states that, although the Trade Unions and Trade Disputes Ordinance was enacted as long ago as 1944, there has been little trade union development, only four trade unions existing, even now, in the territory. It was the urgent need to give maximum support to these primitive unions that caused the amendment to the Ordinance, referred to in the observation to be adopted in 1957, which gives the Registrar of Trade Unions a discretion as to whether or not he may wish to refuse to register a new union where a union already registered is sufficiently representative of the interests concerned. The Government declares that, as the new provision is not mandatory, administrative instructions will be given to ensure that no restrictive measures are imposed upon genuine applications for trade unions of similar types. No applications for registration of branches of existing unions have been made and, therefore, no practical application of the provision has been necessary.

In reply to the direct request made by the Committee of Experts in 1958 the Government states that the definition of "worker" in the Trade Unions and Trade Disputes Ordinance is interpreted in its broadest sense so as to include agricultural workers.

#### *St. Lucia.*

See under *Aden*.

#### *Sarawak.*

In reply to a request for information made by the Committee of Experts the Government states that up to the present no refusal of registration of a trade union on the grounds that another trade union already exists in the occupation or area has been made.

#### *Seychelles.*

See under *Aden*.

#### *Sierra Leone.*

In response to requests for information made by the Committee of Experts the Government states (a) that the definition of "workmen" in the Trade Disputes Ordinance (Cap. 238, section 2) does not exclude any class of workers, and agricultural workers are covered by the Ordinance; (b) that the proposed amendment to the Trade Unions Ordinance (with respect to appeals to the courts from decisions of the Registrar of Trade Unions and to the provision empowering the Registrar to refuse to register a new union when there already exists a representative union catering for the occupation concerned) is being given some measure of priority and all efforts will be made to enact it as early as possible, so that it is hoped that the next report will indicate substantial progress in this connection.

#### *Singapore.*

Trade Union Ordinance No. 3 of 1940 (Cap. 154), and subsequent amendments made in 1941 and 1948.

Industrial Courts Ordinance No. 4 of 1940 (Cap. 151) to provide for the establishment of an Industrial Court and Courts of Inquiry in connection with trade disputes, and to make other provisions for the settlement of such disputes.

Trade Disputes Ordinance No. 59 of 1941 (Cap. 153).

Wages Councils Ordinance No. 11 of 1953 (Cap. 155) to provide for the establishment of wages councils, and otherwise for the regulation of remuneration and conditions of employment of workers in certain circumstances.

Criminal Law (Temporary Provisions) Ordinance No. 26 of 1955 (Part V), which came into force on 21 October 1955 and is to continue in force for three years from the date of commencement.

The report replies in the affirmative to the request of the Committee of Experts as to whether the legislative provisions relating to the immunities of trade unions and "workers", especially with reference to labour disputes, as contained in the Trade Disputes Ordinance (Cap. 153) of Singapore, are applicable in the case of agricultural workers.

The definitions of "trade dispute" and "workmen" in the Ordinance are as follows: "trade dispute" means any dispute between employers and workmen or between workmen and workmen, or between employers and employers, which is connected with the employment or non-employment, or the terms of employment or the conditions of labour, of any person; "workmen" means all persons employed in agriculture, trade or industry whether or not in the employment of the employer with whom the trade dispute arises.

The report states, furthermore, that Singapore is primarily industrial in nature and has very few agricultural workers to speak of. According to the last population return made by employers on 31 March 1958 the number of agricultural workers was 1,570.

Any person aggrieved by the refusal of the Registrar to register a trade union or by an order to withdraw or cancel the certificate of registration of a trade union may appeal against such refusal or order to the Minister at any time within a period of 30 days reckoned from the date of such refusal or order.

In accordance with the suggestion of the Committee of Experts that appeal should lie to the Supreme Court instead, which suggestion has been accepted by the Singapore Government, steps are being taken in the near future to incorporate this amendment, together with other proposed amendments, in the Trade Unions Ordinance. The matter is not considered so urgent as to warrant special attention.

#### *Southern Rhodesia.*

In reply to the direct request made by the Committee of Experts in 1958 the Govern-

ment states that it is now considering the report of the Select Committee on the Bill which seeks to provide for the formation and registration of multi-racial trade unions and employers' organisations.

#### *Swaziland.*

In reply to the request made by the Committee in 1958 the Government states that the immunity against legal action afforded by sections 17, 18 and 19 of the Trade Unions and Trade Disputes Proclamation (Cap. 125 of the Laws of Swaziland) does not apply to agricultural workers.

#### *Tanganyika.*

At the third meeting of the Labour Advisory Board, in March 1958, trade union and labour legislation was reviewed. The Board also examined observations received from a trade union with respect to certain provisions of the Trade Unions Ordinance; they will be taken into account in the preparation of amending legislation.

#### *Trinidad and Tobago.*

See under *Aden*.

#### *Zanzibar.*

See under *Bahamas*.

\* \* \*

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

*Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Western Samoa), *United Kingdom* (Antigua, Bermuda, British Guiana, British Virgin Islands, Cyprus, Kenya, St. Lucia, Tanganyika, Trinidad and Tobago).

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

*France* (French West Africa, St. Pierre and Miquelon, Togoland), *New Zealand* (Tokelau Islands), *United Kingdom* (British Honduras, British Somaliland, Brunei, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Solomon Islands, Uganda, Zanzibar).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947<sup>1</sup>

*This Convention came into force on 26 July 1955*

**Australia.** Ratification: 30 September 1954.  
Applicable with modifications: New Guinea and Papua: 30 September 1954.  
Not applicable: Norfolk Island: 30 September 1954.  
Decision reserved: Nauru: 30 September 1954.

**Belgium.** Ratification: 27 January 1955.  
Applicable without modification: Belgian Congo and Ruanda-Urundi: 3 September 1957.

**France.** Ratification: 26 July 1954.  
Applicable without modification: Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland: 6 December 1954.

Not applicable: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: Algeria.

**Italy.**<sup>2</sup>  
Applicable without modification: Trust Territory of Somaliland: 31 July 1952.

**United Kingdom.** Ratification: 27 March 1950.  
Applicable without modification: Aden, Antigua<sup>3</sup>, Bahamas, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica<sup>3</sup>, Gambia, Gibraltar, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Northern Rhodesia, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Tanganyika, Trinidad and Tobago<sup>3</sup>, Zanzibar: 27 March 1950.

Applicable with modification: Barbados<sup>3</sup>, Brunei, Fiji, Nigeria, North Borneo, Nyasaland, Uganda: 27 March 1950.

Decision reserved: Basutoland, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Sarawak, Solomon Islands, Swaziland: 27 March 1950.

No declaration: British Somaliland, Guernsey, Jersey, Isle of Man.

<sup>1</sup> 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.

<sup>2</sup> Unratified Convention. See footnote 1 to Convention No. 17.

<sup>3</sup> Federation of the West Indies.

### *Australia.*

#### *Norfolk Island.*

Secondary industry has developed in the territory in respect of whaling.

Labour inspection services have not been established but the small area and population of the island enable the Administrator and his officers to be familiar with the conditions of employment.

### *Belgium.*

#### *Belgian Congo.*

Mines Decree of 24 September 1937.

Mines Ordinance No. 299 of 2 October 1947.

In reply to the request of the Committee of Experts the Government has supplied the following information.

**Article 4 of the Convention.** In 1957 the staff of the Labour Inspectorate was increased, which has permitted a greater number of under-

takings to be inspected. Generally speaking undertakings employing more than 500 workers must be inspected once a year; other undertakings are inspected at longer intervals but not less than once every two years.

The provisions of section 6 (1) of the Decree of 16 March 1950 concerning labour inspection authorise labour inspectors to interrogate elsewhere than at the workplace any person whose testimony may appear necessary.

The report gives information concerning the inspection of mines which is governed by the above-mentioned legislation.

The Government has transmitted a copy of the annual inspection report for 1957.

### *Ruanda-Urundi.*

Decree of 8 January 1952.

Ordinance No. 21/571 of 6 December 1952.

Labour inspection was established in the territory by the Decree of 8 January 1952, the entry into force of which was laid down by Ordinance No. 21/571.

The legislation is identical for the Belgian Congo and Ruanda-Urundi, both as regards its terms and its implementation.

### *United Kingdom.*

#### *Aden.*

**Article 4 of the Convention.** In reply to a request made in 1958 by the Committee of Experts the Government states that labour inspectors are not empowered, under the Factories Ordinance, to take or remove samples of materials and substances, as provided for in Article 4, paragraph 2 (c), of the Convention.

### *Gambia.*

In reply to the request made in 1958 by the Committee of Experts the Government states that use will be made of the services of an officer who has already taken the Overseas Labour Officers Training Course in the United Kingdom and of other officers who are earmarked to take similar courses in future.

### *Northern Rhodesia.*

Mining Ordinance No. 13 of 1958 (*Government Gazette*, Supplement, 9 May 1958).

**Article 4 of the Convention.** In reply to the requests made in 1958 the Government states that undertakings are visited by an inspector at least once a year. However, more frequent visits may be made when investigation is required as the result of an accident, complaint or similar occurrence. By virtue of the new Mining Ordinance regulations will be issued to give effect to Article 4, paragraph 2 (c) (iv), of the Convention (power to take or remove samples for analysis).

*Article 5.* The report gives the text of the regulations concerning the conditions of service for government employees.

*Nyasaland.*

For the Government's reply to the observation of the Committee of Experts see *Report of the Committee*, p. 693.

The Government adds in its report that it cannot give an undertaking that the proviso in the African Employment Ordinance which is contrary to Article 3 of the Convention will be eliminated at an early date.

*St. Christopher-Nevis-Anguilla.*

In reply to observations made by the Committee of Experts in 1958 the Government states that legislation is to be drafted which will provide for all labour inspection duties to be carried out by officers of the Labour Department.

*St. Helena.*

The Government states that consideration is being given to the possibility of making rules under section 6 (c) of the Factories Ordinance, when the need arises, to define the powers and obligations of factory inspectors.

*St. Lucia.*

*Article 4 of the Convention.* The comment made by the Committee of Experts in 1958 as regards powers of inspection will be taken account of in the draft Labour Ordinance which is now in course of preparation.

*Article 5.* The principle of secrecy provided for under clauses (b) and (c) of this Article is accepted and can be enforced by disciplinary sanctions. The possibility of reinforcing this provision by appropriate legislation is being considered.

*Southern Rhodesia.*

For the Government's reply to the observation made by the Committee of Experts made in 1958 see *Report of the Committee*, p. 693.

*Trinidad and Tobago.*

*Article 5, clause (a), of the Convention.* In reply to a request made in 1958 the Government states that effect is given to this clause by Part I of the Colonial Regulations (section 45).

Clause (b). The powers and duties of labour inspectors do not give them access to manufacturing secrets or working processes.

Clause (c). Administrative instructions are issued on this point.

\* \* \*

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

*Australia* (New Guinea, Papua), *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *United Kingdom* (Aden, Fiji, Gambia, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, Trinidad and Tobago).

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

*Australia* (Nauru), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Basutoland, Bechuanaland, Bermuda, British Somaliland, Dominica, Falkland Islands, Guernsey, Jersey, Isle of Man, Montserrat, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar).

## 86. Contracts of Employment (Indigenous Workers) Convention, 1947

*This Convention came into force on 13 February 1953*

---

---

*United Kingdom.* Ratification : 27 March 1950.

Applicable without modification :

Aden, Antigua<sup>1</sup>, Bahamas, Barbados<sup>1</sup>, British Guiana, British Honduras, British Virgin Islands, Dominica<sup>1</sup>, Fiji, Gambia, Gibraltar, Grenada<sup>1</sup>, Jamaica<sup>1</sup>, Kenya, Mauritius, Montserrat<sup>1</sup>, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla<sup>1</sup>, St. Lucia<sup>1</sup>, St. Vincent<sup>1</sup>, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Trinidad and Tobago<sup>1</sup>, Uganda, Zanzibar : 27 March 1950.

Sarawak : 23 February 1959.

Applicable with modification :

Hong Kong, Nigeria, St. Helena, Tanganyika : 27 March 1950.

Solomon Islands : 27 February 1959.

Decision reserved : Basutoland, Bechuanaland, Bermuda, Brunei, Gilbert and Ellice Islands, Nyasaland, Swaziland : 27 March 1950.

Not applicable : Cyprus, Falkland Islands, Malta : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

*United Kingdom.*

*Fiji.*

In reply to a direct request made by the Committee of Experts in 1958 the Government states that the Labour Advisory Board, which met on 26 June 1958 and at which employers' and workers' representatives were present in equal numbers, unanimously recommended that non-manual workers should be excluded from the application of the Convention under and in accordance with the conditions laid down in Article 2, paragraph 2.

*Gambia.*

See under Convention No. 64.

*Kenya.*

See under Convention No. 64.

---

<sup>1</sup> Federation of the West Indies.



In reply to a request by the Committee of Experts the Government states that resident labourers still derive their principal remuneration from cultivating their employer's land and keeping stock. Almost all resident labourers are accompanied by their families and, although the Resident Labourers Ordinance permits contracts to be attested for periods of up to five years (with the proviso that such contracts may be terminated by either party on three months' notice) it is only very rarely that a contract is attested for a period longer than two years. Most employers and employees now prefer to sign annual contracts. The number of resident labourers is steadily decreasing. At the end of June 1957 they and their working dependants formed 13 per cent. of the total agricultural labour force as compared with 26 per cent. in 1952.

*Northern Rhodesia.*

*Article 2, paragraph 2, of the Convention.* No objections have been received from employers' and workers' organisations to the exclusion of contracts entered into by non-recruited literate workers. Consideration is being given to an appropriate provision in the new African Employment Bill.

*Article 3, paragraph 2.* A note has been made to include in the new Bill provisions which will bring the legislation into full conformity with this paragraph.

*Southern Rhodesia.*

For the Government's reply to an observation of the Committee of Experts see *Report of the Committee*, p. 694.

*Article 4, paragraph 1, of the Convention.* Section 6 of the Revised Inter-Territorial Agreement on African Labour between Southern Rhodesia, Northern Rhodesia and Nyasaland, 1947, provides for the endorsement of the identification certificates of African adult males leaving their home territories with the entitlement to be absent from their home territory for a maximum period which in no case may exceed 24 months.

\* \* \*

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

*United Kingdom (Aden, Nigeria, Tanganyika).*

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

*United Kingdom* (Antigua, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gibraltar, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, 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, Zanzibar).

## 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 : 23 October 1951.

*Denmark.* Ratification : 13 June 1951.  
Applicable without modification : Greenland : 31 May 1954.  
No declaration : Faroe Islands.

*France.* Ratification : 28 June 1951.  
Applicable without modification : Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 19 March 1954.  
French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : Algeria.

*Italy.* Ratification : 13 May 1958.  
No declaration.

*Netherlands.* Ratification : 7 March 1950.  
Applicable without modification : Netherlands Antilles, Netherlands New Guinea, Surinam : 25 June 1951.

*United Kingdom.* Ratification : 27 June 1949.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 27 June 1949.  
Applicable without modification : Aden, Malta, Nigeria, Trinidad and Tobago<sup>2</sup> : 19 June 1958.  
Dominica<sup>2</sup>, St. Lucia<sup>2</sup> : 29 December 1958.  
Applicable with modification : British Guiana, Gibraltar, Sierra Leone : 19 June 1958.

British Honduras, Grenada<sup>2</sup>, Jamaica<sup>2</sup>, Mauritius, North Borneo, St. Vincent<sup>2</sup>, Sarawak : 29 December 1958.

Nyasaland : 23 February 1959.  
Basutoland, Bechuanaland, Swaziland, Uganda : 17 March 1959.

Decision reserved : British Somaliland, Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands : 19 June 1958.  
Bermuda, British Virgin Islands, Cyprus, Falkland Islands, Fiji, Gambia, Hong Kong, Kenya, Seychelles, Tanganyika, Zanzibar : 29 December 1958.  
Southern Rhodesia : 23 February 1959.  
No declaration : all other territories.

<sup>1</sup> See footnote 1 to Convention No. 2.  
<sup>2</sup> Federation of the West Indies.

*Netherlands.*

*Netherlands New Guinea.*

No collective agreements have yet been concluded in the country ; there is still too wide a discrepancy between the Native and the non-Native workers as far as general education and technical knowledge are concerned.

Contact between the Government, employers and workers takes place in the Committee on Labour Affairs.

In reply to the direct requests made by the Committee of Experts in 1958 the report adds the following information.

Section 3 of the Regulation (*Indisch Staatsblad*, No. 64, 1870) lays down as a guiding principle for the administration that the recognition of an association can only be refused for reasons of public interest, that is, an association will not be recognised if the administration considers the articles of association to be at variance with the public interest. Recognition is only of significance as far as the incorporation—by which the association acquires legal personality—is concerned.

A modification of the regulations in the *Indisch Staatsblad*, No. 27, 1919—in particular sections 3 and 4—is under consideration in order to bring national legislation into conformity with Article 4 of the Convention.

#### *United Kingdom.*

*Sierra Leone* (First Report).

Trade Unions Ordinance (Cap. 242 of the Laws of Sierra Leone, 1946 Edition).

*Article 2 of the Convention.* Section 13 (1) of the Ordinance prevents the registration of “break-away” or competitive unions. Consideration is being given to the repeal of this provision, which is not compatible with the Convention.

*Article 3.* Section 26 of the Ordinance requires certain matters to be dealt with in union rules. The Government considers that this does not infringe the right of organisations to draw up their constitutions and rules. There is no interference with the right of organisations to elect their representatives, to organise their administration and activities and to formulate their programmes.

*Article 4.* Cancellation of the registration of a trade union by the Registrar of Trade Unions is subject, by virtue of section 15 (4) of the Ordinance, to an appeal to the Supreme Court.

*Article 5.* No legal provisions deal with the establishment of federations and confederations or with affiliation of trade unions to international organisations.

*Article 6.* Federations and confederations are not subject to any restrictions, legal or otherwise.

*Article 7.* Registration of organisations is compulsory.

*Article 8.* Law and practice give effect to this Article, with the exception mentioned under Article 2 above.

*Article 9.* Members of the armed forces and police may not join trade unions but may join appropriate associations open only to members of their respective services. These associations enjoy such freedom as is compatible with national security and good government. Police officers may also join civil service associations; these are not registered under the Ordinance.

*Article 10.* The definition of “trade union” in the Ordinance is compatible with this Article.

Except for the provisions in the Ordinance that workers and employers have the right to organise no measures are taken to ensure that they exercise the right. The Trade Union Advisor and the Registrar give any necessary advice to founders of trade unions.

No decisions have been given by the courts involving questions of principle relating to the application of the Convention.

No observations respecting the application of the Convention have been received from workers' or employers' organisations.

\* \* \*

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), *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 : 16 March 1953.

*France.* Ratification : 15 October 1952.  
Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1958.  
No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 7 March 1950.  
Applicable without modification : Surinam : 25 June 1951.

Applicable with modification : Netherlands Antilles : 25 June 1951.  
Not applicable : Netherlands New Guinea : 25 June 1951.

*New Zealand.* Ratification : 3 December 1949.  
Not applicable : Cook Islands and Niue, Tokelau Islands : 3 December 1949.

Decision reserved : Western Samoa : 3 December 1949.

*United Kingdom.* Ratification : 10 August 1949.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 10 August 1949.

Applicable without modification :  
Cyprus, Gibraltar, Kenya, Malta, Singapore, Tanganyika : 22 March 1958.

Sierra Leone : 6 May 1958.  
Applicable with modification :  
British Guiana, Mauritius, Uganda : 22 March 1958.  
Nigeria : 6 April 1959.

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 : 22 March 1958.

Not applicable : Falkland Islands, St. Helena : 22 March 1958.

No declaration : all other territories.

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

*Australia.**New Guinea.*

The ratification of this Convention has not been extended to the territory as there is no legislation or administrative regulation specifically applying its provisions. The employment of Native workers in the territory is governed by the Native Labour Ordinance, 1950-56, which regulates the systems of employment and the methods of engagement of Native workers.

*Article 1 of the Convention.* A full-time free public employment service is in existence.

*Article 2.* The authority responsible for the operation of the service is the Department of Native Affairs.

*Article 3.* The service operates in the main employing centres. In addition each District Office of the Department provides assistance for employers and workers in arranging employment.

*Articles 4 and 5.* There are no representative organisations of employers and workers in the territory, but the views and advice of employers and workers on the organisation and operation of the service are welcomed.

*Article 6.* The service fulfils the functions under this Article, except those relating to the referral of vacancies and applicants from one employment office to another, to the occupational and geographical mobility of workers, and to the co-operation in the administration of unemployment insurance and assistance. These are inappropriate in the conditions existing in the territory.

*Article 7.* The specialisations provided for in this Article are not yet needed, but the organisation and functions of the service are under constant review so as to allow developments when appropriate.

*Article 8.* Special arrangements for juveniles are not needed at present, but the situation is kept under review and suitable action will be taken when needed.

*Article 9.* Staffing of the employment service is provided by full-time Labour Officers of the Department of Native Affairs, who are recruited on the basis of their qualifications and are trained for their work.

*Article 10.* Employers and workers are encouraged by all available means to make full voluntary use of the service.

*Article 11.* There are no private employment agencies, with the exception of one agency of a commercial nature which is engaged only secondarily in operating an employment exchange predominantly for non-Native workers.

*Article 12.* It is not possible to indicate at this stage whether certain areas would need to be excluded from the provisions of the Convention.

Each Labour Office is inspected at suitable intervals.

Detailed statistics of employment service operations are not available.

No decisions have been given by courts of law or other courts on questions relating to the Convention.

No observations have been received regarding the Convention.

*Papua.*

See under *New Guinea*

*France.**French Equatorial Africa.*

See under Convention No. 2.

*New Caledonia.*

Order No. 58-051CG of 22 February 1958 to amend Order No. 176 of 31 January 1956 to set up a Territorial Manpower Office (*Journal officiel*, 10 Apr. 1958, No. 4807, p. 156).

*Netherlands.**Netherlands Antilles.*

The possibility of establishing the committees referred to in Articles 4 and 5 is now being studied.

*Netherlands New Guinea.*

See under Convention No. 2.

*United Kingdom.**Basutoland (First Report).*

Basutoland is essentially an agricultural and pastoral country with the majority of its population subsisting on the produce of the soil and with few openings for industrial employment. There is a constant demand for Basuto workers in the industries of the Union of South Africa and they have no difficulty in finding employment when they wish to do so. There is no problem of unemployment which would warrant the organisation of an employment service on the scale envisaged in the Convention.

*Bechuanaland (First Report).*

There is at present no unemployment problem in the Protectorate. The great majority of the inhabitants are engaged in stock-raising or agriculture on their own account. Those who seek other employment have no trouble in finding it. It has therefore been found unnecessary to organise a national system of employment offices. The whole of the Protectorate consists of an area of the type described in Article 12, paragraph 1, of the Convention.

*Bermuda (First Report).*

A decision on the application of this Convention has been reserved. No employment service is envisaged since there is virtually no involuntary unemployment.

*British Guiana (First Report).*

Employment Exchanges Ordinance No. 21 of 1944 (*Official Gazette*, Vol. XCVIII, No. 7, 29 July 1944).

*Article 1 of the Convention.* Under the provisions of section 3 of the Ordinance the Governor may establish and maintain employment exchanges.

*Article 2.* The Commissioner of Labour has control and general superintendence of the exchanges.

*Article 3.* There are at present two employment offices—the head office in Georgetown and a branch office in New Amsterdam. Branch offices were established at two other centres but were closed down on review. Persons in country districts may register for work by post.

*Article 4.* There are two advisory committees—the Employment Exchange Standing Committee and the Juvenile Employment Committee. They comprise members appointed by the Minister of Labour from among employers' associations, trade unions and social organisations.

*Article 5.* The general policy of the service in regard to referral of workers to available employment has been approved by the above Committees. It is generally based on the length of registration in the category for which there is a vacancy and possession of the qualifications required.

*Article 6, clause (a).* The service is organised on this basis.

Clause (b). Steps have been taken to satisfy the requirements of sub-clauses (ii), (iii) and (iv). In connection with sub-clause (i), whilst there is no scheme of vocational guidance the Juvenile Employment Committee advises young persons on opportunities in the occupations they wish to enter.

Clause (c). Statistics of persons registered, submissions made and vacancies filled are compiled monthly. Quarterly reports are submitted to the Government by the advisory committees.

Clause (d). There is no unemployment insurance or assistance.

Clause (e). The assistance referred to in this clause is rendered.

*Article 7.* There is a special register for seamen. There is no distinction between disabled and able-bodied persons.

*Article 8.* There is a special section of the exchange dealing with juveniles which is under the charge of a Juvenile Employment Officer. There is also the Juvenile Employment Committee referred to under Article 4.

*Article 9.* The staff consists of public officials appointed by the Governor on the recommendation of the Public Service Commission. They are placed on the Fixed Establishment of the Colony and are independent of changes of government and of improper external influences. Initial training of the staff of the employment office was undertaken by an expert in the employment exchange services of Great Britain.

*Article 10.* The full use of the facilities by government departments is ensured by administrative instructions. Private employers and all unemployed workers are encouraged by personal contact to use the facilities.

*Article 11.* There are no private employment agencies.

*Article 12.* An exemption is sought for the "interior" of British Guiana by reason of the sparseness of the population and the level of economic development of the area.

*British Honduras (First Report).*

Wage earners are engaged predominantly in plantations, agriculture and forestry, or in secondary industry and services. In agriculture and forestry they come mainly from the villages and district towns within the area of the work. It is customary for employers to recruit workers directly. Having regard to the stage of development reached and the communications, it would be some time before an employment service such as is envisaged in the Convention could function effectively in the organisation of the employment market. At present the functions are performed in a very limited sense by the Labour Department. In a proposed Labour Ordinance to replace the Employers and Workers Ordinance, 1943, provisions have been included for the establishment of employment offices.

*Brunei (First Report).*

Outside the oilfields, the majority of the population live in small scattered communal groups with poor means of communication and are engaged in self-sufficient pursuits such as agriculture, fishing or the harvesting of jungle produce. Unemployment is rare and there is a shortage of labour resulting from the activities of the petroleum industry, the State Development Plan and the expansion of minor local industries. There has been no need for the measures described in Articles 2 to 5 of the Convention. Two labour exchanges have been installed and these are adequate for the present and anticipated needs of Brunei. Assistant Residents also register persons temporarily unemployed and circulate their particulars to potential employers.

*Cyprus (First Report).*

Port Workers (Regulation of Employment) Laws, 1952 and 1954 (*Cyprus Gazette*, 31 Dec. 1952, No. 3662, and 9 Sep. 1954, No. 3779, Supplement No. 2).

Port Workers (Regulation of Employment) Regulations, 1952 to 1954 (*Cyprus Gazette*, 22 Apr. 1954, No. 3775, Supplement No. 3).

Social Insurance Law, 1956 (*Cyprus Gazette*, 26 Oct. 1956, No. 3990, Supplement No. 2).

*Article 1 of the Convention.* A free public employment service is maintained; its essential duties are those set out in this Article.

*Article 2.* The service is under the direction of the Department of Labour.

*Article 3.* There are employment offices in each of the six main towns and five sub-offices in the districts. These offices are sufficient in number and located conveniently enough to serve the needs of both employers and workers. The organisation of the offices is under constant review and can be revised quickly if and when necessary.

*Article 4.* There are five district advisory committees consisting of an equal number of employer and employee representatives appointed by the Commissioner of Labour after consultation with the employer and employee organisations concerned; the committees are headed by independent chairmen appointed by the Commissioner of Labour. In addition there is in each of the three main coastal towns a

Port Labour Board representative of workers' and employers' organisations with an independent chairman. There is as yet no "national" advisory committee to the employment offices but, with the extension of the responsibilities of the employment service to include the administration of social insurance, its establishment may prove necessary.

*Article 5.* The scope of the advisory committees is wide enough to afford employer and employee representatives every opportunity to contribute towards the development of employment service policy.

*Article 6, clause (a).* The employment service assists workers to find suitable employment and employers to find suitable workers. The occupational qualifications, experience and desires of applicants for employment are recorded on special forms and applicants are assisted by experienced officers to choose occupations to which they are best suited by training, experience and temperament. Information on vacancies is obtained from employers and recorded on special forms, and every effort is made to fill such vacancies with applicants with suitable skill and physical capacity. Where there is need to refer applicants or vacancies from one employment office to another, this is done promptly.

Clause (b). No specific measures have as yet been taken to facilitate occupational labour mobility. The temporary transfer of workers from one area to another as a means of temporary local adjustments in the supply of and demand for workers is a usual phenomenon and is facilitated by provision of timely and accurate information. In 1953, the employment offices played an important part in the transport of workers from all over Cyprus to the earthquake-struck Paphos area for extensive reconstruction projects. Vacant posts are communicated to the Commissioner for Cyprus in London for the information of students in the United Kingdom.

Clause (c). The Research and Information Section of the Department of Labour collects monthly statistics of employment and unemployment in Cyprus and makes them available to the public.

Clause (d). Unemployment insurance and all other measures for the relief of the unemployed are administered through the employment offices.

Clause (e). The employment offices are always willing to assist other public and private bodies in social and economic planning calculated to ensure a favourable employment situation.

*Article 7, clause (a).* In the employment offices of the three main coastal towns a special service is operated for port workers. Each of the main employment offices has a special section for women workers.

Clause (b). Disabled persons are registered separately and handled by specially appointed subcommittees of the advisory committee to the employment offices. These subcommittees are responsible for finding ways and means of placing disabled persons in suitable employment. An "ex-prisoners board" looks after the rehabilitation of ex-prisoners. The employ-

ment offices help the education and welfare authorities in rehabilitating juvenile delinquents by placing them in suitable employment. An appointments bureau at the central office deals nationally with the professionally and technically qualified applicants.

*Article 8.* In the main employment offices juveniles are interviewed and advised by designated "youth employment" and "vocational guidance" officers. In most districts both functions are merged in one officer.

*Article 9, paragraph 1.* The staff consists of officials employed on a permanent basis.

Paragraphs 2 and 3. Personal merit and qualifications are the sole considerations in the recruitment of employment service staff. Selection is done by selection boards consisting of members from the official and staff side.

Paragraph 4. Employment service staff are trained locally in the field by experienced officers. Most of the staff supplement their training by undergoing specially designed training course in the United Kingdom or other *ad hoc* courses.

*Article 10.* The public authorities engage their workers through the public employment service and local offices encourage private employers to notify their vacancies. Unemployment and sickness benefits have to be claimed through an employment office and this naturally results in insured workers having recourse to the employment service. Trade unions generally encourage their members to make use of the facilities offered. Use of the service is voluntary except in the case of the allocation of port workers in the main ports.

*Article 11.* The trade unions provide certain facilities for their members and they co-operate closely with the employment offices.

*Article 12.* No areas are excluded from the provisions of the Convention.

*Fiji (First Report).*

The Labour Department at present provides a limited service for the placement of workers, but little use is made of it. The machinery required by the Convention would be administratively impracticable until such time as the staffing position of the Labour Department improves and labour offices are established in more centres of employment.

*Gambia (First Report).*

The small size of the wage-earning population, the seasonal nature of most of the unskilled work, the migratory habits of the unskilled labour force and the paucity of the Government's resources, both of finance and trained personnel, make it impossible to apply the provisions of the Convention effectively.

*Gibraltar (First Report)*

Control of Employment Ordinance of 1 September 1956 (Laws of Gibraltar, Supplement, Cap. 163).

*Article 1 of the Convention.* A free public employment exchange is maintained.

*Article 2.* The employment exchange is under the control of the Department of Labour and Social Security.

*Article 3.* In view of the small size of the territory it has not been found necessary to establish offices other than the Central Employment Exchange.

*Articles 4 and 5.* One of the functions of the Labour Advisory Board is to advise the Government on matters relating to the application and operation of the Control of Employment Ordinance. The Board is composed of seven members representing employers, and seven members representing workers; the three United Kingdom Government Departments and the City Council, who collectively employ about one-half of the labour force, each nominate one member on the employers' side whilst the remaining members are selected from nominations received from employers' organisations. All the registered trade unions are invited to nominate workers' representatives and from these nominations seven are selected for appointment to the Board.

*Article 6, clause (a).* The legislation provides for the voluntary registration for employment of workers domiciled in Gibraltar and the compulsory registration of workers who are not resident within the territory. It offers to employers a placing service, whether they require locally-domiciled or non-resident workers; the latter may be engaged only through the exchange.

Clause (b). There is little need for occupational mobility as the bulk of the workers have relatively permanent employment. Similarly, as the territory is so small, there is no possibility of geographical mobility. The movement of frontier workers is controlled by the Department of Labour in co-operation with the competent authorities across the frontier.

Clause (c). Regular statistics as to unemployment, placings in employment and outstanding vacancies are compiled and published.

Clause (d). The Department of Labour is responsible for the administration of a scheme of unemployment assistance for the relief of resident unemployed workers.

Clause (e). The Department of Labour plays its part in the planning of industrial activity in order to permit full employment.

*Article 7.* In view of the small scale of activity there is no need for specialisation by occupation or industry. Disabled applicants are in general dealt with on an *ad hoc* basis, but special efforts are being made in conjunction with a voluntary organisation to assist blind persons to enter remunerative employment.

*Article 8.* It is expected that legislation will be introduced to establish a youth employment service. Meanwhile, by administrative measures, special facilities are given to school leavers and others under 18 years of age.

*Article 9.* The staff of the Employment Exchange are, in general, permanent and pensionable government officials. They are recruited through the normal procedure for government clerks and selected for this work by reason of their suitability. The officer in charge of the exchange and his assistant have both received training in the United Kingdom; the remainder are given initial training at the desk and subsequent training as necessary.

*Article 10.* All possible steps are taken through the employers' and workers' representatives on the Labour Advisory Board to encourage full use of the employment service.

*Article 11.* There are no private employment agencies not conducted with a view to profit.

*Article 12.* There are no areas of the nature envisaged in this Article.

#### *Hong Kong (First Report).*

There are at present no legislative or administrative measures to give effect to the provisions of this Convention. The establishment of public employment exchanges remains, however, an aim of policy and is being kept under consideration.

#### *Kenya (First Report).*

Employment Ordinance of 25 April 1938 (Cap. 109) (*Official Gazette*, Vol. XL, No. 24, Supplement, 3 May 1938), as amended.

*Article 1 of the Convention.* A free public employment service is maintained; its essential duty is as described in paragraph 2.

*Article 2.* The employment service consists of a national system of public employment offices under the control of the Labour Department.

*Article 3.* There are 23 employment offices, distributed throughout the main employment areas. The organisation is under constant review to ensure that, in relation to the funds available, the offices are located to the best advantage.

*Articles 4 and 5.* It is intended that the Labour Advisory Board shall be the national advisory committee. The Board consists of representatives of employers and workers, and independent members. It is not considered to be necessary at present for regional or local advisory committees but should the necessity arise the Coast Labour Committee (which is a subcommittee of the Board) would be competent to advise on employment service matters in the Coast Province.

*Article 6, clause (a).* Applicants for work are interviewed and note is made of their qualifications, experience and desires. When an employer notifies vacancies the details are recorded. Referral to employment is in accordance with applicants' qualifications and preferences. When a vacancy or application is of a specialised nature and it is not possible to meet the demand locally, details are sent to provincial and national headquarters. In the case of unskilled labour there is direct liaison between offices to even out supply and demand.

Clause (b). Assistance is given by the staff of the employment service in facilitating occupational mobility where necessary.

Clause (c). An annual assessment of the employment position is given in the annual report of the Labour Department. Information is supplied monthly to the press. Arrangements are also being made for publication, at three-monthly intervals, of statistics reflecting the work of the employment service and the current position in regard to reported unemployment.

Clause (d). There is no unemployment insurance or unemployment relief (as such) in the territory.

Clause (e). Assistance is given as necessary, for instance in assessing the availability of labour for new projects.

*Article 7.* Applicants are dealt with in four divisions: manual labourers; domestic servants; artisans; and non-artisans (clerks, shop assistants, etc.). At the Nairobi office there is a special section dealing with African women and juveniles. In Mombasa Town and Mombasa Port there are special arrangements for dealing with casual workers. Every effort is made to find employment outlets for disabled persons. The service co-operates with voluntary organisations for the disabled; it also works in close co-operation with the Probation Services and the Discharged Prisoners' Aid Society.

*Article 8.* The employment of juveniles in urban areas is strictly controlled and is permitted only when the Labour Officer considers it to be in the best interests of the children themselves; this largely dispenses with the need for special provision by the employment service, which has only been found necessary in Nairobi. Special interest is taken in juveniles who stay at school up to the age of 16; all secondary schools now have on their staffs persons responsible for career guidance. Further developments are likely in this field.

*Article 9.* The staff of the employment service are all public officials, the majority being on permanent and pensionable posts. Junior staff join the Labour Department as clerks and those showing an aptitude for the work are absorbed into the employment service organisation. They are trained on the job.

*Article 10.* Regular weekly talks on the employment situation, including news on available vacancies, are given over the African broadcasting system and are popular with listeners. Articles dealing with the work of the employment service appear from time to time in the press, including the vernacular press.

*Article 11.* The employment service maintains a close liaison with an employment bureau in Nairobi for European and Asian women, which is not conducted for profit.

*Article 12.* It is proposed to exempt the following areas from the application of the Convention: the Northern Province, the Lamu and Tana River districts of the Coast Province; and the Kajiado and Narok districts of the Southern Province. These districts are sparsely populated, for the most part by nomadic tribes; distances are great and communications poor. In these areas an employment service would be difficult and expensive to operate and would be of doubtful practical value.

*Malta (First Report).*

Employment Service Act No. XIV of 1955 (*Government Gazette*, Supplement No. XLIII, 27 May 1955).

*Article 1 of the Convention.* A free public employment service is established under section 3 of the above Act.

*Article 2.* The service is under the control

of the Department of Emigration, Labour and Social Welfare.

*Article 3.* There are two employment offices, one in Malta and one in Gozo. Renewal of registration by unemployed persons is carried out at the 16 area offices of the Department.

*Articles 4 and 5.* A National Employment Board has been set up, under section 10 of the Act, composed of three independent members (that is, persons who are neither government employees nor members or officials of any organisation representing employers or employees), two persons representing the interests of employers and two persons representing the interests of workers. Its general functions are to give advice on matters connected with the administration, organisation and operation of the employment service and to supervise its working; its more specific functions include the making of rules regarding the circumstances in which an applicant may lose his priority for submission to employment, advice on the classes of persons other than the unemployed who may register, and the making of rules providing for special consideration to be given to determinate classes of applicants.

*Article 6.* Under section 3 of the Act the functions of the employment service are (a) in general to assist persons to find suitable employment and to assist employers to find suitable employees; and (b) in particular: (i) to register applicants for employment, taking note of their qualifications, experience and desires, to interview them for employment and evaluate their physical and vocational capacity; (ii) to assist applicants where appropriate by guidance and advice on the choice of employment and to obtain training and retraining; (iii) to obtain from employers precise information on vacancies and requirements to be met by the employees they require; (iv) to refer to available employment applicants with suitable skills and physical capacity; and (v) to collect and analyse information about the situation of the employment market and its probable change. The employment service is also used for the purposes of co-ordinating the administration of contributory unemployment insurance and non-contributory assistance.

*Article 7.* Unemployed persons are registered by occupation. Disabled persons are granted special facilities for employment in certain jobs. Special arrangements exist for applicants with dependants and persons who have been in prison or approved schools.

*Article 8.* A youth employment office caters for juvenile registrants. The Youth Employment Officer gives vocational guidance.

*Article 9.* The staff of the employment service is composed of permanent civil servants. Labour Officers are recruited by competition, clerical workers by public examination. On appointment and before starting work all staff undergo a thorough course of training, both theoretical and practical, in which they are given a general idea of the work of the Department and detailed instruction on the laws and regulations which they will have to enforce. Staff training is continuous and all staff are required to attend.



*Article 10.* The facilities freely offered by the employment service are in themselves a guarantee that full use is made of them by employers. Occasionally, the Employment Officer contacts employers to ascertain whether they require labour.

*Article 11.* No private employment agencies exist.

*Article 12.* No area has been excepted.

*Mauritius (First Report).*

Employment Exchanges Ordinance No. 67 of 1947 (*Government Gazette*, 31 Dec. 1947, No. 97, Legal Supplement).

Government Notice No. 232 of 1949 (Regulations made under section 6 of the Employment Exchanges Ordinance, 1947) (*Government Gazette*, 24 Sep. 1949, No. 64, Legal Supplement).

*Article 2 of the Convention.* Employment offices are under the control and general supervision of the Labour Commissioner.

*Article 3.* The employment service has three main centres in the most populated areas and 15 branches in the rural districts to serve each geographical area; branches are conveniently located for employers and workers. Steps can be taken for review of the network of employment offices when necessary to meet any changing requirements of the working population.

*Articles 4 and 5.* There is no national advisory committee.

*Article 6.* The offices record the occupational qualifications and experience of applicants and the employment they are seeking. They also record vacancies notified by employers. They assist workers to find suitable employment and employers to engage suitable workers. Placing officers collect the fullest available information on the situation of the employment market. There is no unemployment insurance scheme.

*Articles 7 and 8.* There is no specialisation by occupation or industry, and no special provision for the particular categories of applicant for employment referred to.

*Article 9.* The employment service is staffed by permanent government officials selected and recruited by the Public Service Commission. The manager of the service has received training in the United Kingdom and is responsible for the over-all training of his staff.

*Article 10.* Government departments are required to use the employment service in filling posts carrying a maximum salary of up to Rs. 2,700 per annum. The placing officers contact other employers in connection with vacancies. Workers' organisations are urged to encourage workers to make full use of the employment service.

*Article 11.* There are no private employment agencies.

*Article 12.* This Article does not apply.

*North Borneo (First Report).*

There is no form of public service to assist workers to obtain employment. It is possible that, in the foreseeable future, some form of employment agency may be found convenient to both employers and workers, but it is likely to be a very long time before any comprehensive or highly developed organisation is required.

*Northern Rhodesia (First Report).*

Rudimentary labour exchanges exist in the main centres of employment; the facilities they provide are slowly being built up, but these do not yet reach the standard required by the Convention. At present, there is no need for such an elaborate service.

*Nyasaland (First Report).*

There are labour offices at all district and sub-district headquarters, each having facilities for workers to register for employment and for employers to register their vacancies. More use is made of these facilities in the busier centres than in the remote areas. Assistance to workers in obtaining employment in Southern Rhodesia and in the mines of South Africa is given by the two established recruiting organisations.

*St. Helena (First Report).*

The Convention is inapplicable to this small island community.

*Sarawak (First Report).*

The majority of the population live in scattered communal groups with inadequate means of communication and are engaged on agricultural pursuits. Wage-earning employment is in many cases merely a means of supplementing the product of their own labour. Unemployment is rare. There is a continual labour shortage which has to be met by immigrant workers. Any workers who are temporarily unemployed have their particulars registered by District Officers and circulated to local employers; if this is unsuccessful, particulars are sent to the Commissioner of Labour of Brunei, who arranges for placement of the workers in Brunei.

*Sierra Leone (First Report).*

Employers and Employed (Amendment) Ordinance No. 9 of 1956 (*Royal Gazette*, No. 33, 7 June 1956, Supplement).

*Article 1 of the Convention.* A free employment service is maintained, the essential duty of which conforms with the provisions of this Article.

*Article 2.* Responsibility for direction rests with the Labour Department, the powers and functions of which are set out in section 37D of the above-mentioned Ordinance.

*Article 3.* There are now six employment offices established in the territory.

*Articles 4 and 5.* Steps are being taken to set up local advisory committees as soon as possible.

*Article 6, clause (a).* The detailed functions of the employment offices are not specified in the Ordinance, but in practice the information recorded by them is in accordance with the requirements of this clause.

*Clause (b).* The central employment office in Freetown acts as a clearing house for branch offices in the provinces. There is no significant migration in or out of the territory and no arrangements have been made to facilitate such movement.



Clause (c). The number of applicants registered at the various employment offices is published weekly in the *Royal Gazette*.

Clause (d). There is no unemployment insurance or assistance.

Clause (e). The records of the Department are available to the public and information is furnished from time to time to private industrialists.

*Article 7.* In the central employment office in Freetown specialisation is by occupations only; the number of industries is not large enough to justify specialisation by industry. The other offices are manned by a single officer and the question of specialisation does not arise. Apart from juveniles, no categories present a problem calling for special arrangements.

*Article 8.* In Freetown a separate section of the employment office is maintained for juvenile applicants; special attention is paid to placing them in employment in accordance with their educational attainments and personal aptitudes. In the provinces, the numbers of juveniles registering for employment is negligible; special arrangements will be made when the necessity arises.

*Article 9.* Members of the employment service are established civil servants and are in no way affected by changes of government or subject to improper external influence. The staff of the Labour Department are recruited by a general entrance examination and deployed in the various sections, one of which is the employment service. The new entrant is placed under the supervision of the manager of the employment office who gives him instruction on various aspects of the work; he is then attached to a particular section where he is given specialised training.

*Article 10.* Section 37E of the above-mentioned Ordinance provides that an employer of ten or more persons in an area specified in section 37A shall not engage a worker except through the employment office. In other areas where use of the employment service by employers is voluntary the officers in charge are in close touch with employers and give them every encouragement to use the service.

*Article 11.* There are no private employment agencies.

*Article 12.* No area is exempted.

#### *Singapore (First Report).*

Legislation and administrative regulations to apply the provisions of this Convention have not been considered necessary.

*Article 1 of the Convention.* A free public employment service has been run by the Labour Department since 1946. Its facilities are available to all employers and workers without restriction; their use is voluntary.

*Article 2.* As Singapore is a small island there is only one central authority with one branch employment office.

*Article 3.* This Article does not apply—see under Article 2.

*Article 4.* The Labour Advisory Board comprises representatives of employers and workers in equal numbers.

*Article 5.* Referral policy is confined to submitting the most suitable qualified applicants to jobs.

*Article 6, clause (a).* It has not yet been possible to evaluate the physical and vocational capacity of applicants, or to assist them in obtaining vocational guidance or vocational training or retraining.

Clause (b). This clause does not apply.

Clause (c). Shortage of trained staff prevents this being done; the matter is, however, being borne in mind.

Clause (d). At present there is no system of unemployment insurance. The Labour Department co-operates with the Social Welfare Department in the administration of unemployment assistance.

Clause (e). This is done.

*Article 7, clause (a).* This does not apply.

Clause (b). There are arrangements for the retraining and rehabilitation of disabled persons. Those who are medically fit and suitable for training are trained in a variety of trades, normally for a period of six months, during which they receive subsistence allowances. The employment service endeavours to place them in suitable employment on completion of training.

*Article 8.* A scheme of apprenticeship training for juveniles is being formulated to meet the needs of local industry.

*Article 9.* The staff of the employment service are public officials with stability of employment and are independent of changes of government and improper external influences. On first appointment, all members of the service serve a three-year probation period, during which they are attached to experienced officials for training and are required to pass certain examinations pertaining to their duties. Refresher courses are also conducted.

*Article 10.* A move is afoot for an official of the employment service to visit all employers to encourage them to make full use of the facilities at their disposal.

*Article 11.* There are no private employment agencies not conducted with a view to profit.

*Article 12.* In the small area of Singapore this problem does not arise.

#### *Swaziland (First Report).*

Employment opportunities occur chiefly in large concerns inside and outside the territory which operate their own recruiting organisations. It has not been found necessary to supplement the work of these organisations with a public employment service.

#### *Tanganyika (First Report).*

Employment Ordinance No. 47 of 10 November 1955 (Cap. 366) (L.S. 1955—Tan. 1).

*Article 1 of the Convention.* Section 158 (1) of the Employment Ordinance authorises the Governor in Council to provide for the establishment and administration of free public employment exchanges. This enabling power has not so far been used as it has been possible to establish an employment service throughout

the territory by administrative decisions. The service is available to all persons without distinction as to race, creed, grade or occupation and is designed to ensure the best possible organisation of the employment market.

*Article 2.* The service consists of a system of employment offices under the direction of the Labour Commissioner.

*Article 3.* There are 16 local offices situated in the main centres of employment or on routes commonly used by migrant workers. To ensure that such offices are located in the most suitable geographical areas account is taken of any significant changes in the distribution and economic activity of the population revealed by the annual labour enumeration survey or the periodic reports of Labour Officers.

*Articles 4 and 5.* The Labour Advisory Board established under section 3 of the Employment Ordinance may advise on matters affecting employment. This section requires that the Board shall include representatives of employers and employees. As at 30 June 1958 there were six representatives of employers and five representatives of employees. Nominations of persons to be selected for appointment are invited from associations of employers and employees where such exist.

*Article 6, clause (a).* A standard form of procedure for all local offices was introduced in 1956, setting out methods for the registration of applicants, the recording of vacancies, the placing of employees and the compilation of monthly statistical reports. This procedure ensures that, if suitable workers are not available at one local office, action is taken to obtain such workers from other parts of the territory through the central employment office in Dar es Salaam.

*Clause (b).* Geographical mobility is chiefly ensured through the system of licensing private and professional recruiters; it is customary for the written contracts of recruited workers to be attested at local employment offices. Migrant African workers spontaneously entering the territory in search of work may apply through the employment service or through licensed recruiters, who are authorised to operate in areas contiguous to the territory of origin.

*Clause (c).* The collection and analysis of data concerning the employment situation is a function of the Labour Department. Statistical information collated through the employment service is supplemented by information obtained by Labour Officers in the course of carrying out their duties as inspectors of employing establishments and by information obtained from the annual labour enumeration surveys. Statistical information is published in the form of appendices to the Annual Report of the Labour Department, which is on sale to the public and has a wide circulation.

*Clause (d).* Owing to the present state of development of the territory it has been neither possible nor necessary to introduce unemployment insurance or other measures for the relief of the unemployed.

*Article 7.* Special procedure exists to deal with tradesmen, domestic servants and ex-trade

school apprentices. There are special arrangements for the rehabilitation and re-employment of incapacitated persons.

*Article 8.* There are special arrangements within the employment service for school leavers. The development of a youth employment service is an aim of policy. A proposal to establish an advisory committee to make recommendations on the introduction of such a service is under consideration.

*Article 9.* The staff of the employment service is composed of public officials in appropriate grades of the Tanganyika Civil Service. They are recruited in accordance with the normal conditions of entry to the civil service, being selected on the basis of their educational qualifications and general ability to perform the duties required. Newly recruited staff are given training through induction courses. Those of the grade of Labour Officer normally attend a special training course in the United Kingdom on completion of their first tour of service.

*Article 10.* On request, the central employment office circulates to government departments and the principal employing concerns lists of tradesmen available for employment. Vacancies are publicised regularly by radio broadcasts and lists of vacancies notified to the central employment office are supplied regularly to the Tanganyika Federation of Labour.

*Article 11.* There are no private employment agencies not conducted with a view to profit.

*Article 12.* No exemptions are envisaged.

#### Zanzibar (First Report).

There is no legislation applying the provisions of this Convention. A section of the general labour office staffed by one clerk interviews persons seeking employment and registers them according to their occupational qualifications, experience and wishes. As neither the employers nor the workers are organised consultation with their representatives is not at present practicable.

\* \* \*

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

*Australia* (New Guinea, Papua), *France* (French Polynesia, New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Cyprus, Gibraltar, Guernsey, Kenya, Malta, Isle of Man, Mauritius, Sierra Leone, Singapore, Tanganyika).

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

*Australia* (Nauru, Norfolk Island), *France* (Cameroons, Comoro Islands, French Somaliland, French West Africa, Madagascar, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Jersey).

89. Night Work (Women) Convention (Revised), 1948<sup>1</sup>

*This Convention came into force on 27 February 1951*

*Belgium.* Ratification: 1 April 1952.  
Applicable without modification: Belgian Congo and Ruanda-Urundi: 29 March 1954.

*France.* Ratification: 21 September 1953.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.  
No declaration: all other territories.

*Italy.* Ratification: 22 October 1952.  
No declaration.

*Netherlands.* Ratification: 22 October 1954.  
Applicable without modification: Netherlands Antilles: 15 December 1955.  
Applicable with modification: Netherlands New Guinea: 15 December 1955.  
No declaration: Surinam.

*New Zealand.* Ratification: 10 November 1950.  
Decision reserved: Cook Islands and Niue, Western Samoa: 10 November 1950.  
Not applicable: Tokelau Islands: 10 November 1950.

*Spain.* Ratification: 24 June 1958.  
No declaration.

*Union of South Africa.* Ratification: 2 March 1950.  
Applicable without modification: South West Africa: 10 February 1958.

*United Kingdom.*<sup>2</sup>  
Decision reserved: Aden, Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

<sup>1</sup> This Convention revises the Conventions of 1919 and 1934. See Conventions Nos. 4 and 41.

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

<sup>3</sup> Federation of the West Indies.

### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

Decree of 14 March 1957 respecting the limitation of hours of work, and rest on Sundays and public holidays (*Bulletin officiel*, Part I, 15 Apr. 1957, No. 8, p. 970) (L.S. 1957—Bel.C. 3).

*Article 1 of the Convention.* The provisions of this Decree which relate to the work of women are applicable to all industrial undertakings as defined by the Convention.

The Decree being applicable to all economic activities, no distinction has been made between industry on the one hand and agriculture, commerce and other non-industrial activities on the other hand.

*Article 2.* The term "night" is not defined. Section 15 of the Decree prescribes that "the hours of work shall fall between 5 a.m. and 7 p.m.". It therefore follows, according to the report, that work is forbidden between 7 p.m. and 5 a.m., which interval must be considered as constituting the night.

*Articles 3 to 8.* The night work of women is forbidden irrespective of age.

The Decree provides, however, for cases in which the prohibition of night work may be by-passed, either because such cases are excluded from its scope of application or by virtue of laws or regulations providing for exemptions.

In particular, the Decree does not apply to domestic servants, members of the employer's family (except in undertakings specified by reason of their dangerous or unhealthy nature), homeworkers, members of the managerial staff of the undertaking invested with important responsibilities and members of the staff who are given personal authority enabling them to organise their own work without being subjected to daily supervision.

By way of exception, night work may be authorised up to 11 p.m. for women of at least 16 years of age in certain operations and undertakings specified by the Decree.

Night work may be authorised exceptionally, after consultation with the employers' and workers' organisations, in the case of preparatory or complementary operations which must of necessity be carried on outside the hours assigned to production work. It may also be authorised if it becomes necessary in connection with an accident that has occurred or is imminent, or in other cases of *force majeure*.

After consultation with a committee composed of representatives of employers and workers, the Governor-General may authorise exceptions to the above-mentioned rules in undertakings where the work is affected by the seasons or by atmospheric conditions and then only in respect of operations of an essentially intermittent nature.

The report stresses the fact that in the few industrial operations where women are at present employed (for example in the manufacture of cigarettes or in laundries), there is no night work, even for men. The exceptional cases and departures from the legal provisions enumerated above are of a theoretical nature at the present time. The number of women employed in industry during the period 1957-58 was 443.

### *Netherlands.*

#### *Netherlands New Guinea.*

Women only work at night in hospitals.

### *Union of South Africa.*

#### *South West Africa (First Report).*

Mines, Works and Minerals Ordinance No. 26 of 1954.

Factories, Machinery and Building Work Ordinance No. 34 of 1952 (*Official Gazette (Extraordinary)*, No. 1701, 29 July 1952, p. 3138).

*Article 1 of the Convention.* The terms "mines" and "works" are defined in the

Mines, Works and Minerals Ordinance of 1954, and the term "factory" is defined in the Factories, Machinery and Building Works Ordinance of 1952.

*Article 2.* Except for the interval prescribed by section 19 (1) (e), of the Factories, Machinery and Building Work Ordinance of 1952, as amended, no other intervals have been prescribed.

*Article 3.* The term "female" covers all women employed in industrial undertakings.

*Article 4, clause (a).* No use has been made of the provisions of this clause.

*Clause (b).* The exception provided for in this clause is applied in the crayfish canning factories, and its application is limited to a certain area and during the crayfish canning season.

*Article 5.* The prohibition of night work for women has not yet been suspended.

*Article 6.* No women are employed in industrial undertakings which are influenced by the seasons.

*Article 7.* No use has been made of the exception provided for in this Article.

*Article 8.* Women employed in industrial undertakings in the territory are not affected by the provisions of this Article.

The application of the Mines, Works and Minerals Ordinance of 1954 is entrusted to the Mines Branch of the Administration, and the Factories, Machinery and Building Work Ordinance of 1952 to the Industrial Section of the Administration. Inspectors are appointed in terms of the Ordinances and inspections are conducted regularly to ensure that the provisions of the Ordinances are complied with.

\* \* \*

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), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

## 90. Night Work of Young Persons (Industry) Convention (Revised), 1948 <sup>1</sup>

*This Convention came into force on 12 June 1951*

---

---

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 22 October 1954.  
Applicable without modification : Netherlands Antilles : 15 December 1955.  
No declaration : Netherlands New Guinea, Surinam.

*United Kingdom.*<sup>2</sup>  
Decision reserved : Aden, Antigua<sup>3</sup>, Bahamas, Barbados<sup>3</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>3</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>3</sup>, Hong Kong, Jamaica<sup>3</sup>, Kenya, Malta, Mauritius, Montserrat<sup>3</sup>, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla<sup>3</sup>, St. Helena, St. Lucia<sup>3</sup>, St. Vincent<sup>3</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago<sup>3</sup>, Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

---

<sup>1</sup> This Convention revises the 1919 Convention. See Convention No. 6.

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

<sup>3</sup> Federation of the West Indies.

*Netherlands.*

*Netherlands New Guinea.*

Night work scarcely ever occurs in Netherlands New Guinea. The service of night watchman in power stations is an exception, but young persons do not do this kind of work.

\* \* \*

The following reports refer to the information previously supplied :

*Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam).

## 92. Accommodation of Crews Convention (Revised), 1949 <sup>1</sup>

*This Convention came into force on 29 January 1953*

---

---

*Denmark.* Ratification : 30 September 1950.  
No declaration.

*France.* Ratification : 26 October 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Netherlands.* Ratification : 17 June 1958.  
Not applicable : Surinam : 14 November 1958.

No declaration : Netherlands Antilles, Netherlands New Guinea.

*Portugal.* Ratification : 29 July 1952.  
No declaration.

*United Kingdom.* Ratification : 6 August 1953.  
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.  
No declaration : all other territories.

---

<sup>1</sup> This Convention revises Convention No. 75 of 1946.

*Portugal.**Angola* (First Report).

See under Convention No. 69.

*Cape Verde, Macao, Mozambique, San Tomé and Príncipe* (First Reports).

The Convention does not apply to these territories.

*Portuguese Guinea* (First Report).

The Convention is not applied as no vessels above 500 tons gross are registered in the territory.

*Timor* (First Report).

See under Convention No. 69.

*United Kingdom.**Basutoland* (First Report).

This Convention is regarded as inapplicable to this territory as it has no seaboard.

*Bechuanaland* (First Report).See under *Basutoland*.*Northern Rhodesia* (First Report).See under *Basutoland*.*Nyasaland* (First Report).See under *Basutoland*.*Southern Rhodesia* (First Report).See under *Basutoland*.*Swaziland* (First Report).See under *Basutoland*.

\* \* \*

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), *Portugal* (Portuguese Indies).

## 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 : 8 March 1956.*Denmark.* Ratification : 15 August 1955.  
No declaration.*France.* Ratification : 20 September 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.*Italy.* Ratification : 22 October 1952.  
No declaration.*Netherlands.* Ratification : 20 May 1952.  
Applicable without modification : Netherlands Antilles, Surinam : 10 June 1955.  
Not applicable : Netherlands New Guinea : 10 June 1955.*United Kingdom.* Ratification : 30 June 1950.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 30 June 1950.Applicable without modification :  
Aden, Antigua<sup>2</sup>, Bahamas, Barbados<sup>2</sup>, Bermuda, British Guiana, British Somaliland, Brunei, Cyprus, Dominica<sup>2</sup>, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>2</sup>, Jamaica<sup>2</sup>, Kenya, Mauritius, Nigeria, North Borneo, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak, Singapore, Solomon Islands, Tanganyika, Uganda : 22 March 1958.British Virgin Islands : 15 April 1958.  
Applicable with modification :  
British Honduras, Malta, Trinidad and Tobago<sup>2</sup>, Zanzibar : 22 March 1958.Sierra Leone : 16 December 1958.  
Decision reserved : Basutoland, Bechuanaland, Falkland Islands, Fiji, Gambia, Hong Kong, Montserrat<sup>2</sup>, St. Christopher-Nevis-Anguilla<sup>2</sup>, St. Helena, Seychelles, Swaziland : 22 March 1958.

No declaration : Northern Rhodesia, Nyasaland, Southern Rhodesia.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

The preparation of new general specifications for public contracts is still in progress. Clauses to provide for the observance of labour legislation by contractors are included in the draft.

*France.**Cameroons.*

The clauses and general conditions of public works contracts in force provide for a clause guaranteeing the payment of workers' wages in case of default on the part of the contractor.

*Netherlands.**Netherlands Antilles.*Labour Ordinance, 1952 (*Publicatieblad*, 1952, No. 93) (*L.S.* 1952—Neth. Ant. 1).

Wages Ordinance, 1946.

Sickness Ordinance, 1946 (*Publicatieblad*, 1946, No. 101).Occupational Accidents Ordinance (*Publicatieblad*, 1946, Nos. 94, 103-105 and 177).Holidays Ordinance (*Publicatieblad*, 1949, No. 17).Safety Decree (*Publicatieblad*, 1958, No. 14).*Articles 1 and 2 of the Convention.* The above-mentioned legislation applies to private as well as to public works. As there are no regulations regarding wages except a few minimum wage rates, it has been decided to provide in all public contracts that wages should not be lower than current wages.<sup>1</sup> See footnote 1 to Convention No. 2.<sup>2</sup> Federation of the West Indies.

*Article 3.* The Safety Decree applies to all works.

*Article 4.* The Sickness Ordinance and the Occupational Accidents Ordinance provide that records of wages shall be kept.

*Article 5.* Sanctions of general application are prescribed by the relevant legislation. No doubt public contracts would not be awarded to persons repeatedly contravening these provisions.

*Netherlands New Guinea.*

See under Convention No. 95 (first paragraph).

*Surinam.*

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, p. 695.

*United Kingdom.*

*Antigua (First Report).*

*Article 1 of the Convention.* Effect is given to the Convention by the General Conditions of Contract which are embodied in all government contracts, and contain a clause providing that they will be considered binding on all parties concerned.

No exceptions have been made under paragraphs 4 and 5 of this Article. Paragraph 3 is covered by paragraph 17 of the General Conditions of Contract, which provides that the contractor may not assign or transfer his contract without written authorisation and that the subcontractor is bound by the terms of the General Conditions of Contract.

*Article 2.* Paragraph 16 (a) and (b) of the General Conditions of Contract lays down that rates of wages, hours and conditions of labour shall not be less favourable than those established in the trade or industry and currently paid by the Government for work of the same nature in the district where the work is carried out; in the absence of such conditions, the Labour Commissioner shall, after consultation with representatives of employers and workers, prescribe reasonable rates and wages and conditions to be observed by contractors.

Appropriate measures are taken to ensure that the General Conditions of Contract are brought to the notice of persons tendering for public contracts.

*Article 3.* Paragraph 16 (i) of the General Conditions of Contract lays down that the contractor shall take adequate measures to ensure the safety, health and welfare of workers employed. Paragraphs 19 and 20 prescribe certain requirements in respect of sanitary measures and water supply.

*Article 4.* Provisions giving effect to the Convention are, in practice, brought to the notice of all concerned, and the persons responsible for compliance with them are defined in the General Conditions of Contract. Paragraph 16 (h) requires contractors to post notices in conspicuous places at the place of work stating rates of wages and other conditions of work. Paragraph 16 (d) requires contractors

to maintain proper wage books and time sheets and to produce these for inspection.

The application of the General Conditions of Contract is entrusted to the Head of the Government Department and the Labour Commissioner, who both carry out frequent visits for inspection purposes.

*Article 5.* Paragraph 32 (a) of the General Conditions of Contract empowers the Government to terminate a contract if its terms and conditions are not complied with. Provision is not made for payments to be withheld so that workers may obtain wages due to them, but trade unions are so well organised that in practice contractors pay all the wages to which workers are entitled.

*Barbados (First Report).*

Labour Clauses (Public Contracts) Act, 1952 (*Official Gazette*, No. 37, 8 May 1952, Supplement) (L.S. 1952—Bar.1).  
Factories Act, 1956 (*Official Gazette*, 20 Dec. 1956, Supplement).

*Article 1 of the Convention.* Section 2 of the Labour Clauses (Public Contracts) Act, 1952 (henceforward referred to as the Act), which was enacted to give effect to the Convention, provides that the term "public contract" means a contract involving the expenditure of funds by any department of the Government of the island, or by any local government body or the governing board of any secondary school.

Section 2 of the Act defines a contract in the same terms as the Convention; paragraphs 6 and 7 of the Schedule to the Act apply the provisions of the Act to subcontractors and assignees; there has been no need to invoke the permissive stipulations of paragraphs 4 and 5 of this Article.

*Article 2.* This Article is applied by paragraphs 1, 2 and 4 of the Schedule to the Act, and by section 3 of the Act. Persons tendering for contracts are informed of the terms by the administration.

*Article 3.* Provisions as to health, safety and welfare of workers are contained in national laws and regulations or in collective agreements.

*Article 4.* The legislation giving effect to the Convention is brought to the notice of the persons concerned by publication in the *Official Gazette*, and by the press and the Labour Inspectorate.

While there are no provisions for the posting of notices (clause (a) (iii), of this Article), in practice all workers are aware of their conditions of work. It is thus not considered necessary to make such provisions.

Clause (b) (i) and (ii) of this Article are applied by paragraph 5 of the Schedule to the Act. All workplaces are inspected as often as necessary.

*Article 5.* This Article is applied by paragraphs 10 and 11 of the Schedule to the Act.

*Basutoland (First Report).*

The country is essentially agricultural and has not yet reached a stage of development where it would be practicable to enforce the provisions of this Convention.

*Bechuanaland (First Report).*

The amount of work undertaken by public contract is not large, and there is no legislation requiring the insertion of labour clauses in public contracts. No steps are at present taken by the Government to insert such clauses in public contracts.

*Bermuda (First Report).*

*Article 1 of the Convention.* An Administrative Instruction drawn up to give effect to the Convention applies to all government contracts except those involving expenditure not exceeding £15,000, these having been exempted under paragraph 4 of this Article. Persons occupying positions of management or of a technical, professional or scientific character, who do not ordinarily perform manual work, are exempted from the application of the Convention under paragraph 5 of this Article. There were no organisations of employers or workers which could be consulted on these exemptions.

*Article 2.* The Administrative Instruction mentioned above provides that all government contracts must include clauses to ensure that the wages, hours of work and other conditions of labour shall not be less favourable than those for work of a similar character in the trade or industry concerned in the colony.

Invitations to tender for government contracts must draw attention to the labour clauses.

*Article 3.* This Article is covered by various legal provisions and regulations which have been mentioned in the territory's reports on Convention No. 82.

*Article 4.* Measures to give effect to this Article are provided for in section 8 of the Administrative Instruction.

The duty of enforcing the application of the Administrative Instruction will devolve on the Director of Public Works.

*British Guiana (First Report).*

Fair Wages Rules, 1946.

Fair Wages (Amendment) Rules, 1952.

*Article 1 of the Convention.* The above-mentioned Rules apply to every contract entered into with the Government or involving its assistance. Persons occupying positions of management or of a technical, professional or scientific character are excluded from the application of this Convention.

*Article 2.* Under Rule 2 of the Rules of 1946 the contractor shall pay wages and observe hours of work and conditions of labour not less favourable than those of the trade or industry in the district or, failing this, in other districts with similar general circumstances. In the absence of comparable conditions the Department of Labour, in consultation with employers and workers, shall establish the fair and reasonable rates and conditions to be applied. Before being allowed to tender for government contracts, contractors certify that the conditions they offer to workers are in accordance with Rule 2 of the Rules of 1946.

*Article 3.* The provisions relating to health, safety and welfare of workers are covered by the Factory Ordinance (Cap. 115) and regulations made thereunder.

*Article 4.* The Fair Wages Rules provide for the posting up on the worksite of notices indicating wage and labour conditions, as well as the keeping of appropriate books and time sheets available for official inspection. Specimen wage and time sheets are appended to the report. The Commissioner of Labour is responsible for the enforcement of the Rules and officers of the Public Works Department carry out the appropriate inspections.

*Article 5.* Under Rule 2 (10) and (11) of the Fair Wages Rules contractors or subcontractors who do not apply Rule 2 cease to be approved for the period determined by the Commissioner of Labour, and, in the event of recognised default in payment of wages, the Department may arrange for their payment out of moneys payable to the contractor.

*Article 7.* No exemption is sought in respect of any area.

*Article 8.* No suspension has so far been effected.

*Brunei (First Report).*

Standard Government Contract Form.

Labour Enactment, 1954 (*Government Gazette*, 28 Feb. 1955, Supplement No. 2).

*Article 1 of the Convention.* The Convention is applied in all contracts awarded by the Government on behalf of public authorities. No classes of persons have been excluded from the application of the Convention. The contractor shall, if required, notify the Commissioner of Labour of the names and addresses of all subcontractors.

*Article 2.* Clause 21 of the Standard Government Contract Form (the "Fair Wages" Clause) contains provisions on the lines of paragraphs 1 and 2 of this Article. The Government Contract has recently been amended to conform more closely to the Convention. Advertising media are used to ensure that the Fair Wages Clause and the terms of the Labour Enactment of 1954 are clearly known to all concerned before they tender for contracts, and before their tender is accepted.

*Articles 3 to 5.* The report refers to sections 4 to 7 and 106 of the Labour Enactment, 1954, relating to inspections by the Commissioner or Health Officer; measures to be taken concerning the health and safety of workers; and the keeping of working boards readily accessible to workers, containing details as to wages. Clause 23 of the Standard Government Contract Form provides that the contractor shall keep proper wages books and time sheets, and must produce these on request. Clause 25 provides that moneys may be deducted from sums due to the contractor to pay any workman who has not been duly paid.

The Commissioner of Labour is responsible for the application of the legislation. Most workers are immigrants whose contracts are attested before the Commissioner of Labour.

*Cyprus.*

Model Rules (*Cyprus Gazette*, 4 May 1950).

Factories Law, 1956 (*Cyprus Gazette*, No. 4015, 24 Dec. 1956, Supplement No. 2).

*Article 1 of the Convention.* The Convention is applied to government contracts and other public contracts entered into with assistance from the Government by way of grant, loan, subsidy, licence, etc., except contracts the value of which does not exceed £300. No categories of persons have been exempted from the application of the Convention.

*Article 2.* A Schedule based on the Model Rules is appended to all contracts to which the Convention is applied, as well as to agreements with subcontractors. These clauses were published in the *Gazette* and subsequently publicised in the local press. Tender Boards usually acquaint persons tendering for contracts with the terms of these clauses.

*Article 3.* This Article is applied by the Factories Law, 1956, Parts IV to VII.

*Article 4.* The Model Rules and the Schedule appended to public contracts give effect to this Article. Specimen copies of Government Notices for tenders, which include reference to the Model Rules, are transmitted with the report.

*Article 5.* This Article is applied by paragraphs 8 and 9 of the Schedule appended to public contracts.

The Commissioner for Labour is responsible for the application of the relevant provisions. A copy of each agreement to which the Model Rules apply is forwarded to the District Labour Officer concerned, for enforcement of the labour clauses.

The broad principles of Articles 1 (paragraphs 2 and 5), 2 (paragraphs 3 and 4), 3 and 8 of the Convention have been laid before the Labour Advisory Board, on which employers' and workers' organisations are represented.

*Fiji (First Report).*

Standard Conditions in respect of Employment of Labour by Contractors in Connection with Government Contracts.

The Public Works Department awards most of the very few public contracts concluded. Such contracts given out to contractors and subcontractors are subject to the Standard Conditions. The extent to which the Convention can be applied is being studied.

*Gambia (First Report)*

A decision with regard to the application of this Convention is reserved pending further consideration of the standard form of conditions for public contracts.

*Gibraltar (First Report).*

*Article 1 of the Convention.* The Convention is applied by administrative regulations. These regulations apply to both the Colonial Government and the City Council; the Defence Departments apply the Convention in accordance with the usual practice of the United Kingdom. No contracts are exempt from the application of

the Convention and there is no exclusion of any class of persons.

*Article 2.* Contracts provide that wages and other conditions of labour for workers under public contracts shall not be less favourable than those generally established in the territory. In the absence of such generally established conditions the rates paid and the conditions observed shall be approved by the Director of Labour and Social Security. Copies of the Fair Wages Clause drawn up in the administrative regulations are issued to all contractors requesting tender forms.

*Article 3.* The Factories Ordinance provides for the health, safety and welfare of workers, and public contracts include terms drawing the attention of contractors to the need for providing adequate measures.

*Article 4.* Public contracts provide for the posting of the rules applicable to them, and, if required by the Director of Labour, a schedule of wages and conditions of work. The contractor must supply details concerning rates of wages, hours of work, etc., when putting in a claim for payment.

*Article 5.* A contractor failing to observe the terms of his contract shall cease to be approved as a contractor for further government contracts. The Director of Labour and Social Security may pay outstanding wages due to workers and recover these sums from the contractor.

The application of the Convention is entrusted to the Director of Labour and Social Security and the City Council.

*Guernsey.*

*Article 1, paragraph 3, of the Convention.* Following an observation made in 1956 the States of Guernsey have resolved that the Fair Wages Clause to be inserted in public contracts shall also apply to subcontractors and assignees.

*Article 4.* Legislation to implement this Article is felt to be unnecessary. It will be the duty of the States' representatives concerned with public contracts to draw the attention of the contractor to the requirements of the Fair Wages Clause. The terms of employment in the building industry (which is the only industry likely to be concerned in the application of the Convention) are covered by collective agreements whose terms are published in local newspapers and are well known in the industry. Because of the prevailing full employment it is virtually impossible for an employer to hire labour at lower rates. Any breach of the Fair Wages Clause is not likely to escape notice for long as the Branch Secretary of the union to which workers in the building industry belong (who is himself a member of the States of Guernsey) has been requested to report to the States' Board of Administration any suspected breach, whereupon an investigation would be made.

*Hong Kong (First Report).*

A decision on the application of the Convention is reserved because of difficulties in its application. These are the present system of



subcontracting, as the principal contractor can only with difficulty have any control over the wage rates of the workers, and the absence in practice of a generally recognised wage rate for many of the occupations covered by labour and building contracts.

*Kenya (First Report).*

Government Contracts Ordinance No. 44 of 1956.  
Employment Ordinance (Cap. 109).  
Regulation of Wages and Conditions of Employment Ordinance, 1951 (L.S. 1951—Ken. 1).

*Article 1 of the Convention.* The provisions of the Convention are applied to all contracts awarded by the Central Authority. Copies of the latest government circular and the Central Authority's own contract form are appended to the report. The same contract form is also used in contracts entered into by the East Africa High Commission services.

The competent authority, after consulting the Labour Advisory Board, has requested all local authorities, public utility companies and quasi-government organisations to include the Standard Labour Clause in their contracts; and all these have agreed to do so or to adopt one of like effect.

Provision for the observance by subcontractors of the terms of the labour clauses is contained in paragraph (g) of the Fair Wages Clause, but this paragraph is not included in the Central Authority's own contract form (F.O. Form No. 55). The possibility of amending this form is now being examined, but reasonably adequate safeguard is provided in Clause 3 which forbids the contractor to assign or sublet any part of his contract without written consent.

On the advice of the Labour Advisory Board it was decided to exempt contracts of under £2,000 from the application of the Convention. Little use has been made of the exemption, and labour clauses are always included in the Central Authority's contracts.

No classes of persons have been excluded from the application of the Convention.

*Article 2.* Paragraphs 1 and 2 are substantially met by paragraphs (a) and (b) of the Fair Wages Clause.

The terms of the Fair Wages Clause were originally considered by the Labour Advisory Board.

The Central Authority has laid down, in respect of its own contract, that before being placed on the list of government contractors, or being allowed to tender for government contracts, the contractor shall certify that to the best of his knowledge the conditions of work he is offering have been in conformity with the Fair Wages Clause for at least three months. Other public authorities have been requested to adopt a like procedure.

*Article 3.* There are adequate legislative provisions to ensure reasonable conditions of health, safety and welfare for workers engaged under public contracts.

*Article 4.* The relevant administrative circular has been given wide publicity in the government services, and a slightly modified version has been issued to all other public authorities.

Responsibility for complying with legal provisions regarding health, safety and welfare

rests with the employer or in some cases with the workers themselves.

The Standard Labour Clause compels the contractor to display, for the information of his employees, a copy of the Clause together with the notice giving general rates of wages, hours and conditions of labour. The posting of notices is also provided for in other legislative texts referred to in the report. The Fair Wages Clause requires the contractor to maintain records of hours and wages in a manner adequate to show that he is complying with it. Other records are required by legislation referred to in the report. The Labour Department is generally responsible for supervising and enforcing the application of the Convention. A list of public contractors is supplied to the Labour Department for inspection purposes.

*Article 5.* Sanctions imposed on contractors failing to observe the provisions of the labour clause could be applied administratively. If there is difficulty in applying administrative pressure on a contractor to recover wages due to workers the matter would, in most cases, be effected by a Labour Officer proceeding in the courts on behalf of the workers concerned.

*Article 7.* It is not proposed *wholly* to exclude any area of the territory from the application of the Convention, but it is not considered practical, at present, to apply Article 3 on a territory-wide basis. Details of the exclusion in question and of the reasons for it are set out in the report.

*Malta (First Report).*

General Conditions Governing the Employment of Labour in Connection with Government Contracts. Factories (Health, Safety and General Welfare) Regulations, 1945 (Government Notice No. 458 of 25 September 1945), as amended by Government Notice No. 55 of 23 January 1956, and by the Factories (First-Aid) Regulations, 1949 (Government Notice No. 330 of 25 May 1949).

*Article 1 of the Convention.* The Convention is applied with modifications by an administrative arrangement by which the General Conditions apply to all contracts entered into by the Maltese Government which involve expenditure of government funds exceeding £500, and the employment of workers by the other party to the contract (paragraph 1 of the General Conditions).

*Article 2.* Paragraph 2 of the General Conditions provides that wages, hours of work and other conditions of labour of workers employed by a contractor shall not be less favourable than those for work of the same character: (a) by national laws and regulations as modified by collective agreements or other recognised machinery of negotiation between employers and workers representative of substantial proportions of employers and workers in the trade or industry concerned, or by voluntary settlement or arbitration award under the Conciliation and Arbitration Act; (b) failing such modifications as described in (a), by the laws and regulations as modified by the general level observed by the employers in the trade or industry in which the contractor is engaged; (c) failing the applicability of (a) and (b), by collective agreements, voluntary settlement or

arbitration award, or by the general level in the trade or industry.

Copies of the General Conditions are always appended to forms of tender issued by the Government.

*Article 3.* The health, safety and welfare of workers are safeguarded by the Factories (Health, Safety and General Welfare) Regulations, 1945, as amended.

*Article 4.* Labour clauses are included in the contracts, and contractors are responsible for compliance therewith. No provision exists for the posting of notices. A contractor must keep proper wages books and time sheets, and is bound to produce these for inspection.

Copies of accepted tenders are furnished to the Department of Emigration, Labour and Social Welfare, and inspectors of this Department inspect worksites to ensure compliance with the labour clauses.

*Article 5.* Any contractor who contravenes the conditions set out in the contract is not allowed to tender for government contracts for such period as the Treasurer and Director of Contracts may determine (paragraph 9 of the General Conditions).

If an employer defaults in the payment of wages the workman may file a claim in the office of the Director of Labour and the Department may arrange for the payment of the claim out of moneys payable to the contractor (paragraph 8 of the General Conditions).

#### *Mauritius (First Report).*

Special Conditions of Contract.

Labour Ordinance (Cap. 214, as amended).

Factories Ordinance No. 42 of 1946, as amended.

Trade and Industries Ordinance No. 65 of 1951.

*Article 1 of the Convention.* Contracts awarded by public authorities other than central authorities comply with labour laws and the Special Conditions of Contract. No exemptions or exclusions have been made under paragraphs 4 and 5 of this Article.

*Article 2.* The report refers to the Special Conditions of Contract.

*Article 3.* The report refers to the above legislation.

*Article 4.* Sections 120 to 124 of the Labour Ordinance and the Special Conditions of Contract are relevant to this Article. Every work-site is visited at regular intervals by the Labour Inspectorate, and individual complaints may be made at set times and places.

*Article 5.* The report refers to the Special Conditions of Contract.

#### *Montserrat (First Report).*

*Article 1 of the Convention.* The Convention has not been applied to contracts awarded by authorities other than the Government, which is the only public authority.

*Article 2.* By administrative instruction government contracts include a clause requiring that conditions of work shall not be less favourable than those established for work of the same character by collective agreement.

*Article 3.* There are no applicable legal pro-

visions, but adequate measures are ensured by inspection by the government officer responsible for the contract.

*Article 4.* Full inspection is not possible in the absence of a labour officer, but conditions are well known to all concerned.

#### *North Borneo (First Report).*

Labour Ordinance No. 18 of 1949 (Cap. 67), as amended by Ordinances Nos. 2 of 1955 and 15 of 1957).

Labour (Public Contracts) Rules, 1951 (G.N.S. 53/51).

*Article 1 of the Convention.* The Convention is applied by the legislation listed above. The Rules apply to central authorities, and they have not been applied as yet to any other authorities. Contracts under \$30,000 are exempted from the application of the Convention, but no classes of persons have been excluded.

*Article 2.* A register of contractors permitted to submit tenders for contracts is kept and the terms of public contracts are contained in notices with regard to tenders.

*Article 3.* Relevant provisions are contained in the Labour Ordinance.

*Article 4.* The provisions of the Labour Ordinance are known to all indigenous workers, and are brought to the attention of immigrant workers when they sign their contracts. Specific notices are not posted because of illiteracy and linguistic difficulties. Compliance with all provisions of the law is enforced by frequent inspections by representatives of the Labour Department.

*Article 5.* Sections 8 to 11 of the schedule to the Rules provide for adequate sanctions as required by this Article.

#### *St. Christopher-Nevis-Anguilla (First Report).*

No laws or administrative arrangements give effect to any of the provisions of the Convention. Consideration is now being given to amending the labour laws to bring them more into accord with I.L.O. Conventions, and it is proposed to introduce legislation permitting full acceptance of this Convention.

#### *St. Helena (First Report).*

No public contracts of the nature envisaged by the Convention have been issued.

#### *Sarawak (First Report).*

Standard Government Contract Form.

Labour Ordinance of 11 December 1951 (*Government Gazette*, Supplement, No. 37, 22 Dec. 1951, p. 625) (L.S. 1951—Sar. 1).

*Article 1 of the Convention.* The Convention is applied in all contracts awarded by the Government on behalf of the public authorities. No classes of workers have been exempted from its application.

*Article 2.* Clause 24 of the Standard Government Contract Form provides that contractors shall observe hours of work and conditions of employment not less favourable than is customary locally, and pay wages and provide

rations to labourers at the customary local rates. Advertising media are used to ensure that the labour clauses in the Government Contract Form and the obligations under the Labour Ordinance are known to persons tendering contracts.

*Articles 3 to 5.* The report quotes sections 4 to 7 and 106 of the Labour Ordinance of 1951, relating to inspections by the Commissioner or Health Officer; measures to be taken concerning the health and safety of workers; and the keeping of working boards readily accessible to workers, containing details as to wages. Reference is also made to Clause 24 of the Government Contract Form relating to deductions which may be made from moneys due to a contractor in order to pay arrears of wages to Native workmen, and to Clause 25 dealing with housing, sanitation and medical equipment.

The Commissioner of Labour, assisted by 22 District Officers, and the Kuching Labour Inspector, are responsible for the application of the legislation referred to above.

*Sierra Leone (First Report).*

Secretariat Circular No. 23 of 1946.

Wages Boards Ordinance (Cap. 258).

Machinery (Safe Working and Inspection) Ordinance (Cap. 134).

Employers and Employed Ordinance (Cap. 70).

*Article 1 of the Convention.* Every contract made with the Government of Sierra Leone or any department thereof, and for which government assistance is provided by way of grant, loan, subsidy, licence or guarantee, etc., shall be subject to the provisions of the above-mentioned Circular. There are no special provisions applicable to contracts given out by non-government authorities, but all contractors and subcontractors must pay rates of wages as laid down by the Wages Boards Ordinance. No exceptions as permitted under this Article have been made.

*Article 2.* The terms of the clauses to be included in contracts provide that the contractor shall pay wages and observe hours and conditions of labour not less favourable than those established in the trade or industry in the district where the work is carried out by agreement, machinery of negotiation or arbitration, and, failing such established rates and conditions, those where the work is carried out under similar circumstances (paragraph 1 of the Schedule to the Circular).

Paragraph 2 of the Schedule provides that in the absence of these rates the Commissioner of Labour, after consultation with employers' and workers' representatives, shall fix the rates having regard to the conditions of persons employed in a similar capacity and in similar general circumstances.

Before being placed on a list of government contractors or being allowed to tender the contractor must certify that the conditions of labour of his employees conform to paragraph 1 of the Schedule to the Circular.

*Article 3.* There are special regulations in the Employers and Employed Ordinance (Cap. 70) relating to labour health areas, and to the maintenance of machinery in the Machinery

(Safe Working and Inspection) Ordinance (Cap. 134).

*Article 4.* This Article is applied by paragraph 4 of the Schedule to the Circular. A labour inspection service ensures compliance with the relevant provisions.

*Article 5.* This Article is applied by paragraphs 7 to 10 of the Schedule to the Circular.

*Singapore (First Report).*

Resolution adopted on 10 June 1952 by the Executive Council to include Fair Wages Clauses in government contracts.

Labour Ordinance, 1955 (*Gazette*, Supplement, No. 101, 30 Nov. 1955).

*Article 1 of the Convention.* Pursuant to the adoption of a resolution by the Executive Council on 10 June 1952, every contract entered into by and on behalf of the Government involving the employment of labour contains labour clauses. The contractor is responsible for the observance of the conditions by subcontractors. Other quasi-government bodies such as the City Council, the Singapore Improvement Trust, and the Singapore Harbour Board have also adopted Fair Wages Clauses in their contracts. Specimens of these contracts and the standard government contract are appended to the report.

*Article 2.* Paragraphs (a) and (b) of the labour clauses contained in the resolution of 10 June 1952 mentioned above oblige the contractors to pay wages and observe hours and conditions of work not less favourable than those established for the trade or industry in Singapore. In the absence of established wages, hours and conditions of work, the contractor must observe terms not less favourable than the general level of wages, hours and conditions observed by other employers whose general circumstances in the trade or industry are similar. The labour clauses are terms of the contract to be signed by successful contractors, and have not been varied.

*Article 3.* A new Factories Act which will cover the requirements of this Article is under consideration by the Legislative Assembly.

*Article 4.* The labour clauses contained in the Resolution provide that contractors must keep proper wage books and time sheets. Section 132 of the Labour Ordinance provides for the keeping of records which relate to rates of pay, allowances and deductions, in a place accessible to workers.

Section 137 of the Labour Ordinance provides for inspections to be carried out by the Commissioner, or any other person authorised in writing by the Commissioner, or by a local health authority. The authorities responsible for the enforcement of the Convention are the Labour Department and the Public Works Department.

*Article 5.* No sanctions have so far had to be applied, but the most effective sanction would be the refusal by the public authority to accept tenders from offending contractors.

*Swaziland (First Report).*

*Article 1 of the Convention.* The territory has no subordinate authorities.

*Article 2.* National legislation relating to wages and conditions of work applies to public contracts.

*Article 3.* There is national legislation concerning health, safety and welfare (the texts are enumerated in the report).

*Article 4.* There is no legislation specifically applying this Article.

*Uganda (First Report).*

General Notice No. 548 of 1958 (*Uganda Gazette*, 1 May 1958).  
Circular Standing Instruction No. 11 of 1958.  
Uganda Employment Ordinance (Cap. 83).  
Factories Ordinance, 1952.

*Article 1 of the Convention.* Effect is given to the Convention by the General Notice and the Instruction referred to above. These have also been brought to the attention of all corporation and parastatal bodies, municipalities and local authorities.

Contracts involving the expenditure of public funds not exceeding 100,000 shillings have been exempted from the application of the Convention, but no categories of persons have been excluded under paragraph 5 of this Article.

*Article 2.* The provisions of this Article are fully covered by General Notice No. 548 of 1958, a copy of which is, by administrative instruction, supplied to every person tendering for a government contract.

*Article 3.* The health, safety and welfare of workers is ensured by the Uganda Employment Ordinance and the Factories Ordinance, 1952.

*Article 4.* This Article is covered by the publication in the *Uganda Gazette* of General Notice No. 548 of 1958 and the Circular Standing Instruction; paragraphs 5 and 9 of the Notice give effect to clause (b) (i) of this Article. Officers of the Labour Department carry out regular and systematic inspections of all workplaces.

*Article 5.* The provisions of this Article are covered by paragraphs 8, 10 and 11 of the Notice.

*Zanzibar (First Report).*

Labour Decree of 1946, as amended by Decrees Nos. 25 of 1951, 10 of 1952, 27 of 1955 and 2 of 1957.  
General Notice No. 8 of 1958 (*Official Gazette*, 4 Jan. 1958).

*Article 1 of the Convention.* Contracts awarded by authorities other than the central authorities have so far been rare and are generally of a minor nature. Contracts of any magnitude have been awarded by the Government Tender Board, which imposes the requisite conditions.

*Article 2.* The requirements of this Article are fulfilled by the publication in the *Official Gazette* of the terms of the contract which, *inter alia*, require the contractors to comply with the provisions of this Article.

*Article 3.* This Article is applied by section 29 of the Labour Decree.

*Article 4.* General Notice No. 8 applies this Article. Labour inspectors, medical officers and heads of departments responsible for the contracts ensure compliance with the provisions of the Convention.

*Article 5.* This Article is applied by clauses 6 and 8 of the General Notice.

\* \* \*

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

*Denmark* (Faroe Islands, Greenland), *France* (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), *United Kingdom* (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 : 27 April 1955.

Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland : 8 July 1958.

No declaration : Algeria.

*Italy.* Ratification : 22 October 1952.

No declaration.

*Netherlands.* Ratification : 20 May 1952.

Applicable without modification : Netherlands Antilles, Surinam : 10 June 1955.

Applicable with modification : Netherlands New Guinea : 10 June 1955.

*Spain.* Ratification : 24 June 1958.

No declaration.

*United Kingdom.* Ratification : 24 September 1951.

Applicable without modification :

Jersey, Isle of Man : 10 March 1956.

Aden, Bahamas, Barbados<sup>1</sup>, British Guiana, Brunei, Cyprus, Dominica<sup>1</sup>, Gibraltar, Grenada<sup>1</sup>, Malta, Mauritius, Montserrat<sup>1</sup>, Nigeria, North Borneo, St. Lucia<sup>1</sup>, St. Vincent<sup>1</sup>, Sarawak, Tanganyika, Uganda, Zanzibar : 22 March 1958.

British Somaliland : 15 April 1958.

Applicable with modification :

British Honduras, Sierra Leone, Solomon Islands : 22 March 1958.

Kenya : 6 May 1958.

Trinidad and Tobago<sup>1</sup> : 19 June 1958.

Decision reserved :

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jamaica<sup>1</sup>, St. Christopher-Nevis-Anguilla<sup>1</sup>, St. Helena, Seychelles : 22 March 1958.

Antigua<sup>1</sup> : 15 April 1958.

Basutoland, Bechuanaland, Swaziland : 10 June 1958.

No declaration : Guernsey, Northern Rhodesia, Nyasaland, Singapore, Southern Rhodesia.

<sup>1</sup> Federation of the West Indies.

*Netherlands.**Netherlands New Guinea.*

Because of the shortage of workers in the country it is not necessary at present to interfere in the field of conditions of employment. This applies at any rate to the Native population for whom work in western surroundings is generally not an economic necessity. As most Native workers have no idea of discipline there is a large turnover among them, so that the protection of the wages of the workers is for the time being not yet a matter for discussion.

In reply to a direct request made in 1958 the Government supplies the following information.

*Article 2 of the Convention.* It is impossible to classify work to be regarded as Europeans' work (to which the Civil Code applies) because of the development of the Native population, but a decision is made by a judge if a dispute arises.

Relevant legislation dates back to the former Dutch East Indies and it is not believed that employers' and workers' organisations were consulted on exclusions made from the application of the Convention, though these consultations take place when existing legislation is amended.

*Article 13, paragraph 2.* A regulation is being prepared to prohibit payment of wages in taverns and similar establishments.

*United Kingdom.**Antigua (First Report).*

Practice is very much in harmony with the Convention. Existing legislation falls short of its requirements but consideration is being given to the drafting of new legislation along the lines of the Convention. Adequate protection of workers' wages is, however, afforded by a strong trade union movement and the powers of the Labour Commissioner under the Labour Ordinance.

*Basutoland (First Report).*

Laws of Basutoland, Chapter 72.  
Insolvency Proclamation No. 51 of 1957.

*Article 3 of the Convention.* Under section 8 of Chapter 72 of the Laws of Basutoland Africans must be paid in legal tender. Similar provisions for other persons have been found unnecessary.

*Article 4.* There are no laws or regulations allowing the partial payment of wages in kind, but by custom amongst the Basuto payment for certain agricultural services is often in kind.

*Article 6.* The practice to which this Article refers does not exist in the territory.

*Article 7.* No works stores exist in the territory.

*Article 8.* No national laws or regulations deal with deductions from wages, nor have there been any collective agreements or arbitration awards relating to deductions.

*Article 9.* The practice to which this Article refers is unknown in the territory.

*Article 10.* Wages may only be attached by order of court. Assignment of wages is possible under common law and it has not been found necessary to limit this right.

*Article 11.* This Article is applied by section 100 of the Insolvency Proclamation.

*Article 12.* There is no legislation, arbitration award or collective agreement covering this Article.

*Article 13.* This Article is not covered by legislation.

*Article 14.* It has been found unnecessary to inform workers of wages payable to them except in the case of Public Works Department labourers paid daily, to whom full particulars of their conditions of service are given in writing.

*Article 15.* No measures have been taken to apply this Article.

*Bechuanaland (First Report).*

There is no legislation specifically enforcing the Convention, but it is applied throughout the territory by custom and in practice where employees of all races are employed by Europeans and Asians, by Africans in commerce and by African local authorities.

*Bermuda.*

No legislative or administrative regulations exist to apply the provisions of the Convention, but local practice is substantially in conformity with the spirit of the Convention.

*Brunei (First Report).*

Labour Enactment, 1954 (*Government Gazette*, 28 Feb. 1955, Supplement No. 2).

*Article 1 of the Convention.* The definition of the term "wages" contained in this Article is accepted for purposes of the application of the Convention.

*Article 2.* No categories of persons have been excluded from the application of the Convention.

*Article 3.* Sections 110 and 111 of the Enactment relate to this Article.

*Article 4.* Only payment in legal tender is permitted, except for additional allowances under section 116 of the Enactment. The new Sarawak section 113 and definition of "wages" will in due course be incorporated in the Enactment.

*Articles 5, 6 and 7.* Sections 110, 112 and 117 of the Enactment relate respectively to these Articles.

*Article 8.* Sections 102, 113 and 115 of the Enactment relate to this Article. All indigenous workers understand that no deductions may be made except as laid down in these three sections. Immigrant workers have the terms of their contracts explained to them by officers of the Labour Department before whom they sign their contracts.

*Article 9.* See under Article 8.

*Article 10.* Section 109 of the Enactment relates to this Article. Wages may not be attached or assigned.

*Article 11.* By the Bankruptcy Enactment wages have absolute priority with municipal rates up to a maximum of five months and up to a sum not exceeding \$1,000.

*Article 12.* Section 108 of the Enactment relates to this Article. All workers' wages (except casual workers) are paid monthly.

*Article 13.* Although no regulations or laws exist which apply paragraph 1 of this Article, payment of wages in cash is in fact made on working days only and at or near the workplace. Paragraph 2 is covered by section 109 of the Enactment.

*Article 14.* Section 106 of the Enactment relates to this Article.

*Article 15.* Copies of the laws and regulations are available on request from the Labour Department Office and can also be studied in any District Office. Sections 3 (1), 120 and 106 of the Enactment relate to this Article.

*Article 17.* No areas have been exempted from the application of the Convention.

The Commissioner of Labour is responsible for the application of the legislation.

#### *Fiji (First Report).*

A study is being made as to the extent to which it is possible to apply the Convention.

#### *Gambia (First Report).*

The terms of the Convention are usually observed in practice but there is no legislation on this subject. The Labour Ordinance gives some protection and the Labour Officer exercises general surveillance.

#### *Gibraltar (First Report).*

Truck Ordinance (Cap. 130).  
Regulation of Wages and Conditions of Employment Ordinance (Cap. 159).  
Bankruptcy Ordinance (Cap. 8).

*Articles 1 and 2 of the Convention.* It is proposed to exclude from the application of the Convention non-manual workers and domestic and menial servants.

*Article 3.* The payment of wages in legal tender is prescribed by section 3 of the Truck Ordinance.

*Article 4.* Section 3 of the Truck Ordinance prohibits the payment of wages other than in cash to the workers to whom the Convention applies.

*Article 5.* Section 17 of the Regulation of Wages and Conditions of Employment Ordinance provides that wages shall be paid directly to the worker concerned except as may be otherwise provided by law, court order or by agreement of the worker.

*Article 6.* Section 5 of the Truck Ordinance prohibits the employer from imposing any conditions as to the manner in which a worker may dispose of his wages.

*Article 7.* No works stores such as referred to in this Article are maintained within the territory.

*Article 8.* Sections 8, 9 and 10 of the Truck

Ordinance permit certain deductions to be made provided that the terms of the contract are reproduced in a notice posted up in a place accessible to workers or are contained in a written contract signed by the worker. Deductions may also be made under the Social Insurance and Employment Injuries Insurance Ordinances.

*Article 9.* The deductions prohibited in this Article are illegal under section 14 of the Truck Ordinance.

*Article 10.* Section 17 (1) of the Regulation of Wages and Conditions of Employment Ordinance restricts the power to attach or assign wages to any law or court order unless it is done with the agreement of the worker.

*Article 11.* Section 33 of the Bankruptcy Ordinance provides that wages up to a certain maximum shall rank as a privileged debt and be paid before ordinary creditors. Wages so privileged rank equally with other privileged debts.

*Article 12.* Section 19 (1) of the Regulation of Wages and Conditions of Employment Ordinance provides for the payment of wages not less frequently than once a week in the case of workers whose wages are fixed by the hour, day or week, and once a fortnight in the case of piece-workers, except where other intervals are fixed by agreement between the employer and the worker. Section 19 (2) of the Ordinance provides that on termination of a contract of service all wages lawfully due shall be paid by the date of the next pay-day determined under section 19 (1).

*Article 13.* Section 17 (2) of the Regulation of Wages and Conditions of Employment Ordinance provides for the payment of wages on weekdays only and restricts payment in shops, public houses or places of public entertainment to those employed therein.

*Article 14.* Section 21 (1) of the same Ordinance requires employers on engagement to notify workers in writing of the conditions in respect of wages; in practice workers are informed of any changes in wages at the time of payment. Section 16 (2) of the Ordinance requires the employer to explain the provisions of the Ordinance to workers to whom it applies when they are engaged.

*Article 15, clause (a).* The laws and regulations giving effect to this Convention are available on public sale at low cost.

Clause (b). Responsibility for enforcement of the Regulation of Wages and Conditions of Employment Ordinance rests with the Director of Labour and Social Security. The Colonial Secretary is responsible for the application of the Truck Ordinance and the administration of the Bankruptcy Ordinance.

Clause (c). Penalties are prescribed by sections 12 (4) and 18 of the Truck Ordinance and section 27 of the Regulation of Wages and Conditions of Employment Ordinance.

Clause (d). Regulation 2 of the Regulation of Wages and Conditions of Employment (Forms) Regulations requires every employer to maintain records in prescribed form in respect of each employee.

Section 12 (3) of the Truck Ordinance requires every employer who has made a contract with any workman under which deductions from wages may legally be made to keep a register of payments and deductions which shall be open to government inspection.

*Hong Kong (First Report).*

Employers and Servants Ordinance (Cap. 57).  
Bankruptcy Ordinance (Cap. 6).  
Companies Ordinance (Cap. 32).

There are no legislative provisions to give effect to the Convention except in so far as Articles 3, 6, 11 and 12 are applied by the above-mentioned legislation and common law. Proposals for appropriate legislation are under examination.

*Jersey.*

In reply to an observation by the Committee of Experts the Government states that the proposed legislation is still not sufficiently advanced to make it possible for draft copies to be provided.

*Kenya (First Report).*

Employment Ordinance (Cap. 109).  
Employment Ordinance: Notice of Application (Legal Notice No. 371 of 1958) (*Kenya Gazette*, Supplement, No. 62, 26 Aug. 1958, p. 593).  
Regulation of Wages and Conditions of Employment Ordinance No. 1 of 1951 (L.S. 1951—Ken. 1).  
Deduction from Wages (Rations) Order, 1955 (Government Notice No. 864 of 1955) (*Kenya Proclamations, Rules and Regulations*, 1955, p. 368).

*Article 2 of the Convention.* The Convention is applied only to workers whose wages do not exceed 200 shillings per month.

*Article 3.* Section 81 (1) of the Employment Ordinance and section 11 (1) of the Regulation of Wages and Conditions of Employment Ordinance provide that, subject to deductions, the entire amount of wages earned by a worker shall be paid to him in legal tender. No recourse has been had to paragraph 2 of this Article.

*Article 4.* Remuneration in kind is governed by sections 41, 42 and 87 (1) (b) of the Employment Ordinance, section 11 (3) of the Regulation of Wages and Conditions of Employment Ordinance, and the Deduction from Wages (Rations) Order, 1955. The payment of wages in the form of liquor of high alcoholic content or of noxious drugs is not specifically prohibited, but is prevented by the requirement of section 81 (1) of the Employment Ordinance that the entire amount of wages shall be payable in cash.

*Article 5.* Section 81 (1) of the Employment Ordinance requires that "the entire amount of the wages earned by or payable to any employee . . . shall be paid to him". Sections 11 and 12 of the Regulation of Wages and Conditions of Employment Ordinance also give effect to this Article.

*Article 6.* There is no legislation ensuring compliance with this Article, but employers do not, in practice, attempt to limit the freedom of workers to dispose of their wages.

*Article 7.* There is no legal prohibition on workers being coerced to use works stores or

services provided by the employer but such a practice is alien to custom in Kenya. Paragraph 2 of this Article is not applied in the territory.

*Article 8.* Certain deductions are permitted under section 81 (1) of the Employment Ordinance and section 11 (1) of the Regulation of Wages and Conditions of Employment Ordinance. Conditions under which, and the extent to which, deductions may be made are widely known.

*Article 9.* The deductions to which this Article refers are prohibited.

*Article 10.* Legal provision for attachment of wages is contained in section 44 of the Civil Procedure Ordinance, section 54 of the Bankruptcy Ordinance and section 69 of the Employment Ordinance.

There is no legal provision specifically relating to assignment, but this appears to be prohibited by section 81 (1) of the Employment Ordinance and Sections 11 and 12 of the Regulation of Wages and Conditions of Employment Ordinance.

*Article 11.* This Article is applied by section 37 of the Bankruptcy Ordinance and section 81 of the Employment Ordinance, which relate to the priority of wages as a privileged debt.

*Article 12.* Regular payment of wages and final settlement on termination of a contract are provided for by section 72 (1) and (2) of the Employment Ordinance.

*Article 13.* There is no legislative provision requiring payment of wages to be made on working days only and at or near the workplace. However, this is substantially covered by custom and the influence of trade unions. Section 72 (1) of the Employment Ordinance makes it an offence to pay wages to an employee on any premises licensed for the sale of liquor, except such wages as are paid by or on behalf of a licensee to his employees. There is no provision prohibiting the payment of wages in shops or places of amusement and, in the light of conditions in the territory, such provision is not considered necessary.

*Article 14.* Section 20 of the Employment Ordinance provides for employment returns and section 17 of the Regulation of Wages and Conditions of Employment Ordinance for posting of notices relating to wages regulations. Records of wages are also required under the Employment of Persons (Record of Employees) Rules, 1950, by section 13 (1) of the Resident Labourers Ordinance and by section 17 (1) of the Regulation of Wages and Conditions of Employment Ordinance. It is not considered necessary to provide for statements of wages to be issued to workers at the time of payment.

*Article 15.* All legislation is published in the *Kenya Gazette*, and it defines the persons responsible for compliance therewith. Penalties are provided for in section 72 of the Employment Ordinance and 12 (2) of the Regulation of Wages and Conditions of Employment Ordinance. Section 20 (4) of the Employment Ordinance provides for the keeping of records of employees.

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



The report gives details of prosecutions taken against employers in 1957 under the Employment Ordinance and the Regulation of Wages and Conditions of Employment Ordinance.

*Malla (First Report).*

Conditions of Employment (Regulation) Act, 1952 (L.S. 1952—Malta 1).

Code of Organisation and Civil Procedure (Cap. 15, Laws of Malta, 1942, Vol. II).

*Article 1 of the Convention.* The Act defines "wages" as remuneration or earnings payable in money by an employer to an employee.

*Article 2.* No exceptions have been made under this Article.

*Article 3.* Section 16 (1) of the Act provides that the entire amount of wages earned by, or payable to, any employee shall be paid to him in legal tender, and payment in any other form, or any contract to that effect, shall be null and void. Payment by cheque in a bank in Malta or by postal order is deemed to be legal tender where payment in such a manner is customary or necessary or consented to by the employee.

*Article 4.* Section 19 of the Act authorises contracts to be made by an employer with an employee in respect of giving him food, a dwelling-place or other allowances or privileges in addition to cash wages. Any such allowance in kind is considered a privilege and must be in addition to cash wages fixed by collective agreement or Wages Regulation Order.

*Article 5.* Under section 16 (2) of the Act wages are payable directly to the employee except as may otherwise be provided by law, court order or agreement to the contrary.

*Article 6.* Though there is no specific legal prohibition, under local conditions limitation of a worker's freedom to dispose of his wages is inconceivable.

*Article 7.* Establishments to which this Article applies do not exist in Malta.

*Article 8.* Section 18 (1) and (2) of the Act provides that except where expressly permitted by the Act, or in virtue of a court order or collective agreement, no deductions shall be made. But at the request in writing of an employee deductions may be made for superannuation or thrift schemes or for any purpose in which the employer has no beneficial financial interest.

Under certain circumstances the Act allows deductions for fines to be made; employees are informed of them as they are written into the contract and set out in a notice fixed in a conspicuous place. The terms of any such contract must have been approved by the Director of Labour.

When deductions result from a court order the workers are informed by the court of the conditions under which and the extent to which such deductions may be made.

*Article 9.* Deductions in the form of direct or indirect payments for the purpose of obtaining or retaining employment are prohibited by section 18 (3) of the Act.

*Article 10.* This Article is applied by section 16 (2) of the Act and section 382 of the Code of Organisation and Civil Procedure.

*Article 11.* Under section 21 of the Act employees' wages to the sum of £50 are a privileged claim over the assets of the employer, and must be paid in preference to all other claims.

*Article 12.* Section 22 of the Act lays down the intervals at which wages must be paid. On termination of a contract all wages outstanding shall be paid by the next pay-day. A settlement of accounts shall be made at least once a year for employees whose wages consist of a share of profits or a commission.

*Article 13.* Section 16 (3) of the Act provides that wages shall be paid on week-days only and, except for persons employed therein, may not be made in a shop or place of public entertainment.

*Article 14.* Every employer shall, within six days if a contract is to run for more than eight days and if it is not in writing, give or send to the employee a statement giving details of conditions of work. No other measures are deemed necessary.

*Article 15.* Copies of legislation are available for sale to the public at the Government Printing Office. Information and explanations are given by the Enforcement Section of the Department of Emigration, Labour and Social Welfare. Persons contravening Part VI (Protection of Wages) of the Act are liable to a fine. Employers must keep proper records of their employees, wages paid, hours of work, etc.

The administration of the Act is entrusted to the Department of Emigration, Labour and Social Welfare, and all establishments are visited at least once a year.

*Isle of Man.*

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 695.

In answer to a direct request made in 1958 the Government supplies the following information.

*Article 11 of the Convention.* It is not considered necessary to review the Preferential Payments Act, 1908, which limits preferred claims for wages to £25.

Although there is no legislation similar to the United Kingdom Truck Acts, Articles 3 to 6, 8 (paragraph 2), 9, 13 (paragraph 2), 14 and 15 of the Convention are observed in practice.

*Mauritius (First Report).*

Industrial Courts Ordinance (Cap. 183, as amended).  
Labour Ordinance (Cap. 214, as amended).

*Article 2 of the Convention.* Persons other than labourers as defined in the Labour Ordinance are excluded from the application of the Convention.

*Article 3.* This Article is applied by section 53 of the Labour Ordinance.

*Article 4.* Section 60 of the Labour Ordinance relates to this Article. On sugar estates allowances such as free housing, medical care and hospital treatment are given in addition to money wages to those who are employed



monthly under collective agreement. In all industries wages are payable in legal tender and no partial payment in kind is made in the form of liquor or noxious drugs.

*Article 5.* This Article is applied by sections 16 and 55 of the Labour Ordinance.

*Article 6.* This Article is applied by section 54 of the Labour Ordinance.

*Article 7.* Paragraph 1 of this Article is applied by section 61 (1) of the Labour Ordinance; paragraph 2 does not arise in practice.

*Article 8.* Sections 57 and 58 relate to this Article. No deductions are permissible.

*Article 9.* This Article is applied by section 55 of the Labour Ordinance.

*Article 10.* Section 45 of the Labour Ordinance is relevant to this Article.

*Article 11.* Sections 42 to 44 and 48 to 52 of the Labour Ordinance are relevant to this Article.

*Article 12.* Section 8 of the Labour Ordinance relates to this Article. In practice workers engaged on a daily basis are paid weekly on Saturdays, and those engaged on a monthly basis are paid monthly.

*Article 13.* No legal provision exists but in practice payment is effected on working days and wherever possible on worksites.

*Article 14.* Section 123 (4), (1) and (2) of the Labour Ordinance are relevant to this Article.

*Article 15.* Sections 124 (2) and (4), and 120 to 123 of the Labour Ordinance are relevant to this Article.

The Labour Inspectorate is responsible for the enforcement of labour laws, and has the power to enter premises and to prosecute. Every place of employment is visited at regular intervals.

#### *North Borneo (First Report).*

Labour Ordinance, 1949 (Revised Statutes, 1953, Cap. 67) as amended by Ordinances Nos. 2 of 1955 and 15 of 1957.

Insolvency Ordinance, 1923 (Revised Statutes, Cap. 62).

Companies Ordinance, 1950 (Revised Statutes, Cap. 26).

*Article 2 of the Convention.* No categories of persons are excluded under this Article.

*Article 3.* Wages must be paid in legal tender (section 110 of the Labour Ordinance). Payment by bank cheque is also permissible.

*Article 4.* Wages must be paid in legal tender, except for additional allowances permitted under section 116 (allowances in the form of food, dwelling places, etc.), but remuneration in the form of intoxicating liquor is prohibited. Provision of a dwelling place is obligatory under the contract for all immigrant labour, and is also provided for by section 60 of the Labour Ordinance. This housing is subject to inspection by the Labour Department. Food is only supplied to immigrant workers under the terms of their contract. No other allowances are paid in practice.

*Article 5.* Wages must be paid directly to the worker unless prior approval of the Com-

missioner of Labour is obtained (section 109 of the Labour Ordinance).

*Article 6.* Stipulations as to the place and manner of spending wages are forbidden under section 112 of the Labour Ordinance.

*Article 7.* An employer may be permitted by the Commissioner of Labour to establish a shop for the sale of rice and provisions, but may not compel any worker to make purchases from the shop. Price lists must be prominently displayed after being checked by an officer of the Labour Department (section 117 of the Labour Ordinance).

*Article 8.* Deductions from wages are covered by sections 102, 113 and 115 of the Labour Ordinance. All indigenous workers know that no deductions may be made except those laid down in these sections. The Labour Department explains the terms of the contract to non-indigenous workers.

*Article 9.* All deductions other than those laid down in section 113 of the Labour Ordinance are illegal.

*Article 10.* Wages may not be attached or assigned.

*Article 11.* In the event of bankruptcy or judicial liquidation of an undertaking, workers are treated as privileged creditors as regards wages up to a prescribed amount. Wages constituting a privileged debt shall be paid in full before ordinary creditors may establish their claims (section 27 (1) of the Insolvency Ordinance and section 255 of the Companies Ordinance).

*Article 12.* Paragraph 1 is covered by section 108 (1) of the Labour Ordinance, which provides that wages shall be paid within ten days of the period for which they are due. In practice wages are paid regularly by employers on the same day each month. Paragraph 2 is covered by section 108 (2) to (5).

*Article 13.* In practice, wages are only paid on working days and are normally paid in the office or place of work. Section 109 of the Labour Ordinance prescribes that wages may not be paid at any shop or store or at any place where intoxicating liquor is sold.

*Article 14.* All immigrant and indigenous workers are informed of the particulars of their wages by the Labour Department. Details of the amounts due are always explained by the persons paying such wages, and paysheets produced for the workers' inspection.

*Article 15.* Copies of laws and regulations are available on request from the Labour Department.

Section 3 (1) of the Labour Ordinance defines the persons responsible for compliance with the provisions of the Ordinance. Adequate penalties are prescribed for any infringements of the Ordinance, and the keeping of records is obligatory for all purposes. Regular inspections are carried out by the Labour Department.

#### *St. Christopher-Nevis-Anguilla (First Report).*

There is no legislation giving effect to the "chief provisions" of the Convention, though

in practice the existence of strong trade unions and the duties imposed upon the Labour Commissioner generally tend to ensure compliance. Consideration is being given to amending the law to permit acceptance of the Convention.

*St. Helena (First Report).*

Legislation to meet all the requirements of the Convention would not be justified because of the small number of workers concerned, but the United Kingdom Truck Acts apply so far as they are applicable to conditions in St. Helena.

*Sarawak (First Report).*

Labour Ordinance, 1951 (L.S. 1951—Sar. 1).  
Labour (Amendment) Ordinance, 1958 (*Sarawak Government Gazette (Extraordinary)*, Part I, 9 June 1958, p. 111).

**Article 1 of the Convention.** The definition of "wages" in this Article, although different from that given in national legislation, is accepted for the purpose of this Convention. The term "wages" is defined in section 3 of the Labour (Amendment) Ordinance.

**Article 2.** No categories of persons are excluded from the application of the Convention.

**Article 3.** Sections 110 and 111 of the Ordinance relate to this Article.

**Article 4.** Section 116 of the Ordinance relates to this Article. Regarding paragraph 2, section 113 of the Labour Ordinance, as amended, lays down that deductions for allowances in kind require the consent of the worker and the approval of the Commissioner.

**Articles 5, 6 and 7.** Sections 110, 112 and 117 of the Ordinance are relevant to these Articles.

**Article 8.** Sections 113, 114, 115 and 106 of the Ordinance are relevant to this Article.

**Article 9.** This Article is covered by the general prohibition of deductions referred to under Article 8.

**Article 10.** Wages may not be attached or assigned.

**Article 11.** By the Bankruptcy Ordinance wages have absolute priority with municipal rates up to the maximum of three months and up to a sum not exceeding \$250.

**Article 12.** This Article is covered by section 108 of the Ordinance. All workers (except casual workers) are paid monthly.

**Article 13.** No regulations or laws exist in relation to paragraph 1 of this Article, but payment of wages in cash is in fact made on working days only and at or near the workplace. Section 109 of the Ordinance relates to paragraph 2.

**Article 14.** Section 106 of the Ordinance is relevant to this Article.

**Article 15.** This Article is covered by sections 3 (1), 120 and 106 of the Ordinance. Copies of the laws and regulations are available on request from the Labour Department Office and can also be studied in any District Office.

**Article 17.** No areas have been exempted from the application of the Convention, nor is it proposed to effect any such exemptions.

The Commissioner of Labour is responsible for the enforcement of the legislation.

*Sierra Leone (First Report).*

Employers and Employed Ordinance (Cap. 70, Laws of Sierra Leone, 1946 Edition), as amended by Ordinance No. 9 of 1956 (*Royal Gazette*, 7 June 1956).

Wages Boards Ordinance (Cap. 258, Laws of Sierra Leone, 1946 Edition).

The law is not in full conformity with the requirements of the Convention and the necessary legislative action will be taken when the Employers and Employed Ordinance (henceforth referred to as the "Ordinance") is revised.

**Article 1.** The meaning generally attached to "wages" in practice conforms to that contained in this Article. An appropriate definition will be included when the Ordinance is revised.

**Article 2.** The exclusion of domestic servants from the application of the Convention is contemplated.

**Article 3.** Section 10 of the Ordinance provides that the wages of an employed person under a contract of service should be payable in money, but the amendment necessary to meet the more comprehensive requirements of the Article must await the revision of the Ordinance.

**Article 4, paragraph 1.** This is covered by section 10 of the Ordinance.

**Paragraph 2.** Section 12 (1) (a) of the Ordinance implies that payment of wages in kind may be permissible with the employed person's consent. Section 11 of the Ordinance by implication recognises a contract in which remuneration for services may be in the form of board, lodging, the use of land for tillage or other benefits. No effect is given in the law to the provisions of this paragraph, but measures will be taken when the Ordinance is revised.

**Article 5.** Rule 6 of Part I of the Schedule to the Ordinance gives effect to this Article.

**Article 6.** In practice a worker enjoys full freedom as to the manner in which he spends his money.

**Article 7.** Effect is given to this Article in practice but not in law. The necessary action will be taken to include provisions for the implementation of this Article when the Ordinance is revised.

**Article 8.** Rule 6 of Part I of the Schedule to the Ordinance applies to all workers, and provides that no deductions may be made "except as may be specifically authorised by the contract under which the wages are payable or as may be authorised by law". Section 14 (1) of the Wages Boards Ordinance applies to workers covered by minimum wages and provides that the minimum wage rate shall be paid without deductions.

**Article 9.** This Article is applied by sections 14 and 15 of the Ordinance and Rules 4 and 5 of Part 1 of its Schedule.

**Article 10.** No provisions exist permitting the attachment or assignment of wages; therefore the safeguards intended in this Article are not necessary.

*Article 11.* Section 58 of the Ordinance prescribes that wages to an amount not exceeding £25 have priority over all other debts.

*Article 12.* This Article is applied by Rule 9 of Part 1 of the Schedule to the Ordinance and by section 12 (1) (c) of the Ordinance.

*Article 13.* In practice there is compliance with the provisions of this Article. Appropriate legislative action will be taken when the Ordinance is revised.

*Article 14, clause (a).* Partial effect is given to this clause by the use of registration cards which are compulsory in certain parts of the territory, and must be held by artisans wherever employed, and by section 10 (1) (j) of the Wages Boards Ordinance which provides that notices must be posted up showing the terms and conditions of employment of those to whom it applies. Similar posters relating to workers covered by Joint Industrial Councils are printed by the Government for posting up by employers. Public Notices and Government Notices are published in the *Royal Gazette*.

Clause (b). The practice is for literate workers to sign for their wages on pay vouchers or similar documents; verbal explanations are given to the illiterate. Queries raised by the worker are investigated by the employer, the worker's trade union official or the Labour Department.

*Article 15.* Ordinances and other legislation are printed for general information and put on sale at a reasonable price.

*Article 17.* No areas have been exempted from the application of the Convention.

The administration of the relevant legislation is entrusted to the Labour Department.

#### Swaziland (First Report).

Swaziland Currency Proclamation (Cap. 82, Vol. 1, of the Laws of Swaziland).

Transvaal Law No. 18 of 1896 (Truck Law).

Transvaal Law No. 13 of 1880 (Master and Servants Law).

Transvaal Law No. 37 of 1901 (Pass Regulations) (Cap. 4, Vol. 1, of the Laws of Swaziland) (Subordinate Courts Proclamation).

Proclamation No. 81 of 1955 (Insolvency Proclamation).

Proclamation No. 45 of 1954 (African Labour Proclamation).

*Articles 1 and 2 of the Convention.* These Articles are applied and it is not intended to have recourse to the exemptions provided for under paragraph 2 of Article 2.

*Article 3, paragraph 1.* Section 4 of the Currency Proclamation provides that every contract relating to money shall, in the absence of express agreement to the contrary, be held to refer to legal tender.

Paragraph 2. Section 3 of Law No. 18 of 1896 requires mine labour to be paid in cash only.

*Article 4.* No legislation exists to meet the requirements of this Article. It is customary in some cases of Africans employing other Africans to make the entire payment in kind.

*Article 5.* This Article is covered by common law as well as by section 21 of Chapter 5 of Law No. 13 of 1880.

*Article 6.* Interference with the freedom of the worker to dispose of his wages would not be entertained in common law.

*Article 7.* Section 2 of Law No. 18 of 1896 forbids any mine manager or employer from being a shareholder in any store or business on mining premises.

*Articles 8 and 9.* These Articles are covered by common law, by Law No. 13 of 1880 and by section 7 of Law No. 37 of 1901, which provides that no deductions other than those provided by sections 5 and 6 of the said Law, or by authorisation of the competent court, shall be made from the wages of any Native.

*Article 10.* This Article is covered by section 45 of Cap. 4 of the Laws of Swaziland (Subordinate Courts Proclamation) as far as subordinate courts are concerned and similar protection is applied in High Court proceedings. Section 7 of Law No. 37 of 1901 is also relevant to this Article.

*Article 11.* This Article is covered by section 100 of the Proclamation No. 81 of 1955.

*Article 12.* This Article is covered by common law and Law No. 13 of 1880. Section 34 of Proclamation No. 45 of 1954 safeguards the monetary rights of workers on termination of a contract.

*Article 13.* Existing legislation does not meet the requirements of this Article.

*Article 14.* Sections 26 and 28 of Proclamation No. 45 of 1954 provide for the attestation of contracts for periods of six months and over.

*Article 15.* There is no relevant legislation covering this Article.

The application of the legislation is entrusted to the police and the courts of law.

No decisions involving questions of principle relating to the application of the Convention have been given by the courts.

#### Zanzibar (First Report).

Labour Decree, 1946, as amended by Decrees Nos. 25 of 1951, 10 of 1952, 27 of 1955 and 2 of 1957.

Civil Procedure Decree (Cap. 4, Laws of Zanzibar, 1934).

Liquor Decree (Cap. 49, Laws of Zanzibar, 1934).

Plantation Workers (Clove-Picking Contracts) Regulations, 1946 (Government Notice No. 205 of 1946).

Labour (Forms of Contract) Regulations, 1953 (Government Notice No. 57 of 1953, as amended by Government Notice No. 136 of 1955).

*Article 2 of the Convention.* Domestic servants, servants employed in restaurants, eating houses, hotels, ships and places of entertainment are excluded from the application of the Convention.

*Articles 3 and 4.* These Articles are applied by section 67 of the Labour Decree, section 75 (1) of the Liquor Decree and the Labour (Forms of Contract) Regulations, 1953.

*Article 7.* The concentration of workmen in camps far from their homes is very rare, except in temporary clove-picking camps where small shops are usually available.

*Article 8.* In clove-picking contracts, which are the only common forms of contract, employers may retain up to 25 per cent. of the

workers' earnings to repay advances. Workers are informed of this when contracted.

*Article 10.* This Article is applied by section 47 of the Civil Procedure Decree.

*Article 11.* This Article is applied by section 65 of the Labour Decree.

*Article 12.* This Article is applied by sections 14 and 27 (1) of the Labour Decree.

*Article 13.* The provisions of this Article are observed by custom, but there are no legal provisions covering it.

*Article 14.* This Article is applied by sections 7 and 26 of the Labour Decree.

*Article 15.* This Article is applied by section 19 of the Labour Decree.

Administrative Officers, Labour Officers,

Mudirs and Labour Inspectors are responsible for the application of the above-mentioned legislation.

\* \* \*

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), *Netherlands* (Netherlands New Guinea).

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, Togoland), *Italy* (Trust Territory of Somaliland).

## 96. Fee-Charging Employment Agencies Convention (Revised), 1949 <sup>1</sup>

*This Convention came into force on 18 July 1951*

---

*Belgium.* Ratification <sup>2</sup> : 4 July 1958.

Decision reserved : Belgian Congo and Ruanda-Urundi : 9 July 1958.

*France.* Ratification <sup>2</sup> : 10 March 1953.

Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

*Italy.* Ratification <sup>2</sup> : 9 January 1953.

No declaration.

*Netherlands.* Ratification <sup>2</sup> : 20 May 1952.

Applicable without modification : Surinam : 10 June 1955.

Not applicable : Netherlands Antilles, Netherlands New Guinea : 10 June 1955.

---

<sup>1</sup> This Convention revises Convention No. 34 of 1933.

<sup>2</sup> Part II.

*Netherlands.*

*New Guinea.*

See under Convention No. 2.

*Surinam*

In reply to the observation made by the Committee of Experts the Government states that draft legislation prohibiting fee-charging employment agencies will be considered.

\* \* \*

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* (Netherlands Antilles).

## 97. Migration for Employment Convention (Revised), 1949 <sup>1</sup>

*This Convention came into force on 22 January 1952*

---

*Belgium.* Ratification : 27 July 1953.

Not applicable : Belgian Congo and Ruanda-Urundi : 27 July 1953.

*France.* Ratification : 29 March 1954.

Not applicable : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

*Italy.* Ratification : 22 October 1952.

No declaration.

*Netherlands.* Ratification : 20 May 1952.

Not applicable : Netherlands Antilles, Netherlands New Guinea, Surinam : 10 June 1955.

*New Zealand.* Ratification : 10 November 1950.

Not applicable : Tokelau Islands : 10 November 1950.

Decision reserved : Cook Islands and Niue, Western Samoa : 10 November 1950.

*United Kingdom.* Ratification : 22 January 1951.

Applicable without modification :

Guernsey, Jersey, Isle of Man : 10 March 1956.

Cyprus<sup>2</sup>, Gambia<sup>2</sup>, Mauritius<sup>2</sup>, Nigeria<sup>2</sup>, North Borneo<sup>2</sup>, Zanzibar<sup>2</sup> : 16 December 1958.

Applicable with modifications : Kenya<sup>2</sup>, Tanganyika<sup>2</sup>, Uganda<sup>2</sup> : 16 December 1958.

Decision reserved : Aden, Bermuda, British Somaliland, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Malta, St. Helena, Sarawak, Seychelles, Sierra Leone, Solomon Islands : 16 December 1958.

Basutoland, Bechuanaland, Swaziland : 23 February 1959.

No declaration : all other territories.

---

<sup>1</sup> This Convention revises Convention No. 66 of 1939.

<sup>2</sup> Except Annexes I, II and III.

<sup>3</sup> Except Annexes I and III.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 21.

*United Kingdom.*

*Isle of Man.*

In reply to a direct request the report states that about 1,400 persons seek employment each summer on the Isle of Man. Moreover, legislation in the Isle of Man with respect to Convention No. 97 is identical to that of the United Kingdom.

\* \* \*

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

*France* (French Polynesia, French Somaliland), *United Kingdom* (Isle of Man).

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

*France* (Cameroons, Comoro Islands, French Equatorial Africa, French West Africa, Madagascar, New Caledonia, 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* (Guernsey, Jersey).

## 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 : 10 December 1953.

*Denmark.* Ratification : 15 August 1955.  
No declaration.

*France.* Ratification : 26 October 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.  
No declaration : all other territories.

*Italy.* Ratification : 13 May 1958.  
No declaration.

*United Kingdom.* Ratification : 30 June 1950.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey, Isle of Man : 30 June 1950.

Applicable without modification :  
Aden, British Guiana, Gibraltar, Nigeria, Sierra Leone, Trinidad and Tobago<sup>2</sup> : 19 June 1958.

British Honduras, Dominica<sup>2</sup>, Grenada<sup>2</sup>, Jamaica<sup>2</sup>, Mauritius, North Borneo, St. Lucia<sup>2</sup>, St. Vincent<sup>2</sup>, Sarawak : 29 December 1958.

Uganda : 17 March 1959.  
Applicable with modification : Northern Rhodesia : 26 August 1958.

Decision reserved :  
Basutoland, Bechuanaland, British Somaliland, Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands, Swaziland : 19 June 1958.

Southern Rhodesia, Nyasaland : 26 August 1958.  
Bermuda, British Virgin Islands, Cyprus, Falkland Islands, Fiji, Gambia, Hong Kong, Kenya, Seychelles, Tanganyika, Zanzibar : 29 December 1958.

No declaration : all other territories.

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

<sup>2</sup> Federation of the West Indies.

*France.*

*Cameroons.*

The report states that there is no obstacle to the application of the Convention in the Cameroons.

*United Kingdom.*

*Basutoland* (First Report).

*Articles 1 and 2 of the Convention.* There are no fully operative unions and no employers' organisations.

*Articles 3 and 4.* No measures have so far been found necessary to give effect to these Articles.

*Article 5.* It is considered that this Article should apply to members of the prison service, who are precluded by law from joining trade unions.

It is considered that a decision on the application of the Convention to Basutoland should be reserved.

*Bechuanaland* (First Report).

Trade Unions and Trade Disputes Proclamation (Cap. 124 of the Laws of Bechuanaland).

At present no registered workers' or employers' organisations are operating. The right to organise is embodied in the Proclamation. Otherwise, in the absence of organisations, no effect is given to the Convention and the promulgation of new legislation is unnecessary.

*Sierra Leone* (First Report).

Trade Unions Ordinance (Cap. 242 of the Laws of Sierra Leone, 1946 Edition).

*Article 1 of the Convention.* Adequate protection is given by accepted practice. The Labour Department promotes this practice and would investigate any cases of alleged discrimination with a view to having the discrimination removed. Representation of both workers' organisations and employers on wage boards, joint industrial councils and the Joint Consultative Committee, which is the main labour advisory body, further helps to establish the growth and acceptance of trade unionism.

*Article 2.* Protection is given by practice, which is also promoted by the Labour Department. The respective organisations fully understand their position.

*Article 3.* No special machinery for ensuring respect for the right to organise is considered necessary.

*Article 4.* Machinery for voluntary negotiation between employers or employers' organisations and workers' organisations comprises four joint industrial councils, which cover a substantial proportion of the wage earners. In each case the respective sides provide the Chairman or Vice-Chairman in rotation. This machinery and the setting up of new machinery are encouraged by the Labour Department, which provides the councils with a Secretary who has no vote but is available to give expert advice if necessary.

*Article 5.* The armed forces and the police are excluded from the scope of the Convention.

*Article 6.* Public servants are not excluded from the provisions of the Convention.

No decisions involving questions of principle relating to the application of the Convention have been given by any court.

No observations have been received from workers' or employers' organisations regarding the practical fulfilment of the conditions prescribed by the Convention or the application of legislation implementing the stipulations of the Convention.

*Swaziland (First Report).*

Trade Unions and Trade Disputes Proclamation (Cap. 125 of Vol. II of the Laws of Swaziland).

*Articles 1 and 2 of the Convention.* It has not yet been found necessary to provide the

protection referred to in these Articles, as no workers' or employers' organisations exist as yet.

*Article 3.* The above-mentioned Proclamation applies this Article.

*Article 4.* In the absence of workers' and employers' organisations it has not been found necessary to establish machinery for the making of collective agreements.

*Article 5.* The police may join only an association confined to members of the force.

The courts have given no decisions involving questions of principle relating to the application of the Convention.

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Equatorial Africa, Madagascar, Togoland), *United Kingdom* (Basutoland, Bechuanaland).

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

*Denmark* (Faroe Islands, Greenland), *France* (French Polynesia, French Somaliland, French West Africa, New Caledonia, St. Pierre and Miquelon), *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 : 19 November 1955.

No declaration : all other territories.

*Netherlands.* Ratification : 11 June 1954.  
Decision reserved :  
Netherlands Antilles, Netherlands New Guinea : 15 December 1955.  
Surinam : 26 November 1956.

*New Zealand.* Ratification : 1 July 1952.  
Applicable without modification : Cook Islands and Niue : 1 July 1952.  
Not applicable : Tokelau Islands : 1 July 1952.  
Decision reserved : Western Samoa : 1 July 1952.

*United Kingdom.* Ratification : 9 June 1953.  
Applicable without modification :  
Isle of Man : 10 March 1956.  
Jersey : 24 April 1956.  
Nyasaland : 22 March 1958.  
Mauritius, Sierra Leone : 29 December 1958.  
Decision reserved :  
Northern Rhodesia, Southern Rhodesia : 22 March 1958.

Antigua<sup>1</sup>, Barbados<sup>1</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Cyprus, Dominica<sup>1</sup>, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada<sup>1</sup>, Guernsey, Hong Kong, Jamaica<sup>1</sup>, Kenya, Malta, Mauritius, Montserrat<sup>1</sup>, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla<sup>1</sup>, St. Helena, St. Lucia<sup>1</sup>, St. Vincent<sup>1</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>1</sup>, Uganda, Zanzibar : 29 December 1958.

Not applicable : Aden, British Somaliland, Gibraltar : 29 December 1958.  
No declaration : Bahamas.

<sup>1</sup> Federation of the West Indies.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 26.

*New Zealand.*

*Western Samoa.*

See under Convention No. 26.

*United Kingdom.*

*Isle of Man.*

In reply to a direct request concerning the appointment of officers to investigate complaints and otherwise secure observance of the Agricultural Wages Act of 1952, the Government states that an inspector has been appointed and that he carries out his functions regularly.

*Northern Rhodesia (First Report).*

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190 of the Laws of Northern Rhodesia).

No minimum wages board has been established for agricultural workers under the above-mentioned Ordinance; their wages are determined by individual contracts.

*Nyasaland* (First Report).

Regulation of Minimum Wages and Conditions of Employment Ordinance No. 4 of 1958.

Minimum Wage Order, 1957 (Government Notice No. 53 of 1957, *Nyasaland Government Gazette*, Supplement, 12 Apr. 1957).

*Article 1 of the Convention.* Effect is given to this Article by sections 4, 6 and 7 of Ordinance No. 4 of 1958. The general minimum wage rates prescribed by the Minimum Wage Order, 1957, cover all workers other than domestic servants, caretakers, watchmen and other workers whose contract of service provides for hours of work of an intermittent nature. The Order applies to agricultural workers. Specific provision for agricultural workers could, moreover, be made under the Ordinance.

No categories of agricultural workers have been excluded from the application of the Convention.

*Article 2.* A maximum deduction is permitted in respect of proper and sufficient food and a midday meal (sections 8 and 9 of the Minimum Wage Order). If workers feel that they are not obtaining full value for deductions made, complaints can be lodged with officers of the Labour Department, who visit all places of employment.

*Article 3.* Minimum wages are prescribed by the Governor in Council after obtaining the advice of the Wages Advisory Board, or if a wage regulation proposal has been submitted, by a Wages Council (sections 5 (5) and 11 (6) of Ordinance No. 4 of 1958). The Governor in Council can set up a Wages Council in the agricultural industry under section 7 (1) of the Ordinance if he considers that no adequate machinery other than the Board exists to regulate the wages or conditions of employment of such workers.

Employers' and workers' representatives are included in equal numbers in the Wages Advisory Board and Wages Councils (First Schedule, paragraph 1, and Second Schedule, paragraph 1, of the Ordinance). Before making any appointments to represent employers and workers the Governor shall consult any organisations appearing to him to represent them (paragraph 3 of the First and Second Schedules to the Ordinance).

Minimum rates are subject to abatement up to the maximum deduction permitted in respect of food and a midday meal.

*Article 4.* Section 14 of the Ordinance provides for a penalty for not complying with prescribed minimum conditions of employment, and an employer may be ordered to pay sums due to employees who have been underpaid. Under section 16 employers are required to keep records showing whether the provisions of the Ordinance are being met, and section 18 provides for enforcement of the Ordinance by Labour Officers.

*Article 5.* The minimum wages of agricultural workers are those prescribed by the Minimum Wage Order of 1957 (see under Article 1 above).

\* \* \*

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

*France* (Cameroons, Comoro Islands, French Guiana, French Polynesia, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon, Togoland), *United Kingdom* (Jersey).

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

*France* (French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

## 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: 25 June 1952.

*France.* Ratification: 10 March 1953.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.  
No declaration: all other territories.

*Italy.* Ratification: 8 June 1956.  
Decision reserved: Trust Territory of Somaliland: 20 August 1957.

*France.*

*Comoro Islands.*

Order 58-22-IT/C of 25 January 1958 to fix the guaranteed inter-occupational minimum wage in the Comoro Islands.

Orders to establish job classification and a

graded salary index were under consideration by the Advisory Committee on Labour at its session of June 1958. These texts, which have not yet been published, make no mention of discrimination based on the sex of the worker in the matter of remuneration.

The number of salary and wage-earning women in the Comoro Islands is very low. In commerce and in office work women receive the same remuneration as men in respect of equal job-gradings and equal proficiency. In agriculture, jobbing work is the rule and all workers are paid under the same conditions according to the amount of work done.

*Togoland.*

Order No. 122/PM-MTAS-FP of 25 July 1958 to amend the guaranteed inter-occupational minimum wage.

*Italy.**Trust Territory of Somaliland (First Report).*

The legislation makes no specific mention of the principles set out in this Convention; however, these principles are in fact respected throughout the territory.

The new Labour Code, which is shortly to be promulgated, provides that "women workers

are entitled, for equal work, to the same remuneration as men workers".

\* \* \*

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, St. Pierre and Miquelon).

## 101. Holidays with Pay (Agriculture) Convention, 1952

*This Convention came into force on 24 July 1954*

*Belgium.* Ratification : 20 March 1954.  
Not applicable : Belgian Congo and Ruanda-Urundi : 20 March 1954.

*France.* Ratification : 29 March 1954.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion : 11 July 1955.  
No declaration : all other territories.

*Italy.* Ratification : 8 June 1956.  
Decision reserved : Trust Territory of Somaliland : 20 August 1957.

*Netherlands.* Ratification : 27 November 1958.  
No declaration.

*New Zealand.* Ratification : 24 July 1953.  
Decision reserved : Cook Islands and Niue, Western Samoa : 24 July 1953.  
Not applicable : Tokelau Islands : 24 July 1953.

*United Kingdom.* Ratification : 25 June 1956.  
Applicable without modification : Barbados<sup>1</sup>, Tanganyika : 9 February 1959.  
Decision reserved : Northern Rhodesia, Nyasaland, Southern Rhodesia : 22 March 1958.  
Basutoland, Bechuanaland, Swaziland : 19 January 1959.

Antigua<sup>1</sup>, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Cyprus, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Kenya, Montserrat<sup>1</sup>, North Borneo, St. Helena, Sarawak, Seychelles, Solomon Islands, Uganda, Zanzibar : 9 February 1959.

Not applicable : Aden, British Somaliland, Gibraltar : 9 February 1959.

No declaration : all other territories.

<sup>1</sup> Federation of the West Indies.

*France.**Comoro Islands.*

See under Convention No. 52.

*French Polynesia.*

See under Convention No. 52.

*St. Pierre and Miquelon.*

See under Convention No. 52.

*Italy.**Trust Territory of Somaliland.*

It is intended to include in the Labour Code to be promulgated shortly provisions for annual holidays with pay for agricultural workers.

*United Kingdom.**Northern Rhodesia.*

There is no legislation applying the provisions of the Convention, and it is not intended to introduce such legislation as the Government prefers to make use of the present minimum wage legislation in order to secure annual holidays with pay for agricultural workers. As yet, however, no Minimum Wages Boards or Wage Councils have been set up for agriculture.

*Nyasaland.*

Service with the same employer seldom lasts for more than a few months at a time. When workers are employed in agriculture throughout the year it is the usual practice of employers to grant holidays with pay.

\* \* \*

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, French Polynesia, Madagascar, New Caledonia, Togoland).

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

*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 : Faroe Islands, Greenland : 15 August 1955.

*Italy.* Ratification : 8 June 1956.  
Decision reserved : Trust Territory of Somaliland : 20 August 1957.

*United Kingdom.* Ratification : 27 April 1954.  
Decision reserved :  
Northern Rhodesia, Nyasaland, Southern Rhodesia : 28 July 1958.

Aden, Antigua<sup>1</sup>, Bahamas, Barbados<sup>1</sup>, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica<sup>1</sup>, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada<sup>1</sup>, Hong Kong, Jamaica<sup>1</sup>, Kenya, Malta, Mauritius, Montserrat<sup>1</sup>, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla<sup>1</sup>, St. Helena, St. Lucia<sup>1</sup>, St. Vincent<sup>1</sup>, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago<sup>1</sup>, Uganda, Zanzibar : 16 December 1958.

---

No declaration : Guernsey, Jersey, Isle of Man.

<sup>1</sup> Federation of the West Indies.

*Italy.*

*Trust Territory of Somaliland.*

Although ratified by Italy the Convention cannot be applied in the Trust Territory of Somaliland, in spite of the exceptions and reservations provided for in Articles 2 and 3. At present only Part VI is applied ; in the near future it will be possible to institute compulsory sickness insurance for certain categories of workers.

\* \* \*

The following reports refer to the information previously supplied :

*Denmark* (Faroe Islands, 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 and Niue, Tokelau Islands : 28 June 1956.  
Western Samoa : 25 March 1958.

---

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

*New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

## Communication of Copies of Reports to the Representative Organisations (Article 23, Paragraph 2, of the Constitution)

The information supplied on this point is summarised below.

*Australia.* Copies of the reports have been communicated to the organisations in Australia.

The reports relating to *Nauru* have also been communicated to the local organisations.

*Belgium.* Copies of the reports have been communicated to the local organisations and to the organisations in Belgium.

*Denmark.* Copies of the reports have been communicated to the organisations in Denmark, to the local employers' organisation in the *Faroe Islands* and to the local workers' organisation in *Greenland*.

*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, French West Africa, Madagascar, New Caledonia and Dependencies, St. Pierre and Miquelon and Togoland*.

There are no representative organisations of employers and workers in the *Comoro Islands*.

*Italy: Trust Territory of Somaliland.* Copies of the reports have been communicated to the representative local workers' organisations. In the absence of representative employers' organisations copies of the reports have been communicated to the local Chamber of Commerce, to which belong the most important employers of the territory (agricultural, commercial and industrial undertakings).

*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.

*Portugal.* Copies of the reports have been communicated to the organisations in Portugal.

*United Kingdom.* Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories : *Aden, Antigua, Barbados, British Guiana, British Honduras, Cyprus, Dominica, Falkland Islands, Gambia, Grenada, Kenya, Malta, Isle of Man, Maurilius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Vincent, Trinidad and Tobago*.

In the territories listed below copies of the reports have been communicated to the organisations indicated :

Labour Advisory Board : *Gibraltar, Hong Kong, North Borneo, Singapore, Tanganyika, Uganda, Zanzibar*.

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *Fiji, St. Lucia, Sierra Leone, Southern Rhodesia*.

The reports from the following territories state that at present there are no representative employers' or workers' organisations : *Basutoland, Bechuanaland, Bermuda, British Somaliland, Brunei, Guernsey, 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.



# INTERNATIONAL LABOUR OFFICE

---

Catalogues and publications may be obtained at the following addresses :

INTERNATIONAL LABOUR OFFICE, Geneva, Switzerland (" Interlab Genève " ; Tel. 32 62 00 and 32 80 20).

INTERNATIONAL LABOUR OFFICE (Liaison Office with the United Nations), 345 East 46th Street, New York 17, N.Y., U.S.A. (" Interlabor Newyorkny " ; Tel. Oxford 7-0150).

(Limited distribution only; orders for publications in the United States should be addressed to the Washington Branch Office.)

## FIELD OFFICES

**Africa** : I.L.O. African Field Office, Private Mail Bag No. 2331, Lagos Post Office, Lagos, Nigeria (" Interlab Lagos ").

**Asia** : I.L.O. Asian Field Office, P.O. Box 4, Bangalore, Mysore State, India (" Interlab Bangalore " ; Tel. 2762).

**Central America, Mexico and the Caribbean** : Centro de Acción de la Oficina Internacional del Trabajo, Edificio América (B, 10.º piso), avenida Juárez 42, México 1, D.F., Mexico (" Cedeac México " ; Tel. 12 26 78).

**Latin America** : Centro de Acción de la Oficina Internacional del Trabajo para América Latina, avenida Arequipa 173, apartado postal 3638, Lima, Peru (" Centrac Lima " ; Tel. 32860 and 45871).

**Near and Middle East** : Centre d'action du Bureau international du Travail pour le Proche- et le Moyen-Orient, Lüleçiler caddesi 26, Tophane, Istanbul, Turkey (" Interlab Istanbul " ; Tel. 49 18 32 and 44 13 42).

## BRANCH OFFICES

**Argentina** : Mr. H. RUIZ MORENO, avenida Presidente R. Sáenz Peña 615 (piso 7.º), Buenos Aires (" Interlab Buenos Aires " ; Tel. 34-4943).

**Brazil** : Mr. Pericles DE SOUZA MONTEIRO, Repartição Internacional do Trabalho, Edifício do Ministério do Trabalho, 2.º andar, salas 216 a 220, avenida Presidente Antonio Carlos, Rio de Janeiro (" Interlab Rio de Janeiro " ; Tel. 42-0455).

**Canada** : Mr. D. M. YOUNG, Room 307, 202 Queen Street, Ottawa 4, Ontario (" Interlab Ottawa " ; Tel. CE 3-9182).

**France** : Mrs. A. JOUHAUX, 205 boulevard Saint-Germain, Paris VIIº (" Interlab Paris " ; Tel. Littré 92-02 and 92-03).

**Germany (Federal Republic)** : Mr. F. G. SEIB, Kölner Strasse 64a, Bad Godesberg (" Interlab Bonn " ; Tel. Bad Godesberg 2322).

**India** : Mr. V. K. R. MENON, 1-Mandi House, New Delhi (" Interlab New Delhi " ; Tel. 44481 and 47567).

**Italy** : Mr. G. GALLONE, Villa Aldobrandini, 28 Via Panisperna, Rome (" Interlab Roma " ; Tel. 68 43 34).

**Japan** : Mr. Y. SAKURAI, Zenkoku-Choson-Kaikan, 17, 1-Chome, Nagata-Cho, Chiyoda-Ku, TOKYO (" Interlab Tokyo ").

**United Arab Republic** : Mr. A. EL MARAGHI, 59 rue Treize, Maadi, Cairo (Tel. 35355).

**Union of Soviet Socialist Republics** : Mr. IVAN SADTCHIKOV, Ministry of Foreign Affairs, Moscow.

**United Kingdom** : Mr. E. S. KRAUSE, 38-39 Parliament Street, London S.W.1 (" Interlab London " ; Tel. Whitehall 1437).

**United States** : Mr. Ralph WRIGHT, 917 15th Street, N.W., Washington 5, D.C. (" Interlab Washington " ; Tel. District 7-9120).

## CORRESPONDENTS

**Australia** : Mr. Ian G. SHARP, Department of Labour and National Service, 125 Swanston Street, Melbourne, C.1, Victoria (" Sharp Colabour Melbourne " ; Tel. MF 8482).

**Austria** : Dr. Josef HAMMERL, Bundesministerium für Soziale Verwaltung, Stubenring 1, Regierungsgebäude, Vienna (Tel. 62 16 01).

**Belgium** : Mr. J. FAFCHAMPS, 58 rue Belliard, Brussels (" Interlab Bruxelles " ; Tel. 11 18 01/02/03).

**Bolivia** : Mr. R. CAPRILES RICO, Edificio Caja de Seguro y Ahorro Obrero, 3.º piso, La Paz (" Interlab La Paz " ; Tel. 3436, Int. 19).

(Continued overleaf)

# **INTERNATIONAL LABOUR CONFERENCE**

**FORTY-THIRD SESSION  
GENEVA, 1959**

**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)**

**Freedom of Association—Collective Bargaining and  
Collective Agreements—Co-operation in the Undertaking**

**INTERNATIONAL LABOUR OFFICE  
GENEVA, 1959**

CONTENTS

	Page
Introduction . . . . .	1
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) . . . . .	3
Right to Organise and Collective Bargaining Convention, 1949 (No. 98) . . .	13
Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)	23
Collective Agreements Recommendation, 1951 (No. 91) . . . . .	29
Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)	50

## 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) deals 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 five instruments: the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), the Collective Agreements Recommendation, 1951 (No. 91), and the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94). The governments of Members were requested to send their reports to the International Labour Office before 1 July 1958. 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 1958.

The three Conventions to which the reports summarised in this volume relate, as well as the Collective Agreements Recommendation, 1951 (No. 91), have already been the subject of reports

under article 19 of the Constitution. Reports were requested in respect of the Freedom of Association and Protection of the Right to Organise Convention (No. 87) both for 1952<sup>1</sup> and 1956<sup>2</sup>, in respect of the Right to Organise and Collective Bargaining Convention (No. 98) for 1955<sup>3</sup>, in respect of the Right of Association (Non-Metropolitan Territories) Convention (No. 84) for 1952<sup>1</sup>, and in respect of the Collective Agreements Recommendation (No. 91) for 1955.<sup>3</sup>

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the Conventions in question, or any of them, are presented to the Conference each year.<sup>4</sup>

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IV), which will also be submitted to the Conference at its 43rd Session (1959), will include general remarks made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

<sup>1</sup> The summaries of these reports are to be found in International Labour Conference, Thirty-sixth Session, Geneva, 1953, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1953).

<sup>2</sup> The summaries of these reports are to be found in idem, Fortieth 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).

<sup>3</sup> The summaries of these reports are to be found in idem, Thirty-ninth 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).

<sup>4</sup> These summaries have been presented to the Conference, in the case of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), from the 35th Session (1952) onwards and, in the case of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), from the 36th Session (1953) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.





# Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)<sup>1</sup>

## *Afghanistan.*

This instrument has been brought to the notice of the competent authorities and is under consideration.

## *Australia.*

### *Commonwealth.*

Conciliation and Arbitration Act, 1904-1956 (*L.S.*<sup>2</sup> 1956—Aust. 1).  
Seat of Government Acceptance Act, 1909-1938.  
Northern Territory Acceptance Act, 1910-1952.  
Trade Union Ordinance, 1922 (Northern Territory).

### *New South Wales.*

Trade Union Act, 1881-1936.  
Industrial Arbitration Act, 1940-1957.

### *Queensland.*

Trade Union Acts, 1915-1922.  
Industrial Conciliation and Arbitration Acts, 1932-1955 (*L.S.* 1933—Aust. 1; 1934—Aust. 5; 1935—Aust. 7; 1937—Aust. 3 A and B; 1938—Aust. 3).

### *South Australia.*

Trade Union Act, 1876-1935.  
Industrial Code, 1920-1955 (*L.S.* 1926—Aust. 1; 1935—Aust. 10; 1936—Aust. 7 A).

### *Tasmania.*

Trade Unions Act, 1889-1924.

### *Victoria.*

Trade Unions Act, 1928.

### *Western Australia.*

Trade Unions Act, 1902-1924.  
Industrial Arbitration Act, 1912-1952 (*L.S.* 1925—Aust. 12; 1930—Aust. 7; 1935—Aust. 9).

The provisions of the Convention are considered appropriate for action by the Governments both of the Commonwealth and of the states. At common law workers' associations for the purpose of improving conditions were unlawful, as being combinations in restraint of trade: they could not obtain legal personality and their members were liable to prosecution for criminal conspiracy. This situation has been remedied by the trade union legislation of the past 80 years. Further, legislation concerning arbitration encourages the formation and registration of organisations.

*Articles 2 and 3 of the Convention.* Employers and workers, without distinction whatsoever, are free to establish and, subject to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. These organisations are entitled to draw up their constitutions and rules, to elect their representatives, to organise their

activities and to formulate their programmes. These are common law rights.

Organisations may register voluntarily under the Arbitration Acts of the Commonwealth and states or under the state Trade Union Acts. There is no Commonwealth Trade Union Act. Under the provisions of the Constitution the Commonwealth's industrial power is generally limited, except as regards the Territories, to conciliation and arbitration for the prevention and settlement of disputes extending beyond the borders of any one state, so that, outside this sphere, Commonwealth law cannot give statutory status to trade unions.

All the state Trade Union Acts provide that the purposes of a trade union shall not, by reason of their being in restraint of trade, be deemed to be unlawful so as to render members liable to prosecution or so as to render void or voidable any agreement or trust. A trade union is defined as a combination for regulating the relations between workmen and employers or between workmen and workmen or between employers and employers or for imposing restrictive conditions on the conduct of any trade or business.

The Trade Union Act of New South Wales is in force in the Capital Territory by virtue of section 6 of the Seat of Government Acceptance Act; the Trade Union Act of South Australia is in force in the Northern Territory, as amended by the Trade Union Ordinance, 1922, by virtue of section 7 of the Northern Territory Acceptance Act.

*Article 4.* Under common law organisations are free from liability to be suspended or dissolved by administrative authority, provided that they act lawfully. Except in the case of South Australia the state Trade Union Acts empower the Registrar to withdraw or cancel the registration of a trade union at the request of the union, or if it is proved to his satisfaction that registration has been obtained by fraud or mistake, that the registration has become void, or that the union has violated a provision of the Act or has ceased to exist. The Registrar must give two months' notice to the union, except where registration has become void or the union requests deregistration, in which case cancellation is immediate. The procedures afford organisations an opportunity of showing cause against the proposed action. Registration under arbitration legislation can also be cancelled as therein provided—as, for example, under section 143 of the Commonwealth Conciliation and Arbitration Act. None of these cancellations of registration entails dissolution of the organisation.

*Articles 5 and 6.* No laws, regulations or administrative practices restrict organisations in forming or affiliating with larger national or

<sup>1</sup> This Convention came into force on 4 July 1950. Thirty-five ratifications had been registered up to 1 December 1958.

<sup>2</sup> Throughout this report the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

international organisations ; freedom in this respect is a common law right.

Federations and confederations enjoy the same rights as organisations ; with respect to registration, also, their treatment is the same.

*Article 7.* By registration under a state Trade Union Act a union acquires a quasi-corporate status—it may then acquire and hold property and may sue and be sued. The rules of the registered organisation must deal with such matters as : the name and meeting place of the organisation, its objects, the purposes to which funds may be devoted, the methods of making and altering rules, the appointment and removal of officers and of the committee of management, the investment of funds, audit of accounts, facilities for the inspection of books and membership lists, disposal of funds and property upon dissolution. The officers are required to furnish to the Trade Union Registrar such information on funds and accounts as he may require, as well as annual statements of accounts.

Associations of employees having over 100 members and associations of employers who employ more than 100 employees may register under the Commonwealth Conciliation and Arbitration Act, 1904-1956, providing that they comply with the formal conditions prescribed, including those respecting the framing of their rules concerning the election of officials by secret ballot. Registered organisations have, for the purposes of the Act, perpetual succession and a common seal and may possess and deal with any real or personal property (section 136) ; they may sue for all fines, fees, levies and dues payable under their rules (section 148) (which an unregistered organisation cannot do) ; their members may be awarded preference in employment by awards made by the Commonwealth Conciliation and Arbitration Commission under the Act. As associations will generally not be registered “ if an organisation to which members of the association might conveniently belong has already been registered ” (section 142), registered organisations have, in effect, exclusive right of official representation before the tribunals concerned with them. Registered organisations are bound to observe awards and orders of the Conciliation and Arbitration Commission and the Commonwealth Industrial Court. Alleged irregularities in the election of their officers are subject to judicial inquiry by the Court. Also, under section 170 of the Act, the Industrial Registrar may conduct elections upon request by the committee of management or by a prescribed number of members.

Under section 140 of the Act rules of organisations may be disallowed by the Commonwealth Industrial Court if, in its opinion, they are contrary to the Act, to regulations or awards or otherwise contrary to law, or impose upon applicants for membership or members conditions, obligations or restrictions which are oppressive, unreasonable or unjust ; if so disallowed and not amended a rule becomes void. Registration may be refused or cancelled if the rules of an organisation are not as prescribed. Under section 144 employees who are not of general bad character must be admitted to membership of the organisation registered for their industry.

Under section 45 a registered organisation can be compelled to take a secret ballot of members when the Commonwealth Conciliation and Arbitration Commission considers that their views ought to be ascertained with a view to assisting in the prevention or settlement of a dispute. Up-to-date membership records must be supplied to the Registrar and kept in a manner satisfactory to him.

The statute law of those states which have industrial arbitration systems similarly prescribes conditions which must be complied with by associations applying for registration under those statutes and by registered associations.

*Article 8.* Workers' and employers' organisations, like others, are subject to the Commonwealth Crimes Act, section 30AA of which empowers the High Court, on the application of the Attorney-General, to declare an organisation to be an “ unlawful association ”, if it is satisfied that the organisation advocates revolution, sabotage or sedition. Section 63 of the Defence Act empowers the Governor-General, in time of war, to “ do all matters and things deemed by him to be necessary or desirable for the efficient defence and protection of the Commonwealth or of any state ”.

*Article 9.* “ Worker ” does not, in Australia, include a member of the armed forces. Members of the police forces, which are controlled by the state Governments, may join industrial organisations, but there are restrictions on their activities—especially, in some states, regarding the extent to which they may affiliate or associate with other industrial organisations.

*Article 11.* Australian law and practice encourage the formation and development of organisations of workers and employers.

No modifications to national law or practice have been made or are known to be contemplated with a view to giving effect to the provisions of the Convention. Consideration is being given to the question whether Australia can ratify the Convention.

### *Bulgaria.*

Act of 1 February 1957.

Decree of 28 March 1958.

The Government supplements its report of 1956<sup>1</sup> with the following information :

The Act of 1 February 1957 provides that social insurance, for which the trade unions have been responsible in the past, will be administered by the Ministry of Public Health and Social Insurance from 1 May 1957. The unions will, however, continue to supervise application of social insurance provisions in the public interest.

On 5 August 1957, in virtue of decisions taken by the Fourth Trade Union Congress in the preceding April, the Central Trade Union Council reduced the number of national unions from 13 to ten by a regrouping process. It was at the same time decided to dissolve the regional councils and committees of the trade unions

<sup>1</sup> For the summary of the 1956 report and the legislation quoted therein, see Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., p. 62.

and to establish district or town committees at the district capitals and other appropriate places. The trade unions have accordingly set up locals in most of the district capitals taking the size and density of their membership into account. These changes in the structure of the trade unions are aimed at tightening the link between trade union leaders and the workers themselves and at encouraging initiative among the basic units in their work of organising the masses.

In order to develop still further the initiative of the personnel and managements of undertakings, the Central Committee of the Communist Party of Bulgaria, the Council of Ministers and the Central Trade Union Council jointly published a decree, dated 28 March 1958, concerning an increase in the rights of managers, occupational organisations, etc., with a view to obtaining greater participation of the workers in management. The decree also gives the trade unions additional rights, in particular for the discussion and the solution of practical problems relating to the organisation of production, planning, work standards and wages, health, safety, etc.

In the case of non-observance of the above-mentioned legislative provisions or of workers' proposals once approved, the trade union committees in the undertaking concerned may call on the management to ensure that such provisions or proposals are carried out, and may fix a time limit to this effect. If the management does not take the necessary steps, the local union may make a report to the public authority to which the undertaking is responsible; the district committee of the union will then put in a claim for imposition of a penalty.

Bulgaria's ten trade unions comprise 1,080,000 persons, or about 94 per cent. of all wage-earning and salaried employees in the country. They are organised on the principle that all wage-earning and salaried employees working in one undertaking or establishment belong to the same local and to the same trade union at the national level. This situation of fact does not however imply that in Bulgaria the establishment of more than one occupational organisation in an undertaking or sector of the economy is prohibited by law. If no other organisations exist, this is because the prevailing economic system and social conditions have not shown it to be necessary. An awareness of the community of interests among workers in general and particularly among all those in the same sector of the economy, a complete lack of antagonism between the State and the trade unions, the fact that political leaders and managers in industry have not the slightest interest in dividing the working class—all these explain the structure of the united trade union movement which exists in Bulgaria and which the workers voluntarily join.

No measures prohibiting the establishment of organisations of managers exist in Bulgaria.

#### *Canada.*

The Government refers to information submitted in its report of 1956.<sup>1</sup>

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 63-64.

#### *Ceylon.*

The Government refers to the information given in its report of 1956.<sup>1</sup> It states further that the Cabinet has decided to introduce certain amendments to the Trade Unions Ordinance, including one to permit unions of public servants to affiliate or federate with one another.

#### *Chile.*

The Government refers to information submitted in its report of 1956<sup>2</sup> and adds that it was, for various reasons, unable to adopt the modifications or legislative reforms which would give full effect to the provisions of the Convention.

#### *Colombia.*

The Convention is going to be submitted to the Congress for ratification.

#### *Costa Rica.*

The Government repeats the information submitted in its report of 1956.<sup>3</sup>

#### *Ghana.*

Trade Unions Ordinance (Revised Laws, 1954, Ch. 91).

The Trade Unions Ordinance provides for the formation, registration, administration and dissolution of workers' and employers' organisations.

Workers and employers without distinction can establish or join organisations of their own choosing without previous authorisation. Under section 8 of the Ordinance five or more members of a trade union, if they comply with the provisions of the Ordinance, may register the union. The application for registration must be submitted to the Registrar of Trade Unions, accompanied by two copies of the rules and a list of the names and titles of the officers of the union. Notice of the application is published in the Gazette and, six months thereafter, the Registrar, after considering any observations and objections brought to his notice, shall, if satisfied that the purposes of the union are not unlawful, that any objections made are not of sufficient substance to justify a refusal to register and that the legal requirements have been complied with, register the union and its rules. An appeal against a refusal to register a union may be made within 90 days to the Supreme Court.

Organisations draw up their constitutions and rules, organise their administration and activities and formulate their programmes in freedom, but the rules are subject to the approval of the Registrar in order to ensure that they contain no provisions contrary to law. The rules provide for election, powers, removal, etc., of officers.

Registration being compulsory, any non-registered organisation must dissolve. No

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 64-65.

<sup>2</sup> Ibid., pp. 65-67.

<sup>3</sup> Ibid., pp. 67-68.

organisation is liable to dissolution or suspension by administrative authority, except that the Registrar may cancel registration if the law has been contravened in any of the ways defined in section 13 of the Ordinance.

There also exist workers' and employers' associations which enjoy the same freedom of association but cannot register because they do not fall within the definition of a "trade union". Hence, they are not entitled to the recognition and privileges of registered trade unions.

Local trade unions may amalgamate in accordance with section 20 of the Ordinance. There are no legal or administrative restrictions on the freedom of organisations to establish federations and confederations or to affiliate with international organisations of workers and employers.

Registration confers corporate personality, with the power to acquire and hold movable and immovable property and to contract and to sue and be sued.

Open meetings, rallies and processions can be held in many towns only with the permission of the police, but trade unions and other organisations have no difficulty in obtaining permits. Ordinary meetings held in private require no permission.

No modifications have been made or are required in the national law or practice in order to comply with the Convention. Consideration is being given to eventual ratification.

#### *Greece.*

The Government repeats the information contained in its report of 1956.<sup>1</sup> It provides the following supplementary information.

*Article 2 of the Convention.* An association which applies for registration as a trade union must consist of at least 20 members. The registration is made by the local court of law. There is provision for a right of appeal by the applicant against a decision to refuse registration, and the administrative authority may likewise appeal against a decision to register.

Section 19 of the Associations Act, 1914 (No. 281) provides that trade unions must confine their activities to examining, defending and promoting the economic or occupational interests of their members. Trade unions consist of men and women who normally do similar or related work in industry, commerce, agriculture or other occupational sector. The establishment of a trade union which would include both employers and workers is prohibited.

The right of organisation of public officials may be subjected by statute to certain restrictions, but, in fact, they enjoy full freedom of association and are already organised in trade unions according to their departments. These unions belong to a central organisation of officials.

*Article 3.* Provisions concerning meetings are laid down in articles 93 to 101 of the Civil Code, supplemented by special provisions in Acts No. 281 and No. 2151.

If the administrative authorities are aware of irregularities or infringements of the law in the operation of trade unions, they may bring the case before a court of law.

The report indicates that the question of ratification of this Convention is being examined by the Ministry of Labour.

#### *Haiti.*

Constitution of 25 November 1950.

Industrial Associations Act of 19 July 1947 as amended by Act of 2 March 1948 (*L.S.* 1947—Haiti 1 and 1948—Haiti 3).

Article 24 of the Constitution provides as follows: "Every worker is entitled to defend his interests by trade union action. Each worker joins the union of his occupation". Article 32 provides as follows: "The people of Haiti may form associations and join political parties, trade unions and co-operatives. This right cannot be subjected to any preventive measure. No one may be compelled to join an association or a political party. The law will promote the establishment of political parties, trade unions and co-operatives by regulating the conditions in which they are to operate."

The Industrial Associations Act provides in section 1 as follows: "The right of workers to combine in defence of their lawful interests shall be guaranteed and protected by the State within any limits imposed by the law." In section 2 it provides that: "The lawful establishment of organisations of employers and workers is one of the effective means of contributing to the development of democracy in Haiti, and shall consequently be deemed to be a matter of public policy."

A Social Organisations Service has been established at the Department of Labour with the following duties: (a) to maintain relations with trade union organisations and all other associations which aim at defending the economic and social interests of their members; (b) to give technical assistance to trade unions; (c) to give effect to legislation on their operation. The Social Organisations Service also gives out as widely as possible information regarding the basic principles of trade unionism and seeks to promote contact with trade union leaders.

At present 96 trade union organisations, totalling 10,000 to 15,000 members, are registered at the Labour Department at Port-au-Prince. Registration is compulsory (section 8 of the Industrial Associations Act). Data relating to other cities are not yet available.

Lawfully constituted trade unions have legal personality (section 9 of the Act).

Salaried employees and wage earners in the public sector enjoy the same rights of association as workers in the private sector.

Trade unions may form federations and confederations (section 21). Most trade unions in Haiti are affiliated to international organisations; no legislative measure prohibits such affiliation.

Haiti is not in a position to ratify the Convention, since the necessary changes in the national legislation concerning trade unions have not yet been made.

<sup>1</sup> Cf. Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., p. 70.

### India.

The Government repeats the information given in its report of 1956<sup>1</sup> and adds the further information which is summarised below.

No civil servant is allowed to join, or continue to be a member of, any service association of government servants (a) which has not, within a period of six months from the date of its formation, obtained recognition from the Government under the rules prescribed, (b) recognition in respect of which has been refused or withdrawn by the Government under the said rules.

No civil servant is allowed to participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

In the previous report the Government referred to certain recommendations in its Second Five-Year Plan which, if implemented, might be regarded as contrary to the Convention. It points out now that these recommendations were agreed to by the Labour Panel, which included workers' representatives of different trends. Also, various matters relating to regulation of trade unions, verification of membership, membership fees, etc., were considered at the 16th Session of the Indian Labour Conference, in May 1958, when the labour representatives were a party to the conclusions reached. While the restrictions, both existing and contemplated, are in a sense voluntary and self-imposed, they may not comply legally with the Convention.

India would not, therefore, ratify the Convention unless it were revised as follows. Article 8, paragraph 2, would need to be deleted and replaced by the following :

2. Such restrictions as may be imposed by the competent national authorities on the right of association of workers and the functioning of trade unions in consultation with and with the full concurrence of representative organisations of workers shall not be deemed to be in violation of this Convention.

3. A member State ratifying this Convention shall indicate in its annual reports to the I.L.O. the nature of such restrictions and the methods adopted to consult and secure the concurrence of representative organisations of workers before imposing such restrictions.

The words "civil servants other than industrial employees in governmental undertakings" would need to be inserted between the words "apply to" and the words "the armed forces" in Article 9, paragraph 1, of the Convention. It would also have to be made clear that the Convention does not deal with the right to strike.

The Government hopes that the Committee of Experts would take into account the difficulties standing in the way of ratification by countries like India, even though such countries fully agree with the fundamental principles underlying the Convention, and find a solution, including the amendment of the Convention.

### Indonesia.

Provisional Constitution of the Republic of Indonesia. Royal Order concerning legal personality of [European] associations (*Staatsblad*, 1870, No. 64). Provisions concerning the exercise of the right of association and meeting (*Staatsblad*, 1919, No. 27).

Indonesian Association Ordinance (*Staatsblad*, 1939, No. 570).

Law concerning the state of danger (*Staatsblad*, 1957, No. 160).

Regulation of the Minister of Labour concerning the registration of trade unions (*Tambahan Lembaran Negara*, No. 805).

Article 29 of the Provisional Constitution provides that "every one has the right to form and to join trade unions for the protection and the promotion of his interest". Workers and employers, without distinction whatsoever, may establish and, subject only to the rules of the organisation concerned, join organisations of their own choosing without previous authorisation. The activities of organisations must not be contrary to law or public order.

Under section 2 of the Royal Order concerning legal personality of [European] associations, workers' and employers' associations may draw up their constitutions and rules, etc., but not so that they are contrary to the public interest. Under section 7 of the Indonesian Association Ordinance, the constitution and rules must contain, apart from certain formal provisions and provisions concerning annual accounting to the general meeting, admission to and loss of membership, liquidation and disposal of assets thereupon, a clause to the effect that only persons belonging to the indigenous population may be members and a clause stating that all members of the management committee must be members of the association. These conditions must be observed, *mutatis mutandis*, according to the Ministerial Regulation concerning registration of trade unions by all unions seeking registration.

The legal personality of a European association can be cancelled only if it is declared to be contrary to public order (section 5bis of the Royal Order). Under sections 22 and 23 of the Indonesian Association Ordinance, legal personality can be cancelled if the association pursues objects contrary to good morals and law, and, under section 31, loss of legal personality then entails dissolution. But, in practice, trade unions in Indonesia never acquire legal personality, which is purely optional; mere registration is enough to enable them to conclude collective agreements.

The rights to form federations and confederations and to adhere to international organisations are exercised as a matter of practice. The same regulations apply to federations and confederations as to their constituents.

No modifications have been made to law or practice. The Government considers that certain aspects of the law do not conform to the Convention—interference of the administrative (judicial) authority with the contents of the Constitution and rules and the right of the same authority to cancel legal personality. The question requires much further study.

### Iran.

Constitution of Iran of 30 December 1906.

Constitutional Law of Iran of 8 October 1907.

The Government in part reproduces the information contained in its report of 1956.<sup>1</sup> It also supplies the following additional information.

<sup>1</sup> For the summary of the report and the legislation quoted therein see Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 72-73.

<sup>1</sup> For the summary of the report and the legislation quoted therein see Report III (Part II) prepared for the 40th Session of the Conference, op. cit., p. 73.

*Article 2 of the Convention.* Article 21 of the Constitutional Law provides that associations and meetings which do not give rise to religious or civil disorder and are not contrary to order are free throughout the territory. According to section 1 of the Regulations "The word 'trade union' means any organisation constituted exclusively by workers or employers belonging to the same trade or occupation or the same undertaking for the purpose of defending their occupational interests".

Under the above legislation workers and employers, without distinction whatsoever, have the right to establish and join trade unions and occupational organisations. The provisions mentioned do not apply to workers engaged in undertakings and factories belonging to the armed forces. Under section 17 of the Regulations the number of non-Iranian members in each organisation may not exceed one-third of the total membership.

Workers and employers fully enjoy the right to belong to the trade union of their choice. Section 2 of the Labour Act and sections 32 and 34 of the Regulations provide that workers may not be obliged, by intimidation or under threat of reprisals, to belong or not to belong to a trade union, and that employers may not dismiss workers or refuse to employ them or to make any distinctions among their employees on the grounds of union membership. Disputes on these issues are settled in accordance with labour legislation. Further, workers and employers may avail themselves of the exceptional procedures of appeal prescribed in article 32 of the Constitution of 1906, under which any person may, in writing, address requests, complaints or criticisms to the Petitions Office of the National Assembly; if the issue concerns the National Assembly the latter will make the necessary reply; if the issue concerns one of the Ministers, the National Assembly will refer the matter to him for examination and reply.

*Article 3.* In principle the constitution of trade unions or occupational organisations is free. In order to acquire legal personality these bodies must be registered. For this purpose, under section 2 of the Regulations trade unions must address a request to the Ministry of Labour, accompanied especially by the following documents: three copies of the constitution and rules of the trade union and three copies of the minutes relating to the election of the provisional committee of management. Under section 2 of the Regulations each member of the founding committee must be of Iranian nationality, must not have suffered a penal sentence involving loss of civil rights, must not have been sentenced for fraudulent bankruptcy, and must have an occupational qualification or have worked for at least six months in the undertaking or occupation in question. Registration will be refused when a trade union "under the same name" has already been set up under the same department or when the constitution and rules of the trade union do not comply with the legal provisions in force. Appeals against refusal of registration may be made to the Superior Labour Council, which is tripartite and whose decision is final.

Workers' and employers' organisations have the right to draw up their constitutions and rules, provided that they do not conflict with

the legal provisions in force. Generally, the election of trade union representatives is free from any interference. Candidates must, however, satisfy the provisions laid down in sections 2, 20 and 23 of the Regulations. The right of trade unions to organise their administration and activities and to formulate their programmes is guaranteed by labour legislation, subject to the provisions of sections 28, 29 and 30 of the Regulations.

*Article 4.* Workers' and employers' organisations are liable to suspension or dissolution by judicial means but never by administrative authority (sections 24, 25 and 26 of the Regulations).

*Articles 5 and 6.* The right of unions to affiliate with international federations and confederations is ensured in practice.

*Article 7.* The formalities concerning registration, which do not infringe the provisions in Articles 2, 3 and 4 of the Convention, result in legal personality being accorded automatically to trade unions.

The application of the laws and regulations mentioned is ensured by the regional labour administrations, the Trade Union Division in the Ministry of Labour and the Superior Labour Council.

No modifications have been made to legislation or practice with a view to giving effect to all or any of the provisions of the Convention. As the present legislation conforms with the provisions of the Convention, the Government submitted it to Parliament in 1951 with a view to ratification.

#### *Italy.*

The Government repeats the information contained in its report of 1956.<sup>1</sup> It adds that Act No. 367 of 23 March 1958 authorised ratification of the Convention. The corresponding instrument of ratification was deposited with the Director-General of the I.L.O. on 13 May 1958.

#### *Japan.*

Law No. 108 of 21 May 1956 to amend the Public Corporation and National Enterprise Labour Relations Law.

The Government supplements as follows the information given in its report of 1956<sup>2</sup>, to take account of an amendment of the Public Corporation and National Enterprise Labour Relations Law.

Personnel of the police services, fire services, Maritime Safety Board, penal institutions and Self-Defence Force do not have the right to organise or to join personnel organisations.

Recognition of trade unions of employees in public corporations and national enterprises is made by the Public Corporation and National Enterprise Labour Relations Commission.

No immediate amendment to legislation is contemplated but the problem of ratification is

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., p. 74.

<sup>2</sup> For the summary of the 1956 report and particulars of the legislation referred to therein see Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 74-75.



being carefully considered by the Labour Minister's (tripartite) Advisory Committee on Labour Problems.

#### *Luxembourg.*

The Convention was ratified by Luxembourg on 3 March 1958 in virtue of an Act dated 10 February 1958. The Government is now finalising a Bill which will recognise the right to strike and regulate its exercise.

#### *Federation of Malaya.*

Trade Unions Enactment, 1940 as amended by—

Trade Unions Ordinance, No. 12 of 1946.

Trade Unions (Amendment) Ordinance, No. 28 of 1947.

Federation of Malaya Agreement, 1948.

Trade Unions (Amendment) Ordinance, No. 9 of 1948.

Trade Unions (Amendment No. 2) Ordinance, No. 15 of 1948.

Trade Unions (Amendment) Ordinance, No. 20 of 1949.

Trade Unions (Amendment) Ordinance, No. 4 of 1955 (L.S. 1955—Mal. 1).

Trade Unions Regulations, 1941.

Federal Legislative Notification No. 132, 19 March 1953.

Trade Unions (Accounting Procedure) Regulations, 1958.

Freedom of association is recognised subject to certain limitations imposed in the national interest; a small section engaged in subversive activities seeks to infiltrate the trade unions to gain its ends.

Workers and employers may establish and join trade unions and other organisations provided that the rules thereof comply with the law. The rules are scrutinised by the Registrar of Trade Unions to ensure that they conform to the Trade Unions Enactment and Regulations.

Registration of trade unions is compulsory. The rules must comply with the law as stated above. Subject to this, workers' and employers' organisations freely draw up their constitutions and rules. Two-thirds of their representatives must be persons actually engaged or employed in an industry or occupation with which the trade union is connected. Candidates must be over 21 years of age. Election is by secret ballot. No person who has been convicted in any court for criminal breach of trust, extortion or intimidation can become an officer of a union. Workers' and employers' organisations are entitled to organise their administration and activities and to formulate their programmes.

The Registrar of Trade Unions may withdraw or cancel the registration of a trade union on any of the grounds mentioned in section 15 of the Trade Unions Enactment; an appeal lies first to the Minister of Labour and Social Welfare and, finally, to the Supreme Court.

Trade unions may establish federations and confederations in accordance with sections 58 to 62 of the Enactment. Affiliation with international organisations of workers and employers is permitted in accordance with Federal Legislative Notification No. 132. Protection granted to their constituents is extended to federations and confederations (section 61 of the Enactment).

Registered unions are free to hold meetings and to carry out their legitimate functions but, in view of the state of emergency, a meeting

in a public place requires the permission of the authorities.

The prevailing state of emergency prevents ratification of the Convention and it cannot be stated, at present, when it will be possible to give effect to all of its provisions.

#### *Morocco.*

Dahir respecting industrial associations, dated 16 July 1957 (L.S. 1957—Mor. 3 A).

Decree respecting industrial associations, dated 17 July 1957 (L.S. 1957—Mor. 3 B).

Decree respecting officials' right to organise, dated 5 February 1958.

Moroccan legislation regarding trade unions was entirely reformed by the Dahir of 16 July 1957.

Trade unions may have no other objects than that of studying and defending the economic, industrial, commercial and agricultural interests of their members. Public servants, excepting officials responsible for the safety of the State and the maintenance of law and order, may also form unions.

All workers and employers are free to establish and join organisations of their own choosing without prior authorisation.

Persons wishing to form a trade union must deposit with the competent local authority the rules of the proposed union and a complete list of the persons to be responsible in any capacity for its administration or management. These persons must be of Moroccan nationality and be in possession of their civil and political rights.

The decree of 17 July 1957 provides that, as a transitional measure, the General Secretary of the Government may, after consulting the ministers concerned, object to the formation of a trade union within three months of the deposit of its rules.

Occupational organisations of officials and public servants are required, within two months of their establishment, to transmit their rules and a list of their officers to the authority to which the members of the union will be responsible in the service.

Employers' and workers' organisations are free to draw up their constitutions and rules, to elect their representatives (who must, however, be of Moroccan nationality), to organise their administration and activities and to formulate their programmes in conformity with the statutory provisions on the maintenance of law and order.

Trade unions have the right to sue and may be sued and to exercise the rights of a civil plaintiff in criminal cases directly or indirectly affecting the interests of the occupation. They may acquire real and personal property, establish mutual benefit and retirement funds, construct inexpensive houses, acquire land for allotments, establish or subsidise schemes connected with the occupation and subsidise producers' or consumers' co-operative societies. They may also purchase, with a view to its hire or distribution to members, anything necessary for the exercise of their occupation (sections 10 ff. of the Dahir).

Trade unions may not be dissolved or suspended by administrative authority. A union may be dissolved only by order of the judicial authority on application by the public prosecutor's office.

Workers' and employers' organisations may freely establish national federations and confederations. These bodies are subject to the same rules as the primary organisations. A large number exist both on the employers' and on the workers' side. Trade union organisations are also free to affiliate to international organisations.

In virtue of section 10 of the Dahir, trade unions have all the rights of bodies corporate. They enjoy the same civil liberties as natural persons, particularly as regards the right of association. They are merely required to respect the laws and regulations in force like any natural or juridical person.

The report indicates that Moroccan legislation differs from the Convention on two points only : (1) the Government may object to the establishment of a trade union ; (2) persons responsible for the administration or management of a trade union must be Moroccan nationals. In support of the first provision the report refers to the need for avoiding the establishment of unions which might cause dissension in the world of labour ; in support of the second it refers to the need for maintaining unity of outlook in the management of trade unions.

#### *New Zealand.*

The Government refers to the information submitted in its report of 1956.<sup>1</sup>

#### *Nicaragua.*

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

The Convention has not yet been ratified, but it was applied in practice during the year 1957 through the vigilance of the Labour Inspection Service. In Nicaragua there is full statutory freedom of association and a full right to organise under Part IV of the Labour Code, sections 188-209.

Employers and workers without distinction whatsoever have the right to establish organisations of their own choosing without previous authorisation. The organisations have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. They are not liable to be dissolved or suspended by administrative authority, except in the cases provided for in section 204 (political activities).

There is no restriction on the organisation of federations and confederations, but it is prohibited to join political parties organised on an international scale unless they are parties whose object is to secure unification with one or more of the central American countries.

The acquisition of legal personality by an employers' or workers' organisation is subject to the registration of the organisation with the Department of Employers' and Workers' Associations.

As regards the right of assembly, employers' and workers' organisations are covered by the same measures as are applied to other persons or lawful bodies. In the event of a political emergency, decrees and laws are generally applied.

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 75-77.

#### *Portugal.*

The Government reproduces part of the information submitted in its report of 1956<sup>1</sup> and points out that, as the Government delegate to the 40th Session of the Conference stated in the discussion on adoption of this Convention, the present text cannot be accepted by the Government of Portugal.

#### *Spain.*

The Government again submits the information contained in its report of 1956.<sup>2</sup>

#### *Sudan.*

Transitional Constitution of the Republic.

Trade Unions Ordinance, 1948, amended by the Miscellaneous Amendments Act, 1957 (Act No. 25 of 1957).

Societies Registration Act, 1957.

The Government refers to the information given in its report of 1956<sup>3</sup> and furnishes the additional information summarised below.

Section 30 of the Miscellaneous Amendments Act makes specific provision for the registration of federations and confederations. Any two or more registered unions may form a federation. The unions in question must belong to the same industry or consist of employees of one employer and each union must resolve in favour of federation by a two-thirds majority of members present and voting at a general meeting. Federations and confederations are not entitled to "the benefits or immunities available to a trade union as such".

The Societies Registration Act makes it possible for seven or more persons to associate for any purpose, except persons who are members of academic establishments, companies, trade unions, statutory bodies or bodies registered under any other law. This Act permits tenants and pump scheme owners—the registration of whose associations was not covered by the Trade Unions Ordinance—to form associations with a view to developing systems of negotiation and joint consultation.

#### *Switzerland.*

Federal Act of 28 September 1956 to permit the extension of the scope of collective labour agreements (L.S. 1956—Swi. 2).

On essential points, the Government refers to its report of 1956.<sup>4</sup> It gives the following additional information.

The federal Act of 28 September 1956, providing for extension of the scope of collective agreements, repealed the federal Decree of 23 June 1943 which had made collective labour contracts generally binding. The Act of 1956 also revised sections 322 and 323 of the federal Code of Obligations (section 19); the new provisions of the Code of Obligations concerning collective agreements are contained in sections 322 to 323<sup>quater</sup>.

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., p. 77.

<sup>2</sup> Ibid., pp. 77-78.

<sup>3</sup> Ibid., p. 78.

<sup>4</sup> For the summary of the previous report and the legislation quoted therein, see Report III (Part II) prepared for the 40th Session of the Conference, op. cit., pp. 78-79.



Freedom of association, both active and passive, is directly or indirectly guaranteed or promoted : as regards collective bargaining, by articles 322 (paragraph 4) and 322bis (paragraphs 2 to 4) of the Code of Obligations ; as regards extension of collective agreements, by the Act of 28 September 1956, section 2 (subsections 5 to 7), section 3 (subsection 2, litt. b)), section 5 (subsection 1), section 13 (paragraph 4), section 16 (paragraph 2) and section 18 (paragraph 2).

#### *Thailand.*

Constitution, 1932, amended in 1952.  
Civil and Commercial Code (Title XXIII), 1932.  
Labour Act, 1956 (L.S. 1956—Thai. 1).

By March 1958, 98 requests for labour unions and three requests for registration of federations had been received. An application for affiliation with the International Confederation of Free Trade Unions had also been made.

Legislation concerning the general principles of the Convention is in force, but ratification cannot be considered at present because the Labour Act applies only to undertakings employing not less than ten persons.

#### *Turkey.*

The Government asks for reference to be made to the report it submitted in 1956.<sup>1</sup>

#### *Union of South Africa.*

Industrial Conciliation Act, No. 28 of 1956 (L.S. 1956—S.A. 1).

The Government states that the Industrial Conciliation Act, 1937, has been replaced by the Industrial Conciliation Act, 1956 ; the situation in regard to the Convention has not changed since its report of 1956.<sup>2</sup>

#### *United Arab Republic.*

##### *Egypt.*

The Government repeats the information supplied in its report of 1956<sup>3</sup> and adds that the Egyptian Confederation of Labour was established on 30 January 1957.

#### *United States.*

The report states that there has been no change in the situation with respect to the application of the Convention since the report submitted in 1956.<sup>4</sup>

#### *Viet-Nam.*

In the main, the Government reproduces the information contained in its report for 1956.<sup>5</sup> It adds that the Departments of Labour, of the Interior and of Justice are considering amendments to the existing system with a view to introducing a degree of flexibility into the formalities for the issue of an acknowledgment

of the receipt for registration of an organisation's constitution and rules.

#### *Yugoslavia.*

Constitution of the Federal People's Republic of Yugoslavia (*Službeni List FNRJ*, No. 10/46).  
Constitutional Law (*Službeni List FNRJ*, No. 3/53).  
Act of 12 December 1957 respecting Employment Relationships (*Službeni List FNRJ*, No. 53/57).  
Economic Association Law (*Službeni List FNRJ*, No. 1/58).  
Economic Association Regulations (*Službeni List FNRJ*, No. 16/58).

In Yugoslavia there are two kinds of employers' and workers' organisations : on the one hand the unions, which are the sole organisations of wage earners and salaried employees, and on the other hand the occupational associations and chambers, which correspond to employers' organisations.

These various kinds of organisation have complete freedom, which is guaranteed by constitutional and statutory provisions. The Constitution of 1946 emphasises the right of wage earners and salaried employees to combine, hold meetings and stage public demonstrations. The Constitutional Law of 1953 guarantees the workers' freedom of association for the purpose of promoting their common interests in the political, economic and other fields.

There is no restriction on the establishment of unions. The rights and obligations of unions are determined solely by their constitutions, which are not subject to approval by the public authorities. The unions organise their activities and administration freely. Membership of the unions is voluntary ; every individual may refrain from joining, join or withdraw from a union.

The constitutions of the unions provide that all wage earners and salaried employees employed in undertakings or institutions in one or more economic sectors shall be eligible for membership, irrespective of the kind of work they do or of whether the undertakings are public or private.

All union members have the same right to be elected to the executive of their union. The elections are held during union meetings or congresses and are by individual secret ballot. Elections may neither be confirmed nor invalidated by the public authorities.

Owing to the political and economic structure of the country, the Yugoslav trade union movement is a unitary one and there is only one central trade union organisation, the Confederation of Yugoslav Trade Unions, to which all the unions belong. The unions' membership of this Confederation is voluntary. In their activities member organisations of the Confederation of Yugoslav Trade Unions are completely independent, and they have their own rules.

The unions play an important role in relation to the national economy, education and the protection of individual interests and of the general interests of the community. In fact at all levels—undertaking, economic sector, local and national—the unions take part in the establishment and furtherance of the country's economic and social policy.

The unions are free to join international trade union organisations. Until 1949 the Confederation of Yugoslav Trade Unions was

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), op. cit., pp. 79-81.

<sup>2</sup> Ibid., pp. 81-82.

<sup>3</sup> Ibid., p. 69.

<sup>4</sup> Ibid., pp. 83-84.

<sup>5</sup> Ibid., pp. 84-85.

affiliated to the World Federation of Trade Unions. Certain unions (building trades, mining, carpenters, cultural and artistic workers, teaching staff) are affiliated to the international trade union organisation for their occupation.

The occupational associations, which correspond to employers' organisations but are of a special character owing to the political and economic structure of the country, may also be freely established.

Membership of occupational associations is voluntary. Membership is open to economic organisations and business associations that are active in the sector covered by the occupational association or the main activities of which include business in the sector for which the occupational association has been established. Yet other economic organisations may join occupational associations in certain circumstances.

The occupational associations are established by the economic organisations concerned. It is considered that an economic association has been established when one-third of the economic organisations of the particular sector have decided to set it up and once the constitution of the newly established association has been approved by the Producers' Council of the National Assembly, or of the Federal Chamber in the case of economic organisations

in the fields of production and transport. On establishment, occupational associations are registered with the Secretariat of General Economic Affairs of the Federal Executive Council, and this gives them legal personality.

Occupational associations themselves draw up their constitutions, which state their duties and obligations; the constitutions also establish the organs of the associations and define their competence and composition, as well as the way in which their members are to be elected.

Like the trade unions, but from a slightly more technical point of view, the occupational associations play an active part in the country's economic affairs.

Occupational associations are affiliated to economic chambers, which are bodies corporate established to further the production and circulation of goods. Each chamber draws up its own constitution and rules and lays down by that means, quite independently, what its direct duties and its organs are to be, as well as the competence and composition of such organs. The chambers operate under the supervision of the public authorities.

The economic associations are entitled to join international organisations, and the Federal Chamber of Industry and the Federal Chamber of Foreign Trade are affiliated to the International Chamber of Commerce in Paris.

## Right to Organise and Collective Bargaining Convention, 1949 (No. 98)<sup>1</sup>

### *Afghanistan.*

See under Convention No. 87.

### *Australia.*

#### *Commonwealth.*

Conciliation and Arbitration Act, 1904-1956 (*L.S.* 1956—Aust. 1).

Stevedoring Industry Act, 1956-1957.

#### *New South Wales.*

Industrial Arbitration Act, 1940-1957.

#### *Queensland.*

Industrial Conciliation and Arbitration Acts, 1932-1955 (*L.S.* 1933—Aust. 1; 1934—Aust. 5; 1935—Aust. 7; 1937—Aust. 3A and B; 1938—Aust. 3).

#### *South Australia.*

Industrial Code, 1920-1955 (*L.S.* 1926—Aust. 1; 1935—Aust. 10; 1936—Aust. 7A).

#### *Tasmania.*

Wages Board Act, 1920-1951.

#### *Victoria.*

Labour and Industry Act, 1953-1955.  
Employers and Employees Act, 1928.

#### *Western Australia.*

Industrial Arbitration Act, 1912-1952 (*L.S.* 1925—Aust. 12; 1930—Aust. 7; 1935—Aust. 9).

The provisions of the Convention are considered appropriate for action partly by the Commonwealth and partly by the states. Effect is given to some of them partly by common law and practice and partly by legislation.

The Commonwealth Conciliation and Arbitration Act and the industrial conciliation and arbitration Acts of New South Wales, Queensland, South Australia and Western Australia make it an offence for an employer to dismiss or injure a worker in his employment merely by reason of the fact that he is a member or officer of a registered organisation or an organisation that has applied to be registered or is entitled to the benefits of an industrial award or agreement. In Victoria and Tasmania workers not covered by awards have no legal protection, except that it is illegal for an employer to dismiss an employee merely on account of his membership of a Wages Board; the industrial strength of the unions, however, ensures that anti-union discrimination does not take place.

In New South Wales employers in an occupation or industry to which an award applies are bound to give absolute preference in employment to members of the union or unions engaged in the occupation or industry. In Queensland and Western Australia awards may grant such preference, as may awards under the Commonwealth Conciliation and Arbitra-

tion Act. Many awards are so framed. It is an established principle that preference should be awarded where it is shown that an employer unjustifiably discriminates against members of a union in favour of non-members. At almost all ports the Stevedoring Industry Act permits the registration only of union members or of applicants for union membership as waterside workers. Apart from these provisions regarding preference, there is no restriction on the right of an employer to select unionists or non-unionists for employment, as he thinks fit.

The provisions in arbitration legislation concerning registration of organisations, the standards with which their rules must comply and the making and observance of industrial awards and agreements, together with other specific provisions, ensure a measure of protection for registered organisations against acts of interference by each other or each other's agents or members.

Regulation 115 made under the Commonwealth Conciliation and Arbitration Act provides that an organisation shall not be registered unless the Registrar is satisfied that "it is not wholly or partially formed, organised, supported, maintained or conducted directly or indirectly for the purpose or with the view of opposing, injuring or prejudicing the interests of employers or employees as the case may be, whose interests it purports to represent, further or protect". Further, the Commonwealth and State Arbitration Acts provide: (a) for opportunity for objections to be made to applications for registration; (b) that organisations shall be voluntary or bona fide associations or that evidence may be required to show that the application is bona fide in the interests of an employer or an employers' organisation; (c) that no person who is not a worker shall be a member (other than an honorary member) of an industrial union; (d) interested parties may apply for cancellation of the registration of an organisation. No such safeguards exist in Victoria and Tasmania in the case of organisations which are not organisations registered (or branches thereof) under the Commonwealth Act, but here the bona fide workers' organisations are strong enough to discourage acts of interference.

Terms and conditions of employment are determined, according to jurisdiction, by awards of the Commonwealth Conciliation and Arbitration Commission, state laws and regulations, Commonwealth laws and regulations concerning Commonwealth employees, awards of industrial tribunals in New South Wales, Queensland, South Australia and Western Australia and determinations of Wages Boards in Victoria and Tasmania. Collective agreements are not the general method. But, under the arbitration laws of the Commonwealth and of New South

<sup>1</sup> This Convention came into force on 18 July 1951. Forty ratifications had been registered up to 1 December 1958.

Wales, Queensland, South Australia and Western Australia, the aim of conciliation is to promote agreements in disputes without the need for arbitration. If agreement is arrived at between the parties to an industrial dispute the agreement may be reduced to writing and certified by the commission concerned whereupon it has the same effect as, and is deemed to be, an award for the purpose of the Act. Many such agreements are made and certified. The means of conciliation are made available with a view to bringing about such agreements. Beyond this, industrial legislation is not directed towards promoting machinery for voluntary negotiation of collective agreements. Nevertheless, many private agreements (i.e. agreements not registered or certified under the statutes relating to conciliation and arbitration) are made relating to terms and conditions of employment, particularly agreements relating to employment at a particular establishment or in the employ of individual employers.

"Worker" does not include a member of the armed forces. Members of the police forces are under the control of the state governments; they are permitted to form and join their own organisations.

No modifications have been made in national law or practice with a view to giving effect to the provisions of the Convention. The Government states that the reasons which prevent ratification of the Convention are apparent from the above indications. Neither the Commonwealth nor the states propose to adopt measures to give effect to the provisions of these articles.

#### *Bulgaria.*

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

The Government supplements its report for 1955<sup>1</sup> with the following particulars.

Under the new wording of section 38 of the Labour Code employers cannot dismiss, either with or without previous notice, wage earners or salaried employees on conciliation committees or active trade unionists appearing on the lists drawn up by the trade unions, so long as the latter carry out their trade union duties and for six months after they have ceased to do so. In the same way labour agreement conditions concluded with these persons cannot be amended, provided that the assent of the central management of the trade union concerned is given in both cases.

In virtue of the Central Trade Union Board's Instruction dated 8 August 1958 active trade unionists in the following categories benefit by the protection set up under section 38 of the Labour Code: members of the Central Trade Union Board (Plenum), the central committees of trade unions, the trade union municipal and ward councils, the managing boards of trade union associations, the chairmen and secretaries of trade union committees (in factories, workshops and offices, etc.), those responsible on labour safety commissions attached to these committees, labour inspectors from the trade unions and organisers of local trade unions.

The system of collective labour agreements entered into by heads of undertakings and workers' organisations is very widespread. The trade union committees negotiate for the workers. These agreements, which are concluded every year, are only valid for the undertaking specified.

In accordance with the order dated 28 March 1958 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Trade Union Board, occupational organisations and in particular their committees, have the right to insist that superior administrative bodies transfer managers or other administrative heads to a lower post or even dismiss them if they systematically do not comply with the obligations incumbent on them under collective labour agreements.

#### *Burma.*

The Government reproduces the information given in its report of 1955.<sup>1</sup>

#### *Canada.*

The Government refers to the information given in its report for 1955.<sup>2</sup>

#### *Ceylon.*

Industrial Disputes (Amendment) Act No. 25 of 1956 (*L.S.* 1956—Cey. 1).

Shop and Office Employees (Regulation of Employment and Remuneration) (Amendment) Act No. 60 of 1957.

Industrial Disputes (Amendment) Act No. 62 of 1957.

The Government asks for reference to be made to its report of 1955.<sup>3</sup>

#### *Chile.*

The Government reproduces the information contained in its report of 1955<sup>3</sup>, and adds that by means of Message No. 799, dated 22 April 1958, the Ministry for Foreign Affairs has requested the Legislature to ratify this Convention; in fact the national legislation is in accordance with this text.

#### *Colombia.*

See under Convention No. 87.

#### *Costa Rica.*

Constitution of the Republic of Costa Rica, dated 7 November 1949 (*L.S.* 1949—C.R. 3).

Act No. 9 of 27 August 1943 to constitute the Labour Code (*L.S.* 1943—C.R. 1; 1944—C.R. 1A, B and C; 1947—C.R. 1; 1949—C.R. 2; 1951—C.R. 2).

Act No. 1860 of 21 April 1955 to set up the Ministry of Labour and Social Insurance.

Article 60 of the Constitution recognises the right to organise. Article 62 gives legal force to collective agreements concluded between workers' organisations and employers or employers' organisations. The subject is covered by Chapter II of Title 5 and by Chapter III of Title 2 of the Labour Code.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 3-4.

<sup>2</sup> Ibid., pp. 4-6.

<sup>3</sup> Ibid., p. 6.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 3.

Article 271 of the Labour Code provides that no person may be compelled to join or refrain from joining a trade union. Costa Rican law does not recognise the existence of mixed organisations, although they are not specifically prohibited. The definition of a union in article 269, however—a “union is an association . . . formed exclusively for the purpose of studying, furthering and protecting the common financial and social interests of its members”—is to be understood to mean that mixed organisations consisting of both employers and workers cannot exist in Costa Rica.

There is at present in the Ministry of Labour a Trade Union Office which is responsible for encouraging and supervising trade union organisations (section 47 of Act No. 1860). The Office of Trade Union Affairs and Administrative Conciliation is responsible for promoting and encouraging collective bargaining (section 41 of the Act).

#### Ghana.

Trade Unions Ordinance (Revised Laws, 1954, Ch. 91).

The provisions of the Convention are applied voluntarily by established practice.

Workers' organisations which are registered under the Trade Unions Ordinance are encouraged to establish machinery for collective bargaining and such machinery is general. The constitution of a negotiating committee is agreed between both organisations and is usually witnessed by an official of the Ministry of Labour and Co-operatives. The objects of such committees are to secure the greatest measure of co-operation between employers and workers and to provide machinery for dealing with grievances and generally to bring together the experience and different points of view respecting conditions of employment in the industry. They deal with matters affecting conditions of employment and their functions include consideration of all matters conducive to general efficiency and the welfare of the workers, application of general principles concerning conditions of service, e.g. wages, hours of work, leave, etc. Normally, there are committees at both central and local levels. Decisions are reached by agreement only; there is no voting.

No modifications have been made to national practice in relation to the Convention. No grave difficulties prevent or delay ratification, and consideration is being given to this by the competent authority.

#### Greece.

The Government reproduces the information given in its report of 1955.<sup>1</sup>

#### India.

Constitution of India (L.S. 1949—Ind. 1; 1951—Ind. 2).  
Indian Trade Unions Act, 1926.  
Industrial Disputes Act, 1947 (L.S. 1947—Ind. 1; 1951—Ind. 1; 1952—Ind. 1; 1953—Ind. 1).  
Bombay Industrial Relations Act, 1946.  
Central Provinces and Berar Industrial Disputes Settlement Act, 1947.  
United Provinces Industrial Disputes Act, 1947.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 8.

Both the central and state governments are empowered to take legislative and administrative action in respect of the matters covered by the Convention. Central legislation can be supplemented by state legislation. The central Government enforces legislation in respect of undertakings in the central sphere or undertakings extending beyond the borders of individual states. Otherwise, the state governments are responsible.

*Article 1 of the Convention.* The Constitution of India guarantees freedom of association to all citizens, subject only to such restrictions as may be imposed in the interests of public order or morality. The Indian Trade Unions Act, 1926, was amended in 1947, with a view to providing for recognition of unions and specifying “unfair practices” on the part of employers and workers and penalising the same, but the amending Act could not be brought into force.

Section 101 of the Bombay Industrial Relations Act and section 42 of the Central Provinces and Berar Industrial Disputes Settlement Act lay down that no employer shall dismiss, discharge or suspend or reduce any employee or punish him in any other manner solely by reason of the fact that the employee (a) is an officer or member of a recognised union or of a union which has been registered under the Trade Unions Act, 1926; or (b) has appeared or intends to appear as a witness or has given any evidence or intends to give evidence in a proceeding under the relevant state Act; or (c) is an officer or member of an organisation the object of which is to secure better industrial conditions; or (d) is an officer or member of an organisation which is not declared unlawful; or (e) is representative of employees; or (f) has gone on or joined in a strike which has not been held to be illegal. Contraventions of these provisions are punishable by fine.

Under section 33 (3) of the Central Industrial Disputes Act no employer may, during the pendency of conciliation or other proceedings under the Act, take any action against any “protected workman” except with the express written permission of the authority before whom proceedings are pending. “Protected workman” refers to an officer of a protected trade union connected with an establishment. The number of workmen to be recognised as “protected” shall be 1 per cent. of the total number employed in the establishment concerned, subject to a minimum of five and a maximum of 100.

Further, the Industrial Tribunals take a serious view of victimisation of workers by employers for trade union activities and order reinstatement when necessary.

*Article 2.* Section 15 of the Bombay Industrial Relations Act provides that the registration of a union may be cancelled if it is found that it is not being conducted bona fide in the interests of employees but in the interests of employers to the prejudice of employees. Section 3 (iii) of the Central Provinces and Berar Industrial Disputes Settlement Act contains a similar provision. No specific legislation deals with the question of interference by workers in the affairs of employers but the latter are protected against such acts as contravene the penal laws of the country.

In March 1958 representatives of the All-India Organisations of Employers and Workers ratified a Code for Discipline in Industry. The Code declares "(i) that there has to be a just recognition by employers and workers of the rights and responsibilities of either party and (ii) that neither party will have recourse to coercion, intimidation or victimisation". The employers agreed not to support or encourage any unfair labour practice such as (a) interference with the right of employees to enrol or continue as union members and (b) discrimination, restraint or coercion against any employee because of recognised trade union activity. The employers also agreed to take disciplinary action against their own officers in cases where their inquiries revealed that they were responsible for precipitate action by workers. The workers and the unions have also undertaken certain obligations.

*Articles 3 and 4.* No special machinery has been set up under central legislation to secure enforcement of the right to organise beyond the provision in the Trade Unions Act, 1926, respecting registration. Registration can be cancelled by the Registrar only in the circumstances enumerated in section 10 (b) of the Trade Unions Act. Appeals lie to the courts against decisions of the Registrar of Trade Unions not to register a union or to cancel registration. Similar provisions appear in the provincial legislation cited.

With respect to disputes, while the Government retains the legal right to refer cases to adjudication as a last resort, the industrial relations policy followed emphasises mutual negotiation and voluntary arbitration. The machinery provided under the Central Act for the settlement of disputes consists of works committees, conciliation through conciliation officers or conciliation boards and adjudication by labour courts, industrial tribunals and national tribunals. The consensus of opinion at the Indian Labour Congress held in May 1958 was that the time was not yet appropriate for the Government to give up the power to order adjudication of disputes, but it was agreed that adjudication should be resorted to only after all else had failed.

Under the Code for Discipline referred to earlier, both management and trade unions, affirming their faith in democratic principles, bound themselves to settle all future differences, disputes and grievances by mutual negotiation, conciliation and voluntary arbitration. The parties have also agreed to establish expeditious grievance proceedings for dealing with individual complaints. In addition, a "Model Agreement on Rationalisation" was adopted at the 15th Session of the Indian Labour Conference. The experiment of worker participation in management will also encourage the regulation of terms and conditions of employment by means of collective agreements.

*Article 5.* Members of the Defence Services do not enjoy the right to organise. Employees of the Police and Prison Departments may organise provided that their associations consist of only such distinct ranks of employees as the Government may prescribe and that their executive officers include only such persons as are in the active service of Government or are

honourably retired officers belonging to the same class of government employees. The machinery for the settlement of disputes set up under the Industrial Disputes Act is not available to these categories, whose service conditions are determined by the Government.

*Article 6.* Industrial employees in governmental and other public undertakings enjoy the same rights as other workers. "Civil servants", i.e. those connected with the secretarial and executive functions of government, have the right to organise. However, if their associations seek "recognition" by the Government they must comply with certain prescribed conditions. The normal methods of settling grievances through conciliation or arbitration are not generally open to them, but the Government has set up staff committees to deal with their grievances.

No modifications have been made in national legislation or practice with a view to giving effect to the provisions of the Convention, which are, in fact, complied with in law and in practice. The Government is uncertain as to whether the words "public servants engaged in the administration of the State" cover such secretariat staff as clerks, assistants, superintendents (section officers), etc., to which grades the rules relating to associations of civil servants also apply.

The Government has not thought it proper to ratify this Convention while Convention No. 87 remains unratified.

#### *Iran.*

Labour Act, 1949.

Decree of 9 November 1955 to promulgate the Regulations respecting the establishment of occupational associations and occupational federations (L.S. 1955—Iran 2).

Workers enjoy adequate legal protection against all acts of discrimination which may infringe the principle of freedom of association.

*Article 1 of the Convention.* Section 12 of the Labour Act and section 34 of the Regulations prohibit intimidation or threat of reprisals or any other act with a view to forcing workers to belong or not to belong to a trade union. Under section 33 of the Regulations an employer may not dismiss a worker or refrain from engaging a worker or make any distinction among his employees on the grounds of trade union membership.

*Article 2.* Employers and workers may not belong to each other's organisations. Under section 2 of the Regulations the members of the founding committee of any workers' or employers' organisation must have an occupational qualification. According to section 12 of the Labour Act and section 1 of the Regulations employers or workers in the same trade or occupation or undertaking may constitute organisations. Under section 16 of the Regulations workers and employers may belong only to one organisation. Trade union officers are elected in freedom and it is impossible for the employer to obtain the election of any of his agents to a position of management in a workers' organisation. The general assembly of the union may exclude any member and may

remove any leader from office. The possibility of interference by financial means is precluded by section 28 of the Regulations, which provides that unions must keep their accounts in official registers, submit an annual balance sheet to the general assembly and publish a copy thereof within one month, after approval by the general assembly, accompanied by a detailed report of income and expenditure and the resolution taken in respect of the accounts.

*Article 3.* The application of the above-mentioned legal provisions is ensured by the regional labour administrations, the Trade Union Division, conciliation boards, arbitration boards and the Superior Labour Council.

*Article 4.* Section 7 of the Labour Act expressly authorises the conclusion of collective agreements on the basis of voluntary negotiations between employers and workers.

*Articles 5 and 6.* Established practice, as well as legislation, complies fully with the standards laid down in these Articles.

Active participation of employers and workers is prescribed by section 15 of the Labour Act, relating to meetings of the Superior Labour Council.

National legislation complies with the Convention and no modification has been made therein. The Government submitted the Convention to Parliament in 1951 with a view to ratification.

#### *Italy.*

Constitution of the Italian Republic (articles 18, 39 and 40) (L.S. 1947—It. 5).

Civil Code (sections 12 ff., 36 and 2067 to 2081).

Legislative Decree No. 205 of 24 April 1945 to prohibit civil and military security staff from joining trade unions.

The Government reproduces the information appearing in its report of 1955<sup>1</sup> and adds the following particulars.

Protection against discrimination in employment is ensured at the recruiting stage by the Public Employment Offices through which recruitment has to be done and which exclude any discrimination. Protection against dismissal is ensured in industry by the agreement on individual dismissals entered into on 18 October 1950 by the employers' and workers' organisations concerned. In the other economic sectors there are no legislative provisions or agreements between parties: however, workers' rights are safeguarded because the trade unions are so powerful.

Although acts that discriminate against trade unions are to be considered illegal, no penalty has been provided for in respect of them. Acts whose aim is to make a trade union dependent upon an employer or employers' organisation are not penalised by special laws although they violate constitutional principles. Here again the best guarantee for workers' rights lies in the strength of the trade unions.

The Ministry of Labour and its various services encourage the fixing of conditions of employment by means of collective negotiations. Both employers' and workers' organisations

consider collective negotiations to be the only method by which healthy professional relations can be established.

The ratification of this Convention, which had depended at first on the adoption of legislation dealing with professional relations, has been authorised by an Act dated 23 March 1958. This ratification was registered by the Director-General of the I.L.O. on 13 May 1958.

#### *Luxembourg.*

Constitution.

Grand-Ducal Order of 8 May 1925 relating to the institution of workers' committees in industrial establishments (L.S. 1925—Lux 1a; 1929—Lux. 2 and 6).

Grand-Ducal Order of 6 October 1945 to establish the powers and the operation of the National Conciliation Office.

The Convention was ratified by Luxembourg on 3 March 1958 in virtue of an approving Act dated 10 February 1958.

The right of organisation is guaranteed by the Constitution (article 26). This right is completely general and its exercise is not dependent on any prior authorisation.

Forty thousand out of 50,000 industrial workers (25,000 in heavy industry and 25,000 in lighter industries, in home industries and in handicrafts, with transport workers included) are covered by collective agreements: this is 80 per cent. in 1956 as against 70 per cent. in 1950.

In Luxembourg collective agreements are strictly enforced and applied in good faith without exception: they are 100 per cent. effective.

Collective agreements have shown themselves to be the best means of preventing labour disputes. All current agreements lay down that if there is a difficulty of interpretation or a labour dispute a joint committee is to be called in with a view to settling the dispute. If conciliation is not reached all disputes are to be laid before the National Conciliation Office, whose functions and procedure are fixed by the Grand-Ducal Order of 6 October 1945. Conciliation procedure under the auspices of this Office is obligatory before a collective suspension of work can take place. Since the conclusion of the current collective agreements and the setting up of the National Conciliation Office there have been practically no strikes.

On the national level all important questions with relation to the Government's economic policy are submitted to the judgment of the National Economic Board, which includes several workers' and employers' representatives. All important questions on social affairs are submitted for preliminary advice to the Chamber of Commerce on the one hand, which brings together employers' representatives, and to the Chamber of Labour on the other, which is formed of workers' representatives. In some cases the most representative workers' trade unions are also called upon to give a prior opinion on some social projects.

On the level of individual undertakings, the functions that are usually conferred in other countries on mixed works committees are partly carried out in Luxembourg by workers' delegations instituted by the Grand-Ducal Order of 8 May 1925; they are instructed to improve understanding between employers and workers by the joint regulation of their mutual business.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 9-10.



In Luxembourg collaboration in undertakings which is usually spontaneous, has good results. With regard to collaboration, attention should be drawn to the conclusion of a new collective agreement—thanks to the combined initiative of the Government and the trade unions and also to the understanding attitude of the employers—which applies to heavy industry and which provides for the institution of a joint works committee, composed of employers' and workers' delegates : the committee's job amongst other things will consist in controlling working hours and overtime procedure ; it will also be informed about the course of undertakings in general.

#### *Federation of Malaya.*

Employment Ordinance, 1955 (L.S. 1955—Mal. 2).

It has been the declared policy of the Government to encourage and assist employers and workers to form their own organisations to protect their interests. The Trade Union Adviser's Department was set up in 1946 to further this policy. By the end of 1957 there were 253 trade unions, with 222,073 members, and 8 employers' organisations, with 792 members. The respective organisations settle wages and conditions of employment by means of collective bargaining over a wide field, in many cases through voluntarily established joint machinery. A Joint Consultative Council has operated in the planting industries since 1955 ; there are other joint councils in the municipalities, in docks at Penang and Port Swettenham and in foundries.

*Article 1 of the Convention.* Section 8 of the Employment Ordinance, 1955, provides that a contract of service shall not restrict the right of a worker to join a trade union, to participate in the activities of a trade union or to associate with others in organising a trade union.

*Article 2.* No legal provisions exist to prevent mutual interference, but organisations prevent it in practice, while some agreements between employers' and workers' organisations provide against interference in each other's legitimate rights and functions (e.g. the constitutions of the Joint Consultative Council in the planting industries and of the Navy, Army and Air Force Institutes (Federation of Malaya) Joint Council).

*Articles 3 and 4.* The Government gives every encouragement to both sides in industry to respect each other's right to organise and to establish joint machinery for voluntary negotiation with a view to the conclusion of collective agreements. One of the main functions of the National Joint Labour Advisory Council is to encourage such relations at the national level and to guide individual industries in the proper development of such relations.

The Convention is to be discussed in the I.L.O. Conventions Subcommittee of the National Joint Labour Advisory Council.

#### *Mexico.*

An opinion in favour of approving the Convention has been sent by the Government to the Senate of the Republic.

#### *Netherlands.*

Act of 24 December 1927 to issue detailed regulations respecting collective agreements (L.S. 1927—Neth. 2).

The Government again puts forward the reasons given in its report of 1955<sup>1</sup> on account of which it has not thought it necessary to ratify the Convention. It adds that in its opinion it would not be in the interest of the community to adopt legislative provisions which, by their very nature, would have general application : indeed there are trade unions with questionable aims that might profit unduly from such provisions. The eventual ratification of the Convention is again under consideration, however, as the result of a request from an important trade union federation.

*Article 1 of the Convention.* In a general sense the legislation does not contain any provision with specific reference to the protection of workers against acts of discrimination in employment. However, even if such provisions existed, the statute law and practice would ensure a protection of this kind ; indeed, any clause in a collective agreement that forbade an employer to take on persons belonging to a certain association would be declared null and void under section 1 (3) of the Collective Agreements Act. With regard to dismissals on grounds of membership of a trade union, the Civil Code affords workers the possibility of lodging an appeal in the event of their being unjustly dismissed ; they can also secure reinstatement. As regards any other discriminating act the courts may be applied to since the Civil Code states that an employer is to act in good faith when carrying out a labour agreement. The legislation also ensures a certain measure of protection that can be supplemented by statutory law if necessary. In practice the highly developed trade union movement sees to it that workers' rights are enforced.

*Article 2.* There would be no point in introducing legislative provisions here because the effects of interference referred to in the Convention do not occur in practice.

*Article 3.* In the Netherlands it would be superfluous to set up a body for ensuring that the right of organisation is enforced.

*Article 4.* There is no point in taking special measures for developing the procedure of voluntary negotiation in collective agreements. The Labour Institution, which is a voluntary centre for consultation between employers' and workers' federations, influences the professional organisations in this respect.

Over the period under consideration no amendment to the legislation or to practice with a view to giving effect to the Convention has been made.

#### *New Zealand.*

The Government refers to the information given in its report for 1955.<sup>2</sup>

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 10.

<sup>2</sup> Ibid., pp. 10-11.



*Nicaragua.*

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

The Government states in its report that, although the Convention has not been ratified, the supervision of the labour inspectors ensured its application in practice in 1957. In Nicaragua there is full freedom of association and freedom to bargain collectively. Employers' organisations may not interfere with the organisation of workers' organisations and vice versa. Labour legislation does not recognise the fact that a worker does not belong to a union as justifying his exclusion from employment. Paragraph 6 of section 16 of the Labour Code prohibits the employer from compelling an employee to become a member of or to resign from an industrial association to which he belongs or from interfering with his political decisions or religious convictions. Paragraph 8 of the same section prohibits the employer from performing any other act in restraint of the rights granted to employees by law, and these rights include the right to organise and to bargain collectively.

The right to conclude collective agreements is guaranteed by sections 22 to 32 of the Labour Code. The Code does not cover public servants and members of the armed forces.

No special measures have been taken to give effect to the Convention, because the provisions of labour legislation are considered to afford sufficient guarantees.

*Portugal.*

Constitution of Portugal.

Legislative Decree No. 23049 of 23 September 1933 to lay down the principles to which employers' associations (corporative organisations of employers) must conform (*L.S.* 1933—Por. 6A).

Legislative Decree No. 23050, to reorganise the national trade unions. Dated 23 September 1933. (*L.S.* 1933—Por. 6B).

Law No. 1952 of 10 March 1937.

Decree No. 31280 of 22 May 1940.

Legislative Decree No. 32749 of 15 April 1947.

Every worker is free to join or refrain from joining the union that corresponds to his trade (Constitution and articles 22 and 23 of Legislative Decree No. 23050).

Article 3 of Decree No. 31280 protects workers with respect to their trade union activities. Article 4 lays down penalties for the contravention of this provision by the employer.

There is no mutual interference between workers' and employers' organisations (Decrees Nos. 23049 and 23050).

Portuguese legislation provides that wages and conditions of work must as a rule be determined by collective agreements. Such agreements are negotiated by national trade union federations and employers' federations. Collective agreements are binding even on undertakings and workers not belonging to the respective organisations. Legislative Decree No. 36173 of 6 March 1947 determines the limits within which the parties are free to negotiate.

Under Decree No. 37268 (article 26) the labour inspection service is responsible for ensuring the application of labour standards.

Collective agreements provide for the establishment of joint labour-management commit-

tees under the chairmanship of a representative of the National Institute of Labour and Social Insurance. The powers of these committees are defined in article 12 of Legislative Decree No. 36173. They are responsible for furthering the conclusion of collective agreements and conciliation in the event of disputes.

The Convention has been submitted to the competent authorities for a study of the possibility of ratification, since the national legislation is in harmony with the spirit and the letter of the Convention.

*Spain.*

Act of 6 December 1940 to lay down fundamental principles relating to trade unions (*L.S.* 1941—Sp. 5B).

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (*L.S.* 1942—Sp. 2).

Regulations of 22 March 1947 for the election of trade union office bearers.

Decree of 8 June 1956 relating to the raising of minimum labour standards.

Act of 24 April 1958 concerning trade union collective agreements.

The Act of 6 December 1940 grants workers the most extensive freedom of association. There is no provision that prevents a worker from joining the union, nor is it legitimate to discriminate against those who voluntarily join the appropriate union.

The right to bargain collectively is recognised by the Act of 24 April 1958 concerning trade union collective agreements, and it is not necessary to have prior administrative authorisation to initiate collective bargaining and to conclude agreements.

Under section 4 of the Act of 6 December 1940 the unions group together the workers in their respective branches of production. They are granted the status of bodies corporate in public law. They are the legal representatives of their members.

The office bearers of the local unions are freely elected; these office bearers elect those of the provincial unions and the latter elect those of the national unions under the regulations for the election of trade union office bearers, dated 22 March 1947.

The Act concerning trade union collective agreements dated 24 April 1958 recognises representatives of the unions as having power to conclude agreements on behalf of the employers and workers within their respective areas. This Act improves on the system established by the Act of 16 October 1942 and the Decree of 8 June 1956. Agreements concluded under the new Act are to include provisions relating to their scope, their period of validity, general conditions of work and welfare activities for the benefit of the workers.

Non-interference by unions in each other's affairs is guaranteed under article 10 of the Act of 6 December 1940, since it is laid down that they are to be organised with reference to the object of economic activities, geographical zones, and the various fundamental stages of the economic process.

In relation to Article 4 of the Convention, there is the Act concerning trade union collective agreements of 24 April 1958, which encourages collective bargaining for the determination of working conditions.

The report points out that the Convention was drawn up when Spain was not a Member of the I.L.O.

#### *Switzerland.*

Sections 322 and 322bis of the Code of Obligations introduced by section 19 of the federal Act dated 28 September 1956 to permit the extension of the scope of collective labour agreements (*L.S.* 1956—*Swi.* 2).

The Government refers to the information given in its report of 1955<sup>1</sup> and adds the particulars which are summarised below.

*Article 1 of the Convention.* The third and fourth subsections of section 322bis of the Code of Obligations prohibit a collective agreement from restricting unopposed freedom of association. It is not possible to extend the scope of a collective agreement which does not enforce freedom of association (both active and passive) and which does not guarantee equality of treatment to individual employers and workers (section 2, Nos. 5 and 7 and section 5, subsection 1, of the Act dated 28 September 1956).

*Article 3.* Workers and employers who consider themselves wronged can have their right under section 322bis of the Code of Obligations (third and fourth subsections) proved before a civil judge; associations enjoy the same right with regard to section 322 (fourth subsection) and section 322bis (third and fourth subsections), should the occasion arise.

If associations which are parties to an extended collective agreement do not respect freedom of association, the rights of membership and participation, or if they do not treat on an equal footing, the employers and workers of the occupation or the economic sector concerned, the conditions for the extension no longer apply (section 2, Nos. 5-7 and section 5, subsection 1, of the Act dated 28 September 1956); the competent authority should then withdraw the decision for extension (section 28, subsection 2 and section 13, subsection 4, of the same Act).

The validity and entry into force of collective agreements are not subject to any state intervention or to any official formalities (section 22, subsection 1, of the Code of Obligations); associations are free to insert in the agreement clauses imposing or suggesting standards or constituting obligations (section 22, subsections 2 and 3). Since the Code of Obligations strongly favours the conclusion of collective agreements, the latter are becoming more and more numerous; there were 1,584 of them by the end of September 1957, as compared with 1,481 by the end of 1954.

#### *Thailand.*

Labour Act, 1956 (*L.S.* 1956—*Thai.* 1).

See under Convention No. 87.

#### *Union of South Africa.*

The Government asks for reference to be made to the report it submitted in 1955.<sup>2</sup>

<sup>1</sup> For the summary of the report and the legislation there referred to see Report III (Part II) prepared for the 39th Session of the Conference, op. cit., pp. 11-12.

<sup>2</sup> *Ibid.*, pp. 13-14.

#### *United States.*

Amendments I, V and XIV to the Constitution of the United States.  
 Railway Labor Act (Arbitration and Conciliation) (*L.S.* 1926—*U.S.A.* 1).  
 Norris-La Guardia Act (Anti-Injunction) 1932 (*L.S.* 1932—*U.S.A.* 2).  
 Labor-Management Relations Act, 1947 (*L.S.* 1947—*U.S.A.* 2).

The right of employees and workers to join organisations of their own choosing without direct or indirect authorisation or restraint are implicitly guaranteed by amendments I, V and XIV to the Constitution of the United States.

In addition the findings and declaration of policy of the Labor-Management Relations Act, 1947, as amended provides in part: "it is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self organisation and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection." Provisions of similar import are found in sections 2 and 3 of the Railway Labor Act.

Legislation (both federal and state) exists which affords the protection called for in the Convention against interference by private individuals or organisations.

The Labor-Management Relations Act applies to all employees and employers in all states, other than certain categories whose activities affect commerce among the states. The term "affecting commerce" is defined very broadly. Though they are excluded from the coverage of the Labor-Management Relations Act, agricultural and domestic workers and supervisory employees have the right to join trade unions and to bargain collectively with their employers. They are protected by the terms of the Norris-La Guardia Anti-Injunction Act, which is not limited in its application to any particular classes or types of employees.

At the state level the protection afforded under of the Convention is implicitly guaranteed by state constitutional provisions and by legislation similar to the federal Norris-La Guardia Act and the Labor-Management Relations Act.

*Article 1 of the Convention.* United States workers are protected by express provisions against the acts prohibited by this Article of the Convention.

The federal Norris-La Guardia Act expressly makes contracts of agreement making the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership, unenforceable in federal courts as to employees generally without limitation. At the federal level the Railway Labor Act prohibits such discriminatory acts for railway and airline employees. Similar laws exist in nearly all the states.

Section 8 (a), Title I, of the Labor-Management Relations Act makes it an unfair labour practice for an employer to discourage membership in a labour organisation by discrimination in regard to hire or tenure of employment or any term of condition of employment, as well as to interfere with, restrain or coerce employees in the exercise of their right to organise

and bargain collectively. Similar provisions and machinery are contained in section 2 of the Railway Labor Act.

Nearly all states have affirmative legislative provisions, mainly similar to the federal Norris-La Guardia Act or to the federal Labor-Management Relations Act, prohibiting the conditioning of employment upon a worker's not joining a union or relinquishing union membership.

*Article 2, subsection 1.* Workers' and employers' organisations are protected against any acts of interference by each other in their establishment, functioning or administration. Section 8 (b) (1), Title I, of the Labor-Management Relations Act makes it unfair labour practice for unions to restrain or coerce an employer in the selection of his representatives for the purpose of collective bargaining or the adjustment of grievances. One of the declared purposes of the Railway Labor Act is to provide for the complete independence of carriers and of employees for the purpose of self-organisation. Workers enjoy the same protection under the Labor-Management Relations Act.

Under section 8 (a) (2), Title I, of the Labor-Management Relations Act it shall be an unfair labour practice for an employer to "dominate or interfere with the formation or administration of any labour organization, or contribute financial support to it". Section 302 (a) of this Act prohibits payment or delivery by an employer of "money or other things of value to any representative of any of his employees".

Section 2 of the Railway Labor Act contains similar provisions. At the state level, employer domination of unions is proscribed by legislation or through laws similar to the Labor-Management Relations Act.

*Article 3.* As regards Articles 3 and 4 of the Convention, the Government refers to the information given in the report it submitted in 1955. The Labor-Management Relations Act and the Railway Labor Act provide machinery for ensuring respect of the right to organise. Title I of the Labor-Management Relations Act provides for a National Labor Relations Board and an independent general council to carry out the provisions of the Act that are designed to ensure this right, and investigation of charges of violations of the Act's provisions. The Board, composed of five public members, is a quasi-judicial body which decides the unfair labour practice case. Its procedure is described in the report.

If an unfair labour practice has been committed according to the Board's decision, a "cease and desist" order is issued, directing the discontinuance of the particular unfair labour practice, and the taking of any action necessary.

The Act provides further machinery by imposing duty upon the Board to determine what union is the majority representative of a group of employees for the purpose of representation and bargaining. The Act authorised the Board to conduct elections through secret ballot to determine the question and to certify the representative chosen. The same type of machinery is also provided by the Railway Labor Act, but it establishes two Boards, the National Mediation Board and the National Railroad Adjustment Board.

At the state level, machinery is provided similar to that of the Labor-Management Relations Act in those states which have similar labour relations laws. In other states where an administrative agency is not provided, the courts enforce and protect this right.

*Article 4.* In the United States free and unsupervised collective bargaining between labour and management is the process by which differences are settled and collective agreements arrived at. Many collective bargaining agreements establish their own machinery. Title I of the Labor-Management Relations Act makes refusal to bargain collectively an unfair labour practice for employers and unions (sections 8 (a) (5) and 8 (b) (3)). Section 8 (d) provides certain specific rules that must be followed in order to comply with the obligation to bargain collectively.

Sections 201-205 impose the duty upon employers and employees to make every reasonable effort to maintain collective bargaining agreements and establish a federal Mediation and Conciliation Service to assist parties to labour disputes. Certain laws provide for government mediators to help parties in reaching agreement. The federal Mediation and Conciliation Service may intervene in disputes at the request of one or more of the parties or on its own motion. The parties are not required to accept any such suggestions the mediators may make.

Similarly, the Railway Labor Act provides procedures for handling disputes in the transportation industry.

The 1955 report stated also that 42 states and three territories had some kind of facilities established by law and practice for mediating labour disputes in any industry. The 33 states and Hawaii and Puerto Rico that provide for mediation by statute included some provision for arbitration if mediation is unsuccessful.

Some of the states have from time to time passed laws providing for compulsory arbitration in particular types of undertaking, such as public utilities or other businesses affected with a public interest. Some aspects of this matter have been decided by the Supreme Court of the United States and others not. It is not clear, therefore, whether the states have the right under the United States Constitution to require arbitration in labour disputes even in this type of industry. Court decisions in several states have held such laws invalid and unconstitutional.

No modifications have been found to be necessary in national legislation or practice with a view to giving effect to the Convention. No such measures are contemplated.

This Convention is considered as appropriate in part for action by the constituent states of the United States and thus not appropriate for ratification.

*Viet-Nam.*

Constitution.

The Government reproduces in part the information given in its report for 1955.<sup>1</sup> It

<sup>1</sup> For the summary of the report and the legislation quoted therein see Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 15.

also supplies the following additional information.

No specific text imposes penalties in respect of acts of anti-union discrimination, but it is implied that such acts are incompatible with the exercise of the right to organise recognised by article 23 of the Constitution and regulated by Ordinance No. 23 of 1952. Dismissal or exclusion of a worker by an employer could give rise to an action for damages in the courts.

The provisions of section 70 of the Labour Code relating to the conclusion of collective agreements make it necessary for workers' and employers' organisations to form separate groups.

The labour authorities encourage the conclusion of collective agreements by workers' and employers' organisations in every possible way. Sections 77 and 78 of the Labour Code, also, prescribe a special procedure for the conclusion or revision of an agreement when application is made by a representative organisation.

Section 31 of the ordinance provides that special legislation (not yet enacted) shall govern trade unions of officials and employees of public services.

Ratification is not envisaged at present because protection of the right to organise is not specifically covered by law, although it is ensured in practice.

---

## Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)<sup>1</sup>

### *Australia.*

#### *Nauru.*

Chinese and Native Labour Ordinance, 1922-1953.

The provisions of the Convention are regarded as appropriate for action by the Commonwealth Government alone.

Conditions of employment of indigenous inhabitants are governed by the Chinese and Native Labour Ordinance, which provides for supervision thereof by the Administration. The law neither provides for nor prohibits associations of employers and employees. Approval was given in 1952 for the formation of the Nauruan Workers' Association.

The Nauruan Workers' Association, formed in October 1952, has no statutory authority. Its aims and objects are—(a) to improve the welfare and well-being of Nauruan workers who are: (i) employed in all branches and aspects of the Administration, (ii) employed by the British Phosphate Commissioners other than under written contract or indenture, (iii) employed by the Nauru Local Government Council, the Nauru Co-operative Society and any other private or public body in Nauru; (b) to work in conjunction with the Administration for the advancement of goodwill and co-operation between employer and employee.

Disputes are settled by direct approach between employer and employee. The Administration and the British Phosphate Commissioners are the only large employers. Other employment is confined to the few workers engaged by the Nauru Co-operative Store, the Nauru Garage and the Protestant and Roman Catholic Missions.

The Administrative and Nauruan Affairs Officer (a Nauruan subject appointed by the Administration) handles all dealings with local labour. He acts according to a defined procedure and refers any unusual matters to the Administrator. A similarly placed person known as the Labour Inspector is responsible to the Nauru manager of the British Phosphate Commissioners.

The Nauruan Workers' Association is consulted by the Administration each half year when the results of the living costs regimen are calculated and before the new basic wage for Nauruans is fixed.

While the Administration supervises terms and conditions of employment under the ordinance, associations of employers and employees are considered to be unnecessary. The use of the Nauruan Workers' Association as a consultative organisation in respect of Nauruans will continue, but it is considered

that the interests of Nauruans are best served by Administration supervision of employer-employee relationship.

### *Norfolk Island.*

The provisions of the Convention are regarded as appropriate for action by the Commonwealth Government alone.

No law or practice gives effect to any of the provisions of the Convention. Most residents (all are non-indigenous) are self-employed. There are no labour problems. Hence there is no legislation to amend and it is unnecessary to apply the Convention.

### *Papua and New Guinea.*

Native Labour Ordinance, 1950-1956 (L.S. 1953—Pap.-N.G. 1A and 1B).

Native Employment Board Ordinance, 1957.

The Commonwealth Government considers the provisions of the Convention appropriate for action by itself alone.

Conditions of employment of the indigenous inhabitants are governed by the Native Labour Ordinance, 1950-1956, and Regulations made thereunder. This legislation neither provides for nor prohibits associations of employers and employees; no representative organisations exist. At the present stage of development of the Territory, it is felt that the interests of indigenous inhabitants are best served by the supervision by the Administration, under the ordinance, of all matters relating to employment and the investigation of complaints and disputes arising out of such employment. However, it is considered appropriate that representatives of employers and employees should be consulted in matters concerning employment and provision has been made to establish a Native Employment Board to advise on employment questions referred to it by the Administration. The Native Employment Board Ordinance, 1957, giving the Board statutory recognition, is not yet in force, but the Board is expected to be set up before the end of 1958. On its government, employers and employees will each have two representatives under an independent chairman.

There are no rules in force governing the right of association, no trade unions have been formed and no law specifically assigns them the right to conclude collective agreements.

Employers and employees are encouraged to bring complaints and disputes personally to the notice of Labour Inspectors as they occur and not only during the Inspectors' visits to places of employment. They are investigated immediately and, where necessary, a visit is made to the place of employment. Generally, the Inspectors settle complaints and disputes to the mutual satisfaction of the parties; most

<sup>1</sup> This Convention came into force on 1 July 1953. Four ratifications had been registered up to 1 December 1958.

disputes arise from misunderstandings as to employment. Inspectors are specially assigned to the investigation and settlement of industrial disputes. They interview employers and employees in order to adjust complaints and disputes and tender advice and explanations concerning legislative provisions relating to conditions of employment.

At the present stage of development it is considered that the interests of the indigenous inhabitants are best served by Administration supervision of employer-employee negotiations. The need to modify existing legislation or practice in order to give effect to all or some of the provisions of the Convention or to enact separate legislation for this purpose will receive continuing consideration and the establishment of the Native Employment Board will ensure that the opinions of employers and employees are taken into account in this connection.

#### *Denmark.*

##### *Faroe Islands.*

Danish Constitution of 5 June 1953.

Conciliation Act, Act No. 86 of 31 March 1928 for the Faroe Islands, amended by Faroese Act No. 86 of 22 December 1951.

Article 78 of the Constitution provides that citizens shall be entitled without previous permission to form associations for any lawful purpose.

Trade unions have the right to conclude collective agreements.

Under the Conciliation Act, 1928, as amended, a conciliator is appointed for a term of three years. If there is reason to fear a stoppage of work, or if one has occurred, and the conciliator deems the effects and scope of the dispute to be of great public importance, he may, on his own initiative or at the request of either of the parties to the dispute, convene the parties for negotiations, provided that negotiations have already been carried on by the parties in accordance with the rules agreed upon between them and have been declared closed by either party without arrival at a settlement. The parties are bound to appear when summoned by the conciliator. The conciliator may, as a condition of his intervention, require the parties to refrain from giving effect to stoppages of work until the negotiations have been declared closed by him. This measure, however, may not apply for more than one week and can be imposed only once in the course of a particular dispute.

No modifications have been made to national law or practice with a view to giving effect to the Convention. No final decision has been taken as to whether any will be made.

##### *Greenland.*

Danish Constitution of 5 June 1953.

Article 78 of the Danish Constitution provides that citizens shall be entitled without previous permission to form associations for any lawful purpose.

No permanent machinery for conciliation in labour disputes has been established.

Trade unions have the right to conclude collective agreements.

No modifications have been made to national law or practice in order to give effect to the

Convention. No final decision has been taken as to whether any will be made. One reason for non-ratification is that the question of what procedures should be established for dealing with labour disputes has not been settled. So far there has been no need for such procedures, as disputes have not arisen.

#### *Netherlands.*

##### *Netherlands Antilles.*

Constitution of the Netherlands Antilles.

Decree of 1946 on Industrial Disputes (*L.S.* 1946—Ant. 1A and 1B).

The report refers to information supplied in previous reports on the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) which was accepted by the Netherlands on behalf of the Netherlands Antilles on 25 June 1951.

The report adds that article 10 of the Constitution of the Netherlands Antilles, which provides for the greatest possible freedom of association, reads as follows: "The exercise of the freedom of association and the right to organise may, in the interest of law and order, public morality or health, be subjected to regulations or restrictions to be promulgated by National Decree." No measure regulating or restricting freedom of association has been adopted; it is, therefore, unrestricted at present.

Trade unions may conclude collective agreements. Several such agreements exist in the Netherlands Antilles.

The procedure relating to the settlement of industrial disputes is laid down by a decree on that subject dated 1946. In the case of conflict the National Conciliator acts as mediator. An appeal may also be made to him when a dispute threatens to degenerate into a strike; it is then for him to effect a reconciliation between the parties concerned.

No measure has been taken to modify the legislation in force previous to the Convention.

##### *New Guinea.*

Constitution of New Guinea.

Civil Code of the former Netherlands East Indies.

Ordinance of 1935 (*Staatsblad von Nederlandsch-Indië*, 1935, No. 85).

Decree No. 88 promulgated by the Governor on 9 July 1953.

Ordinance of 15 January 1958.

The legislation in force in Netherlands New Guinea does not make a distinction between trade unions and other associations. According to article 10 of the Constitution of New Guinea, "the exercise of the freedom of association and the right to organise may, in the interest of law and order, public morality or health, be subject to regulations or restrictions by ordinance". Furthermore, an ordinance of 1935 provides that "no governmental authorisation is required for the establishment of an association".

All members of a political association must be citizens of the Netherlands and 18 years of age. Two types of associations are prohibited: those which have secret aims; and those whose existence the Governor has declared to be incompatible with law and order.

The Governor may make such a declaration only after the organisers of the association have had an opportunity of expressing their views or have been duly invited to do so. Once the declaration prohibiting the association has been published, the latter must cease to function.

Public open-air meetings—whether political or not—cannot be held without prior authorisation. Public meetings which are not political in character and are not held out of doors do not require prior authorisation or announcement. Public meetings which are political in character and not held out of doors must be announced to the competent authorities. In the interest of law and order, the Governor may restrict the right to organise in certain sectors of the territory; this special provision, however, is applicable only in quite exceptional circumstances.

Any association may, if it so desires, make a request to the Governor for recognition; this may be refused only for reasons of law and order and on the basis of a decree giving the reasons for such refusal.

The right of organisations in New Guinea to affiliate to recognised national or international organisations is subject to no restrictions.

The procedure relating to the conclusion of collective agreements is laid down in article 1601 of the Civil Code of the former Netherlands East Indies.

As regards workers' participation in the settlement of labour problems, Decree No. 88 of 9 July 1953 established the Committee on Social Affairs. This is a tripartite body and includes representatives of the Government, employers and workers. Its duties are to advise the Governor on labour problems when he so requests, and to submit proposals on labour problems to the Governor when and as far as the Committee considers it necessary.

An ordinance of 15 January 1958 set up a system of consultation in respect of all problems of public interest relating to the legal status of government employees.

The Labour Inspector acts as mediator in all minor differences between employers and workers; in the absence of a Labour Inspector the competent local official is responsible. When the public interest in general is seriously affected by an industrial dispute the Government may intervene through the Director of Social Affairs. The Labour Inspector, furthermore, keeps in close and permanent touch with problems of industrial relations; he makes every effort to prevent industrial disputes by offering his advice and proposing solutions.

The Labour Inspectorate is responsible to the Labour Division of the Social Affairs Service. It has been divided into two districts, headed by two legal experts.

#### *Surinam.*

The Constitution of Surinam.

Decree respecting industrial disputes of 26 September 1946 (*L.S.* 1946—*Sur.* 2).

The Constitution of Surinam provides for freedom of association and the right to organise. The Convention is further given effect by a decree on industrial disputes of 26 September 1946. Numerous provisions of the Convention are put into effect by laws or ordinances.

A mediation council promotes the peaceful settlement of industrial disputes and seeks to prevent such disputes. It is competent for the whole of Surinam territory. The decree on industrial disputes of September 1946 provides for the possibility of creating several mediation councils and defines their scope.

If a dispute within the competence of a mediation council threatens to lead to a strike or lockout, or has developed into a strike or lockout affecting one or several undertakings, the mediation council must be informed as soon as possible by the District Commissioner. The persons concerned, and outside parties, may also bring a dispute to the notice of the mediation council.

If the mediation council deems it advisable to intervene it contacts the parties concerned immediately. It may invite the employers, the workers or the officers of their industrial associations to present themselves in order to give information on the dispute. If invited the persons concerned must present themselves.

If the attempt at conciliation is successful it is recorded and signed by the president, the members and the secretary of the mediation council as well as by or on behalf of the two parties concerned. If, however, the attempt fails the mediation council may express its views on all points relating to the dispute as well as on the possible means of settlement, unless the parties concerned decide to submit it to arbitration. After a certain time-limit to be determined by the mediation council the parties must inform the council whether they accept the solution it has proposed. If both parties accept an instrument is drafted and signed in the manner indicated above.

Where no agreement has been reached between the two parties the mediation council publishes its views and proposed solution in the manner it deems fit.

Employers and workers may request the mediation council to assist them in the drawing up of agreements on labour matters, to the extent that such agreements may promote harmonious industrial relations and avoid disputes.

The exercise of freedom of association and the right to organise may also be regulated or restricted by decree when this is in the interest of law and order, public morality or health.

Industrial organisations, representing employers or workers are not prohibited from concluding collective agreements.

#### *Union of South Africa.*

##### *South West Africa.*

Wage and Industrial Conciliation Ordinance (No. 35 of 1952).

The ordinance provides for the registration and regulation of employers' and workers' organisations. Having regard to the stage of development of the Native population, it is not considered advisable or in their interest to grant statutory recognition to Native trade unions, but nothing prevents their existence. Wages and conditions are fixed for recruited Native labour engaged on contract. Agreements reached by conciliation boards can be extended to cover Native labour. No wage determinations have so far been made. But they can be made



to regulate wages and other conditions of employment of Native workers.

Trade unions can discuss conditions of employment and conclude agreements.

Disputes can be resolved by determinations recommended by a wage board, and also by conciliation boards on which employers and employees are equally represented. The ordinance empowers the Administrator to appoint a wage board to investigate wages and conditions of employment, without the existence of a dispute, and its recommendations can be enforced by the Administrator. An agreement reached by a conciliation board can be extended from time to time.

The ordinance provides for voluntary and compulsory arbitration. Whenever a conciliation board established to consider and determine a dispute in essential services fails to settle the dispute within a specified period, the matter must, under section 44, be submitted to arbitration.

Section 56 provides for the appointment of inspectors for the purposes of the ordinance. Section 57 defines their powers. They may investigate wages and conditions of employment and must endeavour to settle industrial disputes.

The ordinance was enacted in order to give effect as far as practicable to the Convention. Ratification is not considered beneficial at this time, having regard to the stage of development of one section of the population. No amendments to existing legislation are contemplated at present.

#### *United States.*

##### *Federal Legislation.*

Amendments I and V, United States Constitution.

48 United States Code 23, 67, 77, 91, 495, 561, 562, 731 (b), 731 (d), 734, 737, 1421 (a), 1421 (b), 1423, 1423 (a), 1424, 1561, 1571, 1574, 1612, 1613.

29 United States Code 141 ff.

45 United States Code 151 ff., 181 ff.

29 Code of Federal Regulations, sections 101 ff., 1201 ff., 1401 ff.

##### *Alaska.*

Alaska Compiled Laws Annotated, 1949, section 43-1-5.

##### *American Samoa.*

Bill of Rights, Code of American Samoa, sections 26 and 28.

##### *Hawaii.*

Revised Laws of Hawaii, 1955, section 88-16.

Employment Relations Act, Act No. 250, L. 1945, as amended by Act No. 249, L. 1951, Revised Laws of Hawaii, 1955, Ch. 90.

Public Utilities Labor Act, Act No. 146, L. 1949, Revised Laws of Hawaii, 1955, Ch. 91.

##### *Trust Territory of the Pacific.*

Bill of Rights, Code of the Trust Territories of the Pacific Islands, Ch. 1, sections 1 and 4.

##### *Puerto Rico.*

Constitution of 25 July 1952.

Labor Relations Act, Act No. 130 of 8 March 1945, as amended by Act No. 6 of 7 March 1946, Laws of Puerto Rico Annotated, Title 29, Ch. 3, Subchapter II.

Rules and Regulations, Series II : Puerto Rico Labor Relations Board, Department of Labor.

Act 144, section 18, 13 May 1943, Laws of Puerto Rico Annotated, Title 3, section 320.

##### *Virgin Islands.*

Municipal Labor Relations Act, 1949, Bill No. 51, Seventh Municipal Council of St. Thomas and St. John, extended to St. Croix by Act of 2 July 1956, No. 122, Virgin Islands Code Annotated, Title 24, Ch. 3.

The United States regards the basic guarantees laid down in the Convention as appropriate for federal action. The self-governing powers of the non-metropolitan territories of Alaska, Guam, Hawaii and the Virgin Islands and the Commonwealth of Puerto Rico appear to include the measures for settlement of disputes contemplated by the Convention. This is not true with respect to American Samoa and the Trust Territory of the Pacific Islands.

*Article 2 of the Convention.* Amendment I to the United States Constitution guarantees freedom of speech, the freedom of the press and the right of assembly ; amendment V provides that no person shall be deprived of life, liberty or property without due process of law. These provisions guarantee to employers and workers within the United States the right to associate for all lawful purposes. Their force is the same in Alaska and Hawaii, under their Organic Acts, as in the United States. The Constitution of Puerto Rico contains similar provisions, as do the Organic Acts of Guam and the Virgin Islands and the Bills of Rights for American Samoa and the Trust Territory of the Pacific. The Constitution of Puerto Rico provides that "persons may join with each other and organize freely for any lawful purpose, except in military or quasi-military organizations", as do the Organic Acts of Guam and the Virgin Islands.

In addition to the foregoing guarantees, Congress, with the enactment of the National Labor Relations Act in 1935, and its amendment by the Labor-Management Relations Act of 1947, has protected the right to organise from unlawful interference and has required both management and the employees' exclusive bargaining representative to bargain collectively in good faith. These rights are public rights enforced exclusively by governmental agencies established specially for this task. The Act is enforced in Alaska, Hawaii, Puerto Rico and the Virgin Islands. Section 7 of the Act provides that employees shall have the right to self-organisation and to form, join or assist labour organisations. Section 8 (a) (1) makes it an unfair labour practice for an employer to interfere with, restrain or coerce employees in the exercise of rights guaranteed in section 7 ; section 10 establishes procedures for the prevention of unfair labour practices. Similar provisions in respect of workers' organisations are contained in section 8 (b) (1). The procedures of the National Labor Relations Board are set out in 29 Code of Federal Regulations 101.2-101.15, 102.9-102.51. Section 2 of the Act exempts from its coverage agricultural and domestic workers, supervisory employees, independent contractors, individuals employed by parent or spouse, airline and railroad employees and employees of government corporations, Federal Reserve Banks, non-profit hospitals and governmental units. But employees of common carriers by railroad engaged in interstate or foreign commerce or airlines engaged in such commerce or in carriage of United States mail in the territories are covered by the Federal Railway Labor



Act. The purposes of the Act include prohibition of any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labour organisation, and provision for the complete independence of carriers and of employees in the matter of self-organisation. Section 2 of this Act guarantees employees the right to organise.

Supplementing the Labor-Management Relations Act, mainly by extending coverage to agricultural workers, are the Hawaii Employment Relations Act, the Puerto Rico Labor Relations Act and the Municipal Labor Relations Act, 1949 (as extended by the Act of 2 July 1956), in the Virgin Islands. Each Act guarantees the right to organise, declares it to be an unfair labour practice for an employer to interfere with, restrain or coerce his employees in their exercise of the right to organise and establishes procedures for the prevention of such practices.

*Article 3.* Workers have the right to conclude collective agreements with employers or employers' organisations. Section 7 of the Labor-Management Relations Act, 1947, provides that employees shall have the right to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection. To refuse to bargain collectively is an unfair labour practice for employers, under section 8 (a) (5), and for workers' organisations, under section 8 (b) (3), and section 10 establishes procedures to prevent such practices. The Railway Labor Act also provides that employees shall have the right to organise and bargain collectively through representatives of their own choosing.

Wording similar to that in section 7 of the Labor-Management Relations Act is found in section 6 of the Hawaii Employment Relations Act, section 4 of the Puerto Rico Labor Relations Act and in the Municipal Labor Relations Act of the Virgin Islands. Under section 8 (1) (d) and (e) of the Hawaii Act and section 8 (d) and (e) of the Puerto Rico Act it is an unfair labour practice for an employer to refuse to bargain collectively with the representative of the majority of his employees in an appropriate bargaining unit or to bargain collectively with a representative of less than the majority, and procedures for preventing such practices are provided. Interference with the right to bargain collectively is an unfair labour practice under section 6 of the Virgin Islands Act, and sections 9, 10 and 11 establish procedures for preventing this.

*Article 4.* Representatives of workers and employers are consulted when the Legislatures are holding hearings on particular Bills. The Hawaii Employment Relations Board consists of three members, representing respectively labour, the public and industry.

*Article 5.* Under section 9 of the federal Labor-Management Relations Act the National Labor Relations Board determines the appropriate bargaining unit and then holds an election, by secret ballot, of the employees in the unit. Employees may vote for any competing union or for no union representation. Section 10

of the Act and the Regulations of the Board establish procedures for the investigation of disputes arising from unfair labour practices. Section 2 of the Railway Labor Act makes it the duty of the National Mediation Board to investigate any dispute concerning the representative of the employees and authorises the Board to take a secret ballot or make a determination by other means. If a dispute between a carrier and its employees has not been settled by conferences or mediation and the Board believes that it threatens substantially to interrupt interstate commerce, it notifies the President, who may, in his discretion, appoint an impartial investigating board to study the facts and report to him.

In Hawaii the Governor is authorised to appoint a board of disinterested persons to investigate and report on any labour dispute which the parties have been unable to settle by collective bargaining or mediation and which they refuse to submit to arbitration. The report also describes the special procedure applicable to investigations of certain disputes in public utilities.

Section 5 of the Puerto Rico Labor Relations Act provides for the investigation of representation disputes. Article III of the Rules and Regulations Series II of the Puerto Rico Department of Labor set forth the procedures to be followed by the Board in its conduct of an investigation and, if necessary, election to determine the representative of the majority of the employees. Section 7 of the Act and article II of the Rules and Regulations provide for investigation procedures in respect of disputes, including unfair labour practices. Similar provisions are contained in sections 8 and 10 of the Municipal Labor Relations Act of the Virgin Islands.

*Article 6.* In Alaska the Territorial Commissioner of Labor is authorised by section 43-1-5 (2) of the Alaska Compiled Laws Annotated to act as mediator or to appoint a deputy commissioner of conciliation.

In Hawaii the Commission of Labor and Industrial Relations has the duty to promote mediation of labour disputes. It may appoint temporary boards of mediation or designate the Director of Labor and Industrial Relations to act as mediator. If the Employment Relations Board learns of a labour dispute within its jurisdiction in which the possibilities of settlement may be increased by conciliation, it notifies the Governor, who appoints an impartial conciliator to use his best efforts to terminate the dispute by conciliation (section 5, Hawaii Employment Relations Act, as amended).

It is the declared policy of the Government of Puerto Rico to eliminate the causes of certain labour disputes by developing collective bargaining and by establishing an adequate tribunal to carry out this policy (section 1 (1), Puerto Rico Labor Relations Act). In 1943 a Mediation and Conciliation Service was established within the Department of Labor to intervene and mediate labour disputes, and later an arbitration service was added. In the last few years the majority of disputes have been settled through peaceful procedures by the Service, which handles all cases on the island, though it may ask the Federal Services for assistance.

It is the policy of the Federal Mediation and Conciliation Service that the mediator must be strictly impartial, free from coercion, intimidation or influence from any source and answerable to no superior who has more than a disinterested public concern in the outcome of the dispute.

In Alaska conciliation is handled either by federal mediators or the Territorial Commissioner of Labor or one or more of his assistants trained in conciliation techniques. In Hawaii employers and workers are requested to submit nominations for appointments to the panels from which conciliators may be selected. The Puerto Rico Conciliation and Arbitration Service employs its own staff of conciliators and arbitrators.

Public officers are responsible for the instigation of investigations of disputes, and certain public officers are charged to promote peaceful settlement and, where appropriate, to assist the parties in arriving at a fair settlement. In some instances legislation calls for the appointment of boards of investigation or conciliators who are impartial private individuals, and in one case (Hawaii Public Utilities Act) the board of investigation is tripartite. Except for the appointment *ad hoc* of impartial private persons, officers are specially assigned to these duties.

*Article 7.* Under the Labor-Management Relations Act, if the Federal Mediation and Conciliation Service is unable to bring about an agreement within a reasonable time by conciliation, it must attempt to induce the parties voluntarily to settle the dispute by other means, including the submission of the employer's last offer to the employees for acceptance or rejection by secret ballot. The Service maintains a list of private arbitrators who are paid by the parties only. If the parties cannot agree on an arbitrator, the Service will help them to obtain one. The Act provides that employers and employees and their representatives shall make reasonable efforts to make and maintain agreements concerning terms and conditions, including provision for adequate notice of proposed changes, and, when a dispute arises, to settle

it by conference or, if not so settled, to participate in any conference initiated by the Service. It is the duty of the Service to assist the parties to settle such disputes through mediation and conciliation. The Service may offer its aid in any labour dispute in any industry affecting commerce on its own motion or on request of one of the parties, and when it enters a dispute it has the duty to do its best to bring the parties to an agreement by mediation and conciliation. The Service also maintains a preventive mediation programme designed to promote better day-to-day relations.

Under the Railway Labor Act the National Railroad Adjustment Board and the National Air Transport Adjustment Board, each consisting of equal numbers of employers and workers, settle disputes arising out of grievances or the application and interpretation of existing collective agreements. The Act also set up the National Mediation Board to handle disputes concerning designation of representatives for collective bargaining, negotiation of changes in rates of pay and new or revised agreements, and interpretation of agreements reached through its mediation. Under this Act it is the duty of employers and employees to make all reasonable efforts to settle disputes without interruption to commerce or the operations of the carrier concerned.

The Conciliation and Arbitration Service of the Department of Labor of Puerto Rico maintains arbitrators, besides its conciliation service, and encourages employers and employees to submit disputes to arbitration if they cannot reach agreement. The number of cases so submitted has steadily increased—in 1951-52, 106 or 30.04 per cent. of the total number of cases were so decided. It is the practice to include in collective agreements a provision making the Commissioner of Labor or his representative the fifth member of an arbitration panel to settle grievances.

The report adds that federal and territorial laws fully comply with the Convention. No modifications have been made and there is no necessity for the adoption of further measures.

## Collective Agreements Recommendation, 1951 (No. 91)

### *Afghanistan.*

See under Convention No. 87.

### *Argentina.*

Decree No. 23852 of 2 October 1945 respecting the legal status of industrial associations of employees (*L.S.* 1945—Arg. 3).

Act No. 14250 of 20 October 1953 relating to collective agreements (*Boletín Oficial*, 20 October 1953) and Decree No. 6582/54 (*Boletín Oficial*, 29 April 1954) for its application.

Decree No. 2739 of 21 March 1956 to extend the period of validity of collective agreements (*Boletín Oficial*, 21 March 1956) and Decrees to issue regulations thereunder.

Decree No. 6121/56 to delete from collective agreements clauses that have an unfavourable effect on productivity (*Boletín Oficial*, 12 April 1956).

Legislative Decree No. 9270 of 23 May 1956 : Rules for the formation of industrial associations of employees (*L.S.* 1956—Arg. 2).

Legislative Decree No. 824/57.

Decree No. 825/57.

*Part I of the Recommendation.* Under section 12 of Decree No. 6582, since during the period under review the employers' associations had not been granted incorporated status, the procedure for collective bargaining was as follows: if a request was made for conclusion of an agreement, the Ministry of Labour called on the employers concerned to attend. If there were over five employers the Ministry might arrange for them to appoint as their representatives a number of persons not exceeding five.

It was only if no employer came forward that the Ministry itself appointed the employers' representatives.

As regards the workers, the party to the negotiations is the organisation to which they belong, and under section 32 of Legislative Decree No. 9270/56 if they belong to more than one organisation an inter-union committee is to negotiate the agreement.

If there is no workers' organisation registered in accordance with the law the situation is dealt with by legislative action, that is by the issue of rules to protect the unorganised occupation as in the case of domestic servants and private chauffeurs.

After negotiation collective agreements require confirmation by the Ministry of Labour, and they come into force after publication, which is preceded by registration.

*Parts III and IV.* Under Decree No. 2739/56, which extends the validity of pre-existing collective agreements until confirmation of those concluded to replace them, it is provided (section 8) that: (a) the new collective agreements shall have retroactive effect, as regards the new wage rates, from 1 February 1956; (b) if the difference between men's and women's wage rates

does not exceed 10 per cent., it is considered that the two rates are equal; (c) there may be no clauses stipulating the organisation of managerial, technical and supervisory staff in the same association with manual workers, and a separate or different agreement must be concluded where necessary for each of these two groups of personnel; (d) the agreements must have a minimum duration of 18 months; (e) they may not contain conditions, classifications or clauses which conflict directly or indirectly with the national need for greater output; (f) transfers of workers within establishments, aimed at reorganisation of work with a view to greater productivity and not affecting the stability, remuneration and grading of the workers, are authorised.

Furthermore, section 7 of Decree No. 2739 provides that the standards of collective agreements shall be mandatory and may not be modified to the workers' disadvantage by individual contracts of employment. Similarly, application of a collective agreement cannot affect any more favourable conditions (for the workers) which are stipulated in individual contracts of employment.

Once it has been confirmed, registered and published the collective agreement becomes binding on all employers in the area concerned who are engaged in the activity represented by the employers' associations which concluded the agreement; and according to section 8 of Act No. 14250 the agreement is binding on all workers in the area who are engaged in the activity in question, whether organised or not.

As regards collective agreements concluded by an employer or group of employers who do not represent the activity but are acting exclusively on their own account, once confirmed such an agreement is binding on all the workers in the service of these employers.

According to section 5 of Act No. 14250 "when the period of validity of a collective agreement expires, the conditions of employment determined in virtue thereof shall remain effective until a new agreement comes into force".

*Parts V and VI.* The interpretation of collective agreements is the responsibility of joint committees, the functions of which are defined in Chapter II of Act No. 14250. Under section 14 any of the parties to a collective agreement may request the Ministry of Labour to establish a joint committee, in which case such a committee must be established. Under section 15 the committees shall be composed of equal numbers of employers' and workers' representatives, under the chairmanship of an official appointed by the Ministry of Labour, and shall have the following powers: (a) to give an interpretation of the collective agreement at the request of

any of the parties or on that of the authority responsible for its application ; (b) to proceed if necessary to the grading of the personnel and determination of the class of establishment in accordance with the stipulations of the collective agreement.

Under section 16 the joint committees may intervene in individual disputes arising out of the application of agreements, in which case the intervention shall be of a conciliatory character and shall be undertaken only at the request of one of the parties to the agreement. Such intervention shall not exclude or suspend the right of the parties to take appropriate legal action directly. Conciliatory agreements reached by the parties before the joint committee shall have the authority of *res judicata*. Section 17 adds that, in the case of a decision by a joint committee which was not unanimous, the persons or associations concerned may appeal to the Ministry of Labour. In the case of such a decision which was unanimous, the only recourse shall be an application for annulment on the ground of incompetence or of action *ultra vires*.

*Part VII.* Under section 4 of Act No. 14250, collective agreements which have been confirmed shall be effective from the day following their publication. The texts of collective agreements shall be published by the Ministry of Labour within ten days of conclusion or confirmation as the case may be. On expiry of this period, publication by any of the parties in the form laid down by regulation shall have the same legal effect as official publication.

Under section 5 of Decree No. 6582/54, in the register which it shall keep at the federal capital the Ministry of Labour shall enter : (a) collective agreements confirmed, and the decisions confirming them ; (b) collective agreements concluded in the presence of a representative of the Ministry ; (c) decisions under which the binding character of collective agreements are extended to areas not previously covered thereby ; (d) joint committees' decisions of a character such that they will produce effects equal to those of collective agreements.

In accordance with the constitutional reform of 1957 the Legislative Power will be required to take the necessary action so as to provide the country with its Labour and Social Security Code ; this is to complete the provisions of existing legislation on the subject.

The Government considers that, in accordance with the constitutional system, the provisions of this Recommendation are more appropriate for federal action, since the matters dealt with are substantial and are consequently the subject of national legislation.

#### *Australia.*

Under the Australian constitutional system, the provisions of the Recommendation are considered as appropriate for action partly by the Commonwealth and partly by the States.

Working conditions and terms of employment are generally regulated by awards and determinations of Commonwealth and state industrial tribunals and authorities and, to some extent, by legislation including regulations made under statutory authority.

The industrial legislation of the Commonwealth and the majority of the states provides for the certification or registration of industrial agreements between organisations of workers and employers or organisations of employers.

The more important terms and conditions of employment, however, are determined by arbitration awards and determinations of industrial tribunals or are fixed by legislation. Collective agreements concluded either adopt the standards so determined or make departures to particular industrial establishments or to workers in the employ of individual employers ; such agreements may not conflict with the minimum conditions prescribed by laws, awards or determinations.

Many collective agreements concluded between employers and workers or their organisations are registered with the various industrial tribunals, which give them the status of an industrial award. On the other hand, many other agreements are not registered.

It is probable that there is a tendency for the negotiation of agreements to increase, although the isolated mining centre of Broken Hill in New South Wales, where collective bargaining is the established method of regulating terms and conditions of employment, is still the only exception to the general position in Australia.

Except to the extent that there exists provision for conciliation to induce agreement and for the enforcement of agreements in legislation relating to conciliation and arbitration, industrial legislation in Australia is not directed towards establishing collective bargaining machinery for the reason that other methods are established for the regulation of terms and conditions of employment.

The Government, therefore, does not propose to take any measures to give effect to those provisions of the Recommendation not yet covered by the national legislation or practice.

Reference is made to the Government's report on Convention No. 98.

#### *Austria.*

Collective Agreements Act, No. 76 of 1947 (*L.S.* 1947—Aus. 1).

Orders to issue rules for the conciliation boards and the central conciliation board, *Bundesgesetzblatt*, 218/1947.

Order respecting the place and scope of the conciliation boards, *BGBI.* 138/1947.

Order respecting transmission of copies of collective agreements, *BGBI.* 139/1947.

Works Council Act, No. 97 of 1947 (*L.S.* 1947—Aus. 2). Rules for Works Councils, *BGBI.* 22/1947.

The Government repeats information given in its report of 1955 on this Recommendation<sup>1</sup> and adds the following information :

The legislation listed above does not establish special "machinery" for the negotiation, conclusion, revision and renewal of collective agreements ; the parties to such agreements have freedom in this regard but conciliation offices may co-operate if requested by one of the parties concerned or by public authorities.

*Part II of the Recommendation.* Where a voluntary industrial association is certified as capable of concluding collective agreements

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), pp. 16-17.

and has concluded such an agreement, the statutory body representing the interests concerned loses the capacity to conclude collective agreements in respect of the members of the industrial association for the duration of the collective agreement concluded by it.

*Part III.* The legal effects of a collective agreement apply to all employees of an employer bound by the agreement, even if they are not party to the agreement, but such legal effects are annulled by the conclusion of a subsequent collective agreement having the same sphere of operation.

*Part IV.* There is no provision in Act No. 76 for special consultation of employers and employees to whom a collective agreement is to be extended, but such consultation does take place in practice and has a statutory safeguard in that the employers and workers affected in each case are represented in the organs which decide regarding the extension of collective agreements.

#### *Belgium.*

Royal Order of 5 January 1957 fixing the designation, competence and composition of joint committees set up in pursuance of the Legislative Order of 9 June 1945 to issue rules for joint committees (*Moniteur belge*, 10 January 1957).

Royal Order of 6 March 1957 amending the Royal Order of 5 January 1957 (*Moniteur belge*, 8 March 1957).

The Government refers to its first report on the Recommendation<sup>1</sup> (1955) which it supplements with the following particulars.

*Part I of the Recommendation.* The procedure for collective negotiations is only fixed by the law when negotiations are held within the scope of joint committees, the rules for which are fixed by the Legislative Order of 9 June 1945, completed by the Royal Order of 5 January 1957, and amended by the Royal Order of 6 March 1957. There are at present 75 national joint committees (instead of 48 previously), of which 50 are competent for manual workers and their employers, 13 for intellectual workers and their employers and 12 for workers in general and their employers. From the 75 committees a national joint subcommittee for wage earners and a national joint subcommittee for salaried employees are competent respectively for manual workers and their employers and for intellectual workers and their employers who are not placed on the other committees, as they are defined in the wording of the Royal Order of 5 January 1957. With regard to salaried employees, the only national joint committee there was has been replaced by 13 committees corresponding to different sectors of activity.

*Part VII.* Since the competence of joint committees was reorganised under the Royal Order of 5 January 1957, all sectors of activity—in commerce, industry and agriculture—are now responsible to a joint committee.

#### *Bulgaria.*

Amending Act of 6 November 1957 to the Labour Code of 1951 (*L.S.* 1951—Bul. 2).

The Government refers to its first report on the Recommendation (1955)<sup>1</sup>, which it supplements with the following particulars.

Under the Act collective labour agreements no longer have to be recorded and thus they come into force on the day when they are signed by the parties or on any other date agreed upon by the latter.

The Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Council of Bulgarian Trade Unions have recently passed an ordinance for the extension of the rights of managers of undertakings and trade union organisations, with the aim of ensuring the more active participation of workers in the control of production. This ordinance provides for the creation of special funds in an undertaking, the resources of which will be used in accordance with the plans made jointly by the management and the trade union committee of an undertaking. These plans, which must be approved by the workers' general assembly, constitute an integral part of the collective agreements of an undertaking.

Finally, the report refers to the information contained in the Government's reports on the application of Conventions Nos. 87 and 98, with regard to extending the competence of the trade union organisations in an undertaking.

#### *Burma*

No measures have as yet been taken to give effect to the provisions contained in the Recommendation.

#### *Byelorussia.*

Constitution of the Byelorussian S.S.R. (in particular articles 4, 11, 12 and 93).

Labour Code of the Byelorussian S.S.R.

Penal Code of the Byelorussian S.S.R.

Regulations relating to the powers of works committees and local trade union committees.

The Government refers to the various provisions of the Constitution defining the basis of the economic system of the country (the nationalisation of mining resources, means of production, transport, etc.; economic planning with a view to improving living standards; the recognition of every citizen's right to work and to be paid in accordance with the quantity and quality of his work).

Under the terms of the Regulations for 1958 concerning the powers of trade union committees in undertakings and districts it is for the latter to represent the interests of workers in all questions dealing with their living and employment conditions and in particular to enter into collective agreements in their name with the management of each undertaking. The Regulations also allow these committees a legal personality.

A collective agreement, entered into for the period of one year, defines the obligations of the trade union committee and those of the works management as well as their mutual relations in different problems relating to production, the protection of workers and welfare and cultural services. The obligations of the management reveal its role, which is that of a state body entrusted with the direction of the under-

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 17-18.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 18.

taking that takes upon itself alone full powers with regard to all matters dealing with the production and management of the material and financial resources at the disposal of the undertaking. The obligations assumed by the trade union are those of a representative body of the whole staff, which is called upon to control the management in the public interest.

According to the legislation in force, every collective agreement must be consistent with the annual plan of the undertaking concerned. The main provisions of collective agreements contain joint undertakings by the parties with regard to the fulfilment of production plans or in connection with the remuneration of labour, the fixing of profit norms, the development of socialist competition in labour, the popularisation of advance experiments, vocational training, the improvement of labour organisation and protection, housing conditions, catering for the workers, welfare and cultural services, etc.

The draft of each works agreement is prepared jointly by the management and the trade union committee and must be submitted for examination to the general staff assembly, which studies it in a completely democratic way and which can approve, amend and reject its various provisions. When it has been signed the agreement must be submitted for registration to the competent Ministry or Government Service on the one hand, and to the corresponding committee of the trade union organisation on the other. Both sides can suspend clauses in the agreement intended to establish less favourable conditions than those provided for by the legislation in force. Again, provision is made whereby some conditions in collective agreements can only be registered with the assent of both parties.

According to the regulations and practice in force, differences likely to arise between the management and the works trade union committee over the conclusion of a collective agreement are settled jointly by the trade union and the Ministry or by any other relevant Government Service. If a settlement is not reached, the matter is submitted to the Economic Council and the Trade Union Council of the Byelorussian S.S.R. or if necessary to the Council of Ministers of the Republic.

Contracts entered into by the administration with regard to the collective agreement are of a legal nature ; if these contracts are not fulfilled the members of the management are liable to punishment in accordance with the provisions of the Byelorussian legislation (in particular sections 140 and 201 of the Penal Code). Contracts entered into by the trade union committee acting for the staff with regard to the latter's assistance in effecting the provisions of the contract only constitute a moral obligation. Neither the trade union nor the workers have any legal responsibility for their enforcement.

The provisions of a collective agreement apply to all the staff members, whether they are members of the trade union or not ; this does not, however, include members of the management having the right to take on or dismiss workers.

Every provision in a collective agreement that provides for less favourable conditions for workers than those fixed by the law is null and void.

In accordance with the Regulations for 1958 concerning the powers of works trade union and local committees, it is the latter's duty to exercise a systematic control over the enforcement of the provisions of agreements. Provision is made for the management to carry out a periodical report for the trade union committee on the enforcement of the collective agreement ; if necessary, the trade union committee can demand that action be taken to enforce this. Should the occasion arise the committee can demand the cancellation of the agreement or suggest penalties for works managers who do not carry out the provisions of the agreement. The working masses organise a quarterly examination of the enforcement of this agreement and a general inspection programme takes place at the end of every year.

The Government points out that as the main provisions of the Recommendation are fully enforced by current legislation and practice, there is no need to modify the law or to take any further action.

#### *Canada.*

The Government refers to its report of 1955 on this Recommendation.<sup>1</sup> It adds that there have been no significant changes in the relevant legislation, although some minor amendments have been made.

At the time when the Recommendation was adopted legislation substantially carrying out its principles was already in effect in Canada. There was extensive consultation between the federal and provincial Ministers of Labour in 1947 and 1948 regarding the kind of labour relations legislation that would be most suitable in Canada. There have been frequent informal discussions and a regular annual conference since that time between federal and provincial labour administrative authorities has included on the agenda the discussion of problems arising out of the administration of the legislation adopted.

#### *Ceylon*

Industrial Disputes Act, No. 43 of 1950 (L.S. 1950—Cey. 1), as amended by the Industrial Disputes (Amendment) Acts, No. 25 of 1956 (L.S. 1956—Cey. 1), No. 14 of 1957 and No. 62 of 1957, and implementing Regulation.

According to section 5 (1) of Act No. 43, as amended, the term "collective agreement" is defined as meaning an agreement between (i) any employer, employers or employers' organisation, and (ii) any workmen or any trade union or trade unions consisting of workmen, relating to the terms and conditions of employment of any workmen, or to the privileges, rights or duties of any employer or employers or any workmen or any trade union or trade unions consisting of workmen, or to the manner of settlement of any industrial dispute.

Section 6 provides that if the Commissioner of Labour is satisfied that the terms and conditions of employment provided for in the agreement are not less favourable than those applicable to any other workmen in the same or a similar industry in the district he shall cause the agreement to be published in the Government Gazette.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 19-20.



Section 46B provides that any contract or agreement whereby any right, conferred on a worker by a collective agreement in force, by virtue of the provisions of the Act is in any way affected or modified to his detriment; or whereby any liability, imposed on any employer by a collective agreement in force, by virtue of the provisions of the Act is in any way removed or reduced shall be null and void in so far as it affects or modifies any such right or removes or reduces any such liability.

Section 8 (2) provides that where there are any workmen in an undertaking bound by a collective agreement, the employer of the undertaking shall, unless there is a provision to the contrary in that agreement, observe in respect of all other workmen in the same category, terms and conditions of employment which are not less favourable than the terms and conditions provided in the agreement.

According to section 10 collective agreements entered into between representative organisations of employers and workers in an industry may by order of the Minister be extended to apply to the entire industry within the territorial scope of the agreement or to the entire country. Subsection 4 of the same section provides for objections, if any, to be lodged with the Commissioner by the employers and workers to whom agreements would be made applicable by their extension.

Section 10 (9) provides for the interpretation of agreements to which extended application is given in so far as such interpretation concerns employers and workers who are not directly parties to the agreements. Section 10A establishes machinery generally for the interpretation of collective agreements in cases where no provision to that effect is contained in the agreement.

Section 10B requires employers bound by collective agreements to keep exhibited conspicuously in their undertakings notices setting out the provisions of the collective agreements, in Sinhala, Tamil and English.

Section 9 permits any party to repudiate an agreement by written notice.

Under sections 40 (1) and 44 the Labour Department supervises the application of collective agreements coming within the purview of sections 6 and 10.

The Government considers that all provisions of the Recommendation capable of being covered by national legislation have been given effect to by such legislation.

No modifications of the Recommendation have been found necessary.

#### *Chile.*

The Government repeats the information supplied in its first report on this Recommendation (1955).<sup>1</sup>

#### *Colombia.*

The Government states that Recommendations Nos. 91 and 94 will not be submitted to Congress, as it considers that this body is not the competent authority in this connection.

#### *Costa Rica.*

Constitution of the Republic of Costa Rica, dated 7 November 1949, article 62 (*L.S.* 1949—C.R. 3).

Act No. 9 of 27 August 1943 to constitute the Labour Code, Part II, chapters II and III (*L.S.* 1943—C.R. 1).

Act No. 1860 of 21 April 1955 to set up the Ministry of Labour and Social Insurance.

Article 62 of the Constitution gives force of law to collective agreements concluded between employers or employers' associations and lawfully constituted workers' unions. This principle is confirmed and developed by sections 54 and 55 of the Labour Code. Under section 55 collective agreements have force of law, not only for the actual parties but also for persons who, when the agreement comes into force, are employed in an undertaking covered by it, even if not members of a contracting union, and for persons who subsequently enter into individual contracts or collective agreements within the undertaking—i.e., these may not be less favourable to the employees than the original agreement.

Under section 56 of the Code if more than one-third of the employees in an undertaking are members of a trade union the employer is bound to conclude a collective agreement with this union if it so requests.

Under section 63 of the Code in order that a collective agreement may become "binding with force of law" on all employers and employees, whether organised or not, in a particular branch of industry or a particular region of the country, the following conditions must be fulfilled: (a) the agreement must be drawn up in writing in triplicate; (b) it must be signed by one or more groups of employers having in their service two-thirds of the employees engaged at the time in the industry or region concerned; (c) it must be signed by one or more trade unions whose membership includes two-thirds of the organised employees engaged at the time in the industry or region concerned; (d) one of the parties must send an application in writing to the Ministry of Labour and Social Welfare requesting the Executive to declare the agreement binding if it considers this desirable; the request will then be published in the Official Gazette and a peremptory time limit of fifteen days will be allowed to enable any employer or trade union directly affected to submit a petition against the compulsory extension of the agreement; (e) this time limit must have expired without submission of a petition to the contrary, or any petition submitted must have been disallowed, and the Executive must have issued a decree declaring the agreement binding.

The Ministry of Labour and Social Welfare, through its Office of Trade Union Affairs and Conciliation, ensures application of the statutory provisions on collective bargaining and gives its assistance in that connection. With this object it examines collective agreements and indicates how they should be brought into conformity with the relevant legislation; it carries out the preliminary work with a view to declaring a collective agreement binding; it convenes employers and workers with a view to conclusion of collective agreements which are to be declared generally binding or with a view to revising agreements of this kind; it maintains a register of all collective agree-

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 21.

ments concluded, and keeps these agreements constantly under revision; it gives explanations to employers and workers regarding the character, effects and advantages of collective bargaining and seeks to ensure that the parties concerned use collective agreements as an instrument of social peace in industrial relations (sections 39, 40 and 41 of the Act establishing the Ministry of Labour).

The report adds that Costa Rican legislation and practice comply entirely with the provisions of the Convention, so that there is no need to take other action with a view to applying its provisions.

#### *Cuba.*

The Government supplies information already included in its first report on this Recommendation (1955)<sup>1</sup> and gives the following additional information.

*Part II of the Recommendation.* Collective agreements are defined in section 10 of Decree No. 798 of 1938; this definition accords with that given in the Recommendation. Section 28 of the decree makes provision for a majority or a group of workers to require the conclusion of a collective agreement in writing when there is no trade union in the undertaking. With a view to avoiding collective agreements with company-dominated unions, the existing legislation on trade union organisation prohibits the setting up of rival industrial organisations covering the same field and provides that a union shall have preference over an unorganised group of workers and that a craft union shall have preference over a staff union in the undertaking.

*Part III.* A collective labour agreement takes precedence over an individual contract of employment; in virtue of sections 31, 32 and 34 of Decree No. 798 it is forbidden to restrict the benefits of an agreement.

*Part IV.* No express provision is made in the legislation for the standardisation of conditions of employment by means of the collective bargaining system. This levelling process has been achieved by Presidential Decrees, as for example in sugar-cane plantations, iron works and ceramics plants. The extension of an agreement to all employers in a given industry would require the agreement of the employers' and workers' organisations concerned and the approval of a majority would not be sufficient to make it binding on all.

*Part V.* The Ministry of Labour is empowered to interpret collective labour agreements and an appeal against its decisions may be laid before the Tribunal on Constitutional and Social Guarantees.

*Part VI.* The Ministry of Labour is empowered to secure the enforcement of collective labour agreements.

*Part VII.* Collective agreements and any amendments thereto must be filed in the public registry maintained by the Contracts and Agreements Branch of the Ministry of Labour or its provincial offices. Section 56 of Decree

No. 798 provides for the automatic renewal of collective agreements if neither of the parties has given notice of its intention to terminate it.

#### *Denmark.*

The Government refers to its report of 1955 on this Recommendation<sup>1</sup> and adds that the rules for negotiation of agreements of 21 September 1951 have been replaced by the rules for negotiation of agreements of 21 December 1956.

#### *Dominican Republic.*

Act No. 4667 of 12 April 1957 (L.S. 1957—Dom. 3) to amend sections 104, 105, 106 and 114 of the Labour Code (L.S. 1951—Dom. 1).

The Government repeats information supplied in its first report on this Recommendation (1955)<sup>2</sup> and gives the following additional data.

On the practical side the first collective agreement entered into in the Dominican Republic came into effect in 1957; it was concluded between an important tobacco firm and the workers' union in the firm.

*Part I of the Recommendation.* Employers' and workers' organisations may enter into collective agreements respecting conditions of employment only if they fulfil the following conditions: (a) that they are registered at the Office of the Secretariat of State for Labour, (b) that under their rules they are empowered to enter into such collective agreements, and (c) that they are the authorised representatives of the employers or employees whose professional interests are affected by the collective agreement. An association of employers represents the professional interests only of those employers who are members of the association, while an association of employees is authorised by law to represent the occupation and interests of all the employees in an undertaking if the association counts among its members more than 60 per cent. of the said employees. Before a collective agreement may be put into effect, and after the necessary legal formalities have been complied with, it must first be approved by the most representative associations of employers and workers.

*Part II.* Parties to a collective agreement may include in the said agreement any arrangements made for the purpose of guaranteeing the fulfilment of its provisions in good faith.

*Part III.* Associations of workers and employers, or associations of employers, bound by a collective agreement are required under the terms of the labour legislation to refrain from taking any action which might impede or hinder the execution of the agreement.

*Part IV.* A collective contract does not apply, unless this is expressly specified, to the contracts of employment of persons holding managerial or supervisory posts.

*Part V.* Any disputes arising out of the interpretation of the collective agreement must be settled by mutual agreement, or if this is not

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 22.

<sup>2</sup> Ibid., pp. 22 and 23.



possible, in the manner laid down in the Labour Code, namely by agreement between the parties, official conciliation or arbitration; it is the duty of the labour courts to determine in the event of a dispute the meaning and scope of the clauses of collective agreements.

*Part VI.* The application of collective agreements is not subject to any supervision except as regards fulfilment of the statutory provisions relating to contracts of employment and labour management relations. Intervention by the Secretariat of State for Labour is confined to the mere formality of registering collective agreements; it also performs a conciliatory role in cases where one of the parties so requests.

*Part VII.* A collective agreement may be terminated, inter alia, by mutual consent, for reasons laid down in the agreement itself, on the termination of all contracts of employment in the undertaking or in any of the undertakings that have signed the agreement and on the winding up of the association or any one of the associations that are signatories thereto. The duration of the collective agreements may not exceed three years.

The statutory provisions relating to collective agreements respecting conditions of employment were recently amended by Act No 4667 of 12 April 1957. These amendments were designed to bring the legislation into greater conformity with the international Conventions ratified by the Dominican Republic and relate to the printing, display and registration of collective agreements (section 104), the necessary approval of collective agreements by the most representative employers' and workers' associations (section 105), the duration of collective agreements (section 106), and the termination of collective agreements (section 114).

#### *Finland.*

The Government refers to its report of 1955 on this Recommendation.<sup>1</sup> It adds, however, that a state committee, which was set up in 1955, introduced a proposal for a new collective agreements Act in April 1958. On the basis of this proposal it is intended to revise the Collective Agreements Act of 7 June 1946 now in force. After the appropriate comments have been made on this proposal a Bill may be submitted to the Parliament before the end of 1958. It is still too early to indicate how the revised law will differ from the Act of 1946.

#### *France.*

Act No. 57-833 of 26 July 1957 to promote the settlement of collective labour disputes (*L.S.* 1957—Fr. 2).

The Government refers to its first report on this Recommendation (1955).<sup>2</sup>

*Part V of the Recommendation.* The Act provides for the obligatory submission of collective labour disputes to the conciliation procedures appointed by collective agreements

or by section 7 of the Act of 11 February 1950 amended by the Act dated 26 July 1957. If conciliation procedure fails the disputes are submitted either to arbitration, if the two parties are agreed, or else to a procedure of mediation as appointed by the decree of 5 May 1955 for disputes over wages and fringe benefits: this procedure can be applied to all labour disputes under the Act dated 26 July 1957 and especially to collective disputes arising at the opening of an establishment or when collective agreements and settlements in an establishment are revised or renewed. The competent courts, when individual disputes concerning the interpretation of a collective agreement have been referred to them, are empowered to settle such a dispute.

#### *Federal Republic of Germany.*

The Government refers to its first report on this Recommendation (1955).<sup>1</sup>

#### *Ghana.*

No legislative provision exists in regard to the matters dealt with in the Recommendation. Voluntary machinery exists under which the employers' and employees' organisations bargain collectively and negotiate, conclude, revise and renew collective agreements.

The Ministry of Labour and Co-operatives encourages the setting up of voluntary formal negotiating committees consisting of representatives of workers and employers at both local and national levels. They have resulted in negotiated agreed terms of service in several industries, although formal collective agreements are few at the present time.

This practice, which implements the contents of the Recommendation, has worked well. However, consideration is being given to the necessity of introducing legislation to give effect to the provisions of the Recommendation.

#### *Greece.*

Legislative Decree No. 3755/1957 (*Ephemeris tes Kyberneseos*, 182 P.A. of 17/9/57) to modify and supplement Act No. 3239 of 18 May 1955 respecting collective bargaining (*L.S.* 1955—Gr. 2).

Section 7 of Act No. 3239, as amended, provides that collective agreements should be classified as national general agreements, national single trade agreements, local single trade agreements and special agreements relating to employees in one or more businesses or undertakings.

Section 23 of Act No. 3239, as amended, provides that in the absence of any private organisation of employers in the trade, or if a particular employer is not eligible for membership under the constitution of the normally appropriate organisation or chamber, then the local chamber of commerce and industry (or in the case of a collective agreement for the whole country, the Athens Chamber of Commerce and Industry) shall be regarded as the representative organisation. There exists therefore conformity between the Greek legislation and Part II of the Recommendation.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 23.

<sup>2</sup> Ibid., pp. 23-24.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 24.

*Guatemala.*

Decree No. 330 of 8 February 1947 to promulgate the Labour Code (L.S. 1947—Guat. 1).  
Regulations of the Administrative Labour Department.

There are legislative, administrative and practical provisions giving partial effect to the Recommendation.

Thus, section 38 of the Labour Code provides that a collective contract of employment shall mean a contract concluded between one or more industrial associations of employees and one or more employers or one or more associations of employers in virtue of which the association or associations of employees undertake, subject to their responsibility, that certain or all of their members shall perform specified work for remuneration which shall be adjusted for each one of them individually and paid in the same manner.

Section 39 of the Code provides that every collective contract of employment shall be concluded in writing and in triplicate and that one copy shall be kept by each party and the third shall be sent to the Administrative Labour Department. Sections 40 and 41 deal with the contents of collective contracts of employment and the legal capacity of representatives of industrial associations. Section 42 provides that if within a single undertaking there are two or more associations of employees or employees who belong to two or more associations, their respective collective contracts may exist side by side but the collective contract which confers greater advantages must be applied also to the employees not covered by the said contract. Sections 43 to 48 of the Code contain detailed provisions regarding the winding up of collective contracts, obligations arising out of contracts, and actions which may result therefrom.

In accordance with section 39 of the Labour Code, the Administrative Labour Department is required to approve contracts of employment; moreover section 20 of the Regulations of the Administrative Labour Department provides that the Department must examine any contracts of employment submitted to it to ensure that they are in conformity with the law, and that it shall authorise the registration of such contracts of employment and of all collective agreements that have received legal sanction. Section 278 of the Labour Code provides that the General Labour Inspectorate must ensure that employers and employees comply with and respect all statutory provisions regarding labour and social welfare.

The Ministry of Labour and Social Welfare is considering certain amendments to the Labour Code for submission to the Congress of the Republic, in order to give full effect to the Recommendation.

*Haiti.*

Labour Disputes Act of 28 July 1947, amended by the Act of 22 February 1948.

Since the national legislation does not include any special regulations for collective agreements, the Labour Department and contracting parties have always followed the example of the standards established by the Recommendation.

*Honduras.*

Constitution of the Republic of 19 December 1957.  
Legislative Decree No. 50 of 16 February 1955 : Charter of Labour Guarantees (L.S. 1955—Hon. 1).  
Decree No. 143 of 29 August 1957 : Act respecting collective agreements (L.S. 1957—Hon. 3).

In article 112 (14) of Chapter II the Constitution of Honduras provides that "the State shall protect collective agreements and individual contracts between employers and workers".

The Charter of Labour Guarantees provides that the State shall encourage the conclusion of collective agreements (article 13) and that workers' associations, or, where none exist, the representatives of the workers concerned duly elected and given power to negotiate, shall be entitled to conclude collective agreements (article 14).

The Act respecting collective agreements applies the principles embodied in the Constitution and in the Charter set out above.

*Part I of the Recommendation.* The system adopted in Honduras is that of legislation, which grants extensive liberty to conclude collective agreements and lays down the rules that are to be observed in exercising this right. The organisation, methods of operation and functions of collective bargaining machinery may be determined by the contracting parties subject to the formalities laid down by law.

*Part II.* The reasonably accurate definition in the Recommendation tallies with the terms of the definition given in section 1 of Decree No. 143. As regards the situation described in the Recommendation in which recognition is given to an organisation of workers established, dominated or financed by employers or their representatives, it should be pointed out that owing to the provisions of section 9 of the Charter of Labour Guarantees it is not possible for such a situation to arise in Honduras.

*Part III.* Subparagraphs (1), (2) and (3) of Paragraph 3 of the Recommendation, as well as Paragraph 4, are backed up by the following provisions of Honduran legislation: section 15 of the Charter of Labour Guarantees and section 8 of the Act respecting collective agreements, which reads as follows: "Every collective agreement shall be binding upon the signatories and the persons in whose name it is concluded. The provisions of a collective agreement shall be binding upon all workers in the categories concerned who are employed in the undertakings covered by the agreement, unless the contrary is expressly stipulated therein. The employees and the workers bound by a collective agreement may not conclude individual contracts of employment containing provisions contrary to those of the agreement. Any provisions of an individual contract of employment that are contrary to those of the collective agreement shall be null and void and shall be deemed to be superseded *ipso facto* by the corresponding provisions of the collective agreement. Provisions of individual contracts of employment that are more favourable to the workers shall not be deemed to be contrary to the collective agreement. The provisions of a collective agreement shall not be deemed to be contrary to the law when they are more favourable to the workers. In every case the provi-

sions of the law shall prevail over those of the collective agreement, and the provisions of the collective agreement shall prevail over those of individual contracts of employment."

*Part IV.* This subject has been left to the consideration of workers and employers.

*Part V.* In accordance with section 9 of the Act cited above there is in Honduras an effective procedure to deal with cases in which an interpretation of a collective agreement is required; that section reads as follows: "The parties may stipulate in the collective agreement that differences of interpretation shall be settled by the procedure provided for in the agreement itself, without prejudice to the function conferred by this Act on the Directorate of Labour and the Ministry of Labour and Social Welfare of supervising the effect given to collective agreements. The Ministry of Labour and Social Welfare may institute the mediation, conciliation and arbitration proceedings prescribed in Legislative Decree No. 59 whenever it considers that the failure to settle differences may prejudice normal relations between employers and workers or the normal performance of work. The provisions of this section shall not prevent any person or body corporate whose interests are affected from instituting proceedings before the labour judges."

*Part VI.* The first paragraph of the section reproduced above states that the function of supervising the effect given to collective agreements is conferred on the Directorate of Labour and the Ministry of Labour and Social Welfare (see the passage: "without prejudice to the function... of supervising the effect given to collective agreements..."). Section 11 of the same Act (mainly its third paragraph) defines the supervisory position of that government agency with regard to collective agreements. Similarly section 2 (*b*) of the Act to set up the office of the Director-General of Labour mentions, among other functions of that office, that of ensuring compliance with collective agreements that have been registered with it.

*Part VII.* This is provided for in sections 12 and 13, which read as follows, in that order: "Every employer bound by a collective agreement shall be required to post printed or type-written copies of the agreement at conspicuous places in the establishment or places that are readily accessible to the workers. The Ministry of Labour and Social Welfare shall, at the request of the Directorate of Labour, order the publication of a collective agreement where this is a necessary or suitable means of ensuring that the persons concerned are notified and that the agreement is observed."

Section 11 (1) of the Act respecting collective agreements provides that every agreement shall be registered with the Directorate of Labour by the deposit of the copy mentioned in section 5. Either of the parties may be made responsible for depositing the agreement. If the party made responsible fails to deposit the agreement, the other party shall be entitled to do so at any time by submitting its copy to the Directorate of Labour, which shall draw up an authentic copy of the agreement, issue an attestation of registration and notify the

other party. Section 14 provides that every instrument extending, amending or terminating a collective agreement shall be subject to the same formalities of registration and publication as the agreement itself.

Section 10 provides that a collective agreement may be entered into for a specified period or an indefinite period.

From a reading of the foregoing account and of the contents of the Act respecting collective agreements, it may be deduced that there is no need to take other measures. The Government awaits the observations of the Committee on the Application of Conventions and Recommendations and a final ruling by the Conference.

#### *Iceland.*

The Government refers to its first report on this Recommendation (1955)<sup>1</sup> and adds that the revision of the Trade Unions and Labour Disputes Act, No. 80 of 1938, is at present being considered.

#### *India.*

Industrial Disputes Act, 1947 (*L.S.* 1947—Ind. 1) as amended.

Bombay Industrial Relations Act, 1946.

United Provinces Industrial Disputes Act, 1947.

Central Provinces and Berar Industrial Disputes Act, 1947.

India has a federal type of government. Under its Constitution labour is subject to the concurrent jurisdiction of both the central and state governments, which are empowered to legislate as regards matters covered by I.L.O. Conventions and Recommendations. Legislation giving effect to the provisions of the I.L.O. instruments, however, is undertaken by the Union Government, the actual administration of which is left to the appropriate central or state authorities as the case may be. State governments have the option of supplementing the central legislation by their own Acts.

Although no specific central legislation exists dealing exclusively with the system of collective agreements as defined in the Recommendation, some relevant provisions are found in the laws mentioned above. Under section 2 (*p*) of the central Industrial Disputes Act, 1947, and section 2 (*t*) of the United Provinces Industrial Disputes Act, 1947, written agreements concluded between the employers and workmen other than in the course of conciliation proceedings have been given legal status, provided that such agreements are signed by the parties concerned in the prescribed form and copies are sent to the appropriate government and the Conciliation Officer.

Under the Bombay Industrial Relations Act, 1946, collective agreements are registered if they are arrived at as a result of the deliberations of joint committees consisting of equal numbers of nominees of employers and employees.

The Central Provinces and Berar Industrial Disputes Settlement Act, 1947, provides for the registration of voluntary agreements, under which they are endowed with a legal status.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), *op. cit.*, pp. 25-26.

Certain agreements providing for arbitration of future disputes can also be registered as "submissions" under the above-mentioned Acts. Collective agreements on an industry-wide basis are also concluded by non-statutory means. Tripartite industrial committees for important industries have been established by the Government, as a result of which the employers and workers often arrive at amicable agreements.

Collective agreements on a voluntary basis are generally concluded at the unit and local levels. Under section 18 of the Industrial Disputes Act, section 6B of the United Provinces Industrial Disputes Act, section 114 of the Bombay Industrial Relations Act and section 54 of the Central Provinces and Berar Industrial Disputes Settlement Act, collective agreements are binding only on the parties to the agreement and upon the workers subsequently employed in establishments which were parties to the agreement.

Observance of the provisions is usually secured by the parties themselves, and there are generally no complaints as to the practice whereby employers try to stipulate under contracts of employment for new workers terms less favourable than those already secured through collective agreements. Unless specifically provided to the contrary, collective agreements apply to all classes of workers concerned in the undertaking. In practice care is generally taken to ensure that agreements concluded as a result of collective bargaining do not affect adversely the existing conditions of service or rights or privileges of the workers.

Settlements effected under the Central Industrial Disputes Act and the United Provinces Industrial Disputes Act are applicable and statutorily enforceable only in respect of the establishments which are parties to the settlement. Section 114 (2) of the Bombay Industrial Relations Act and section 54 (2) of the Central Provinces and Berar Industrial Disputes Settlement Act, provide, however, for the extension of collective agreements by the state government concerned to such other employers or employees in such industry or occupation in that local area as may be specified by the Government.

The decisions reached by the industrial committees are applicable to all employers and workers in the industries concerned.

Under section 36A of the Industrial Disputes Act disputes relating to the interpretation of any provision of a settlement are dealt with on a par with disputes arising as to the interpretation of any provision of an award, and the appropriate government has the power to refer such disputes to Labour Courts, Tribunals, etc. Under section 10A parties to a settlement may, by mutual written agreement, refer such disputes to arbitration for decision. Under section 42 (4) of the Bombay Industrial Relations Act, in relation with item 5 of Schedule III, the Labour Courts are empowered to decide disputes relating to the construction and interpretation of collective agreements.

No provision exists requiring employers to bring to the notice of the workers the texts of the settlement, although the union concerned in the undertaking makes the workers aware of the agreements secured on their behalf.

Rule 75 of the Industrial Disputes (Central) Rules, 1957, section 6B (2) of the United Pro-

vinces Industrial Disputes Act, section 58 (1) of the Bombay Industrial Relations Act and section 36 (1) of the Central Provinces and Berar Industrial Disputes Settlement Act provide for the registration of settlements by Conciliation Officers.

Section 19 (2) of the Industrial Disputes Act provides that, if no specific period is agreed upon, the period of implementation of a settlement shall be six months from the date it is required by the parties. The settlement continues to be binding even after the expiry of the specific period until it is terminated by either party by giving prior notice of two months. The Bombay Industrial Relations Act, the United Provinces Industrial Disputes Act and the Central Provinces and Berar Industrial Disputes Settlement Act provide also for a specific period under which settlements are binding.

The officers of the Industrial Relations Machinery, at the Centre, as well as in the states, are entrusted with the proper application of the terms of settlements reached under the Industrial Disputes Act. An Evaluation and Implementation Division has been established in the Central Ministry of Labour and Employment with a view to assessing the extent of non-implementation of, *inter alia*, settlements arrived at between employers and workmen. Similar machinery is also being set up by the state governments at the state and local levels for the enforcement and implementation of agreements.

With a view to facilitating action against parties responsible for non-implementation or partial or delayed implementation of settlements the governments and central organisations of employers and workers are requested to furnish information regularly regarding cases of non-implementation of such agreements.

Some agreements provide also for supervision of their application. Under the Industrial Disputes Act, 1947, aggrieved parties can raise industrial disputes and have recourse to the procedure prescribed under the Act.

As is evident from the collective agreements recently concluded, both employers and workers are realising the utility of collective bargaining. The Government is also aware of having differences between employers and workers settled through collective agreements. Under the First and Second Five-Year Plans great emphasis has been laid also on joint consultation and mutual negotiations as an effective means for the settlement of disputes.

In spite of the realisation on the part of Government, employers and workers of the importance of mutual consultation and joint negotiations, collective bargaining has not made enough progress in India, due mainly to multiplicity of unions, inter-union rivalry, non-recognition of unions by employers, etc. Various problems relating to trade unions were discussed at the 16th Session of the Tripartite Indian Labour Conference, which laid down criteria for evolving certain conventions for voluntary recognition of unions by employers. A code of conduct to guide workers or organisations in inter-union behaviour was similarly adopted by the workers' representatives.

The Government states that collective bargaining can develop only in an atmosphere of

industrial peace and harmony, and that maintenance of industrial peace is not possible unless the parties concerned refrained from any action which might jeopardise labour-management relations. With a view to maintaining discipline in industry a Code of Discipline was adopted in October 1957 by the Standing Labour Committee, which all the employers' and workers' organisations have ratified. It is also proposed to adopt a grievance procedure for the redress of day-to-day grievances of workers.

The Government expects that the measures outlined above will help maintain peaceful industrial relations, which will pave the way for the determination of conditions of work and terms of employment more through collective agreements than through adjudication.

A list of existing collective agreements in India, as well as further information regarding the position in West Bengal is appended to the Government's report.

#### *Indonesia.*

The Government supplies information already given in its first report on this Recommendation (1955)<sup>1</sup> and adds the following.

The labour inspection service is responsible for supervising the legislation. In accordance with the present procedure for the settlement of labour disputes, the establishment of a voluntary body for negotiation is ensured and recourse is had to the government body only if the voluntary negotiation comes to a dead-lock.

The adoption of new regulations to give effect to the Recommendation is not considered necessary, and there is no call to modify the Recommendation.

#### *Iran.*

Labour Act, 1949.

Section 7 of the Labour Act is the only legislative provision dealing with the matter covered by the Recommendation. In view of the particular importance of collective agreements, the Ministry of Labour is introducing provisions in the new draft Labour Act, which is to be submitted to Parliament and will ensure the implementation of the Recommendation.

The supervision of the application of the Labour Act is ensured by the regional labour offices; the Superior Labour Council and the workers' and employers' organisations collaborate in the application of the Act. There are very few collective agreements in Iran.

#### *Ireland.*

Industrial Relations (Amendment) Act, 1955 (*Acts of the Oireachtas*, 1955, pp. 543-545).

The Government furnishes information already supplied in its report of 1955 on this Recommendation<sup>2</sup> and adds that the Industrial Relations (Amendment) Act, 1955, did not modify the provisions of the principal act relating to employment agreements. The Government supplies a copy of the report of the labour court for 1956, which includes informa-

tion concerning employment agreements regulated in accordance with the Industrial Relations Act, 1946.

#### *Israel.*

Collective Agreements Act, 18 February 1957 (*L.S.* 1957—Isr. 2).

Settlement of Labour Disputes Act, 18 February 1957 (*L.S.* 1957—Isr. 1).

Collective Agreements Regulation (Registration) Act, 1957.

Collective Agreements Regulation (Procedure in Promulgation of Extension Order) Act, 1957.

Settlement of Labour Disputes Regulations (Notices), 1957.

In practice, the majority of workers in Israel, including civil servants, are covered by collective agreements voluntarily entered between the workers' and employers' associations concerned. The Collective Agreements Act has given legal force to the collective agreements.

According to the Settlement of Labour Disputes Act, in any labour dispute the Chief Labour Relations Officer is empowered to institute conciliation proceedings. Participation in these proceedings is obligatory, but the conclusions of the Chief Labour Relations Officer are not binding on the parties.

The Chief Labour Relations Officer may appoint arbitrators in two cases: (1) if the parties consent to refer to arbitration under this law; (2) when in the relevant collective agreement a labour dispute has to be referred to arbitration and arbitration proceedings were not instituted within reasonable time.

It is not intended to take further measures as the above-mentioned laws give effect to the main provisions of the Recommendation.

#### *Italy.*

The Government repeats the information already supplied in its first report on this Recommendation (1955).<sup>1</sup>

#### *Japan.*

Law No. 108 of 21 May 1956, to amend the Public Corporation and National Enterprise Labour Relations Law, No. 257 of 1948.

The Government refers to its report of 1955 on the Recommendation<sup>2</sup> but adds that Law No. 108 of 1956, amending the Public Corporation and National Enterprise Labour Relations Law of 1948, necessitates several modifications.

*Part I of the Recommendation.* Under sections 9 to 11 of the amended Public Corporation and National Enterprise Labour Relations Law the public corporation or the national enterprise and the trade union concerned nominate their respective negotiation committee-men, who shall bargain mainly with a view to concluding collective agreements. The Law provides also for conciliation, mediation and arbitration by the Public Corporation and National Enterprise Labour Relations Commission, which may also issue orders to the public corporation or national enterprise to accept collective bargaining.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 26.

<sup>2</sup> Ibid., pp. 26-27.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 27-28.

<sup>2</sup> Ibid., pp. 28-29.

*Part II.* Although section 14 of the Trade Union Law is also applicable to collective agreements in the public corporation and national enterprises, collective bargaining for concluding these agreements is carried out exclusively between negotiation committee-men representing the public corporation and national enterprises and negotiation committee-men representing the union (section 9 of Law No. 257, as amended).

*Part III.* Section 8 of the Local Public Enterprise Labour Relations Law provides that when a collective agreement is in conflict with the bylaws of a local public body, the chief of the local public body concerned shall submit to its assembly a Bill to revise or abolish the bylaw in order that the agreement may cease to conflict with the bylaws. Unless the Bill is adopted the collective agreement does not take effect to the extent that it is in conflict with the bylaw. Furthermore, section 9 provides that if a collective agreement is in conflict with the regulations and other rules of the local public body the chief of the local body shall immediately take measures concerning the necessary amendment or abolishment of regulations and other rules in order that the collective agreement may cease to conflict with the regulations and other rules.

*Part V.* Section 12 of the Public Corporation and National Enterprise Labour Relations Law and section 13 of the Local Public Enterprise Labour Relations Law provide for the establishment of grievance machinery in public corporation, national enterprises and local public enterprises.

Disputes may also be submitted to the procedures for adjustment by Labour Relations Commissions under the Public Corporation and National Enterprise Labour Relations Commission.

The Public Corporation and National Enterprise Labour Relations Commission established under the Public Corporation and National Enterprise Labour Relations Law and fulfilling nearly the same function as the Labour Relations Commissions under the Trade Union Law, is composed of three members appointed by the Prime Minister upon the recommendation of the public corporation and national enterprise, three members appointed by the Prime Minister upon the recommendation of the trade union concerned, and five members representing the public interest appointed by the Prime Minister with the approval of the Diet from among the persons listed in the panel of candidates prepared by the Minister of Labour after hearing the opinion of members representing labour and management.

#### *Luxembourg.*

The Government repeats the information given in its first report on the Recommendation (1955)<sup>1</sup>, which it supplements with the following particulars.

When the Government is called upon to intervene in the conclusion of collective agreements, it follows the principle of the Recommendation by applying the conciliation procedure set up according to the Legislative Order of

6 October 1945. The Bill concerning collective labour agreements which was put forward on 16 November 1955 will probably be passed before the end of the term of the current Legislature in May 1959.

The document added to the Government's report contains some facts on occupational relations in the industry of Luxembourg.

#### *Federation of Malaya.*

There are no legislative provisions or regulations concerning the matters dealt with in the Recommendation. Practical provisions in regard to some of these matters exist by way of agreements entered into between the parties concerned.

The Government's policy is based on a voluntary system whereby employers and workers are actively encouraged to deal with wages and conditions of employment through joint negotiation and collective agreements. In implementation of this policy the Government has encouraged and assisted in the formation of employers' and workers' organisations and of voluntary joint negotiating bodies. For example, collective agreements relating to terms and conditions of employment have been concluded in the public services and in a number of industries, such as the plantation, transport and printing industries and banks.

Discussions are being held in the Industrial Relations Subcommittee of the National Joint Labour Advisory Council with a view to examining what further measures might be taken to give effect to the provisions of the Recommendation not covered by practice.

#### *Mexico.*

Federal Labour Act of 18 August 1931 (L.S. 1931—Mex. 1) as subsequently amended.

The matters dealt with in the Recommendation have for some years been covered by the Federal Labour Act of 1931. Part I of the Recommendation is implemented by section 45 of the Act; Part II by section 42; Part III by section 43; Part IV by sections 48 and 49; Part V by sections 340, 349, 357 and 408; Part VI by sections 52-54; and Part VII by sections 55-57. The Department of Labour and Social Welfare, the federal and state Boards of Conciliation and Arbitration and the Labour Inspectors are responsible for application.

The provisions of the Recommendation are applied in practice and it is not considered necessary to amend the existing legislation.

The provisions of the Recommendation are applied both at the federal level and in the various states.

#### *Morocco.*

Dahir No. 1-57-067 dated 17 April 1957 respecting collective labour agreements (L.S. 1957—Mor. 2).

The Moroccan Government considers that its legislation is in agreement on every point with the Recommendation.

The provisions of the Dahir deal with the negotiation, collection, revision and renewal of collective agreements. It also provides that, at the request of employers and workers, the Minister of Labour may appoint an agent entrusted with labour inspection, or any other official, to take part in the proceedings.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 29.



An advisory committee has been summoned by the Ministry of Labour with the aim of speeding up the conclusion of numerous collective agreements in the main sectors of the country's economic activity. The committee, which brought together representatives from different economic and social ministries and representatives of wage earners' and employers' organisations, examined all the questions relating to the conclusion and application of collective agreements. The work of the committee has made possible the elucidation of principles and the setting out of recommendations which will make the conclusion of collective agreements on the professional level easier from now on. This committee, which is soon to be given recognition by a written Act, will probably be called the Superior Committee on Collective Agreements.

So far no authority has been instructed to supervise the application of legal provisions with regard to collective agreements, but the Government considers that if a representative of the Ministry of Labour is present when agreements are drawn up he will be able to prevent the inclusion of clauses that go against those of the Dahir of 17 April 1957.

As to the actual control over the application of collective agreements, the Minister of Labour, at the request of the contracting parties, can entrust an official instructed to inspect labour conditions with the duty of seeing that the clauses of the agreement on wages are respected. The labour inspection officials have at their disposal powers which are bestowed on them by the Act and they are empowered to record any infringement in an official report.

The Government does not contemplate any amendment of the provisions of the Dahir, which in its opinion complies with the terms of the Recommendation.

#### *Netherlands.*

The Government repeats the information supplied in its report of 1955 on this Recommendation<sup>1</sup> and adds the following supplementary information.

Employers are required to comply with collective agreements approved or imposed by the Board of Mediators. Any contravention of this rule is regarded as an economic offence and is brought before the criminal courts.

It is not intended to take any measures to give effect to those provisions of the Recommendation not yet covered by the national legislation or practice.

#### *New Zealand.*

The Government refers to its report of 1955 on this Recommendation.<sup>2</sup>

#### *Nicaragua.*

Labour Code of 12 January 1945, sections 22-32 (L.S. 1945—Nic. 1).

During the year 1957 effect was given to almost all the provisions of this Recommendation and it was enforced under the supervision

of employers' and workers' organisations and the labour authorities. The official labour authorities are entrusted with the administration of the laws or regulations governing possible co-operation between employers' and workers' organisations.

It is not intended to take any further measures in this field, as the existing legislation is sufficient to give effect to the Recommendation.

#### *Norway.*

Act of 6 July 1933 respecting the right of state employees to negotiate and the establishment of a public employees' court (L.S. 1933—Nor. 3).

Pursuant to the Act of 5 May 1927 respecting labour disputes, legal disputes are, in the last instance, settled by a special court, the Labour Court, while disputes concerning changes in conditions of work are subject to compulsory conciliation. The Act of 6 July 1933 is applicable to disputes arising in state employment and undertakings.

The Ministry of Labour and Local Government is responsible for the administrative supervision of the Act respecting labour disputes and the Ministry of Wages and Prices is responsible as regard the Act of 6 July 1933. The Labour Court is responsible for the legal supervision of the Act respecting labour disputes.

*Part III of the Recommendation.* This is not in accordance with the national legal practice, which does not provide for the signing of special agreements which are either more or less favourable to the interests of the workers than the provisions laid down in the collective agreement.

Comments from the employers' and workers' organisations are attached to the Government's report. The Norwegian Employers' Confederation indicates, *inter alia*, that the Act of 6 July 1933 is under revision; it adds that it is assumed that Paragraph 3 of the Recommendation is contrary to Norwegian law. It also points out that Part IV of the Recommendation is not suitable for conditions prevailing in Norway, as the question of the extension of collective agreements to fields not covered by the said agreements is regulated through the Basic Agreement between the Norwegian Employers' Confederation and the Norwegian Trade Union Federation. The Norwegian Trade Union Federation indicates in its comments that it does not intend to demand any amendments to the legislation as regards Parts III and IV of the Recommendation.

#### *Pakistan.*

Industrial Disputes Act, 1947 (L.S. 1947—Ind. 1) as amended by Act No. XXXI of 1958.

Provisions exist in the Industrial Disputes Act, 1947, in regard to some of the matters dealt with in the Recommendation.

Sections 18 and 19 of the Act provide that a settlement arrived at in the course of conciliation proceedings under this Act shall be binding on all the parties to the dispute for such period as is agreed upon by the parties

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 29-30.

<sup>2</sup> Ibid., pp. 30-31.

and, if no such period is agreed upon, for a period of six months. It comes into operation on such date as is agreed upon by the parties to the dispute and, if no date is agreed upon, on the date on which the memorandum of the settlement is signed by the parties to the dispute.

It may, however, be added here that the Industrial Disputes Act, 1947, as amended by Act No. XXXI, now defines a "settlement" as a settlement arrived at in the course of a conciliation proceeding, and includes an agreement between the employer and workmen arrived at otherwise than in the course of any conciliation proceeding, where such agreement is in writing, has been signed by the parties thereto in such manner as may be prescribed, and a copy has been sent to the appropriate government and to the conciliation officer concerned. (Section 2(P).) It has been further provided in the Act that the agreement shall be binding on the parties to the agreement.

The conciliation machinery provided in the Industrial Disputes Act, 1947, supervises the application of the provisions of the Act.

No further action is contemplated for the present to give effect to other provisions of the Recommendation.

The Recommendation as a whole has been left to be applied by the employers and workers by agreement amongst themselves.

#### *Philippines.*

Commonwealth Act No. 213 (I.L.O.: *Asian Labour Laws*, 1951).

Act No. 875 of 17 June 1953 to promote industrial peace and for other purposes (*L.S.* 1953—Phi. 1).

Act No. 875 encourages the settlement of issues between employees and employers by means of collective bargaining. To carry out this policy the Court of Industrial Relations is given jurisdiction over the prevention of unfair labour practices and is empowered to prevent any person from engaging in such practices.

This Act also aims at avoiding or minimising differences arising between the parties to collective bargaining by prescribing the procedure to be followed in negotiating collective agreements. It also lays down rules for the administration of collective agreements and the handling of grievances.

The Bureau of Labour Relations of the Department of Labour Services acts as a planning, policy making, consultative and advisory entity in the promotion of industrial peace. The Advisory Labour Management Council has the duty of suggesting improvements, of avoiding industrial disputes and of indicating the manner in which mediation and voluntary adjustment of such disputes should be administered.

The Secretary of Labour shall recommend measures or changes in the existing legislation with a view to giving full effect to all the provisions of the Recommendation and of meeting the requirements of the time.

The Government's report also contains information regarding Commonwealth Act No. 213, which lays down provisions regarding freedom of association and the right to organise and to bargain collectively.

#### *Poland.*

Code of Obligations (Act of 27 October 1933), art. 445.  
Collective Agreement Act of 14 April 1937 (*Dziennik Ustaw*, No. 31, Text 242).

Ordinance No. 30 by the President of the Council of Ministers dated 2 February 1957 (unpublished) with regard to the manner of submitting to the Council of Ministers, and to the President thereof, drafts of standard acts relating to social questions and wages.

It should be mentioned here that the Act of 1937 is considered obsolete on many points and an amendment of this Act is to be contemplated in the future.

Collective agreements are concluded by means of direct negotiations between the workers' trade union of the economic sector concerned and the administrative body which controls undertakings that employ workers from such a trade union. Collective agreements are written settlements in accordance with section 445 of the Code of Obligations. The methods of preparing and concluding collective agreements are fixed on one side by instructions from the trade unions and on the other, as far as the conclusion of collective agreements by administrative means is concerned, by Ordinance No. 30 of the President of the Council of Ministers dated 2 February 1957.

Every collective agreement is binding on the signatories and the persons on whose behalf it is concluded. Undertakings which have not been included in a collective agreement can accede to them by signing a supplementary settlement. Provisions of a labour agreement that are opposed to a collective settlement are considered as null and void and are replaced by the relative provisions of the collective settlement.

Provisions of labour agreements that are more favourable to workers than those provided for by the collective settlement are not considered contrary to the latter; in practice, however, labour agreements that are more favourable than collective settlements are not made in a nationalised economy.

The provisions of a collective settlement apply to all workers employed in the undertakings referred to in the settlement.

Employers (heads of undertakings) are obliged to hand over to the managements in undertakings a sufficient number of copies of the collective agreement so that at least one copy can be distributed to each section in the undertaking.

Trade union organisations are instructed to record collective agreements as well as any amendment that may be subsequently made.

Collective agreements are concluded for an indefinite period; a preliminary delay of three months is provided for their declaration or partial amendment; the wording of the agreement is binding until its partial amendment or until a new agreement is concluded.

Especially since 1957 and 1958 collective agreements are tending to become the main method by which workers' labour and living conditions are regulated. The great majority of agreements concluded in the course of previous years have recently been renewed; many collective agreements have likewise been concluded which replace administrative acts, by which certain social problems were once settled in some sectors of the nationalised economy.



The authorities instructed to supervise the application of legal provisions with relation to the collective agreements are the following: (1) the Ministry of Labour and Social Insurance (in accordance with the Act of 1937) which functions through the National Wages Committee; and (2) the Central Trade Union Council.

Law suits arising from the interpretation of a collective agreement are settled by the parties that concluded the agreement.

The Government considers that the national legislation and practice carry out the provisions of the Recommendation in full.

#### *Portugal.*

Legislative Decree No. 23048 of 23 September 1933, to promulgate the National Labour Code (*L.S.* 1933—Por. 5).

Law No. 1952 of 10 March 1937.

Legislative Decree No. 36173 of 6 March 1947 (*L.S.* 1947—Por. 1).

Legislative Decree No. 37245 of 27 December 1948 (*L.S.* 1948—Por. 1).

Decree No. 37268 of 31 December 1948.

Under Portuguese legislation the normal way of determining working conditions and terms of employment is by collective labour agreements entered into by the corporative organisations representing the employers and the workers, or by corporate organisations and private firms, which are binding on all the undertakings and all the workers represented by the organisations that are parties to them, and hence on the signatory firms as well.

Under section 2 of Legislative Decree No. 36173 collective agreements may take the form of (1) collective employment contracts (agreements made between corporate bodies acting as representatives of undertakings and of workers); and (2) collective employment agreements (agreements entered into by corporative bodies representing the workers—trade unions—on the one hand and private bodies—undertakings—on the other).

Sections 5 to 8 of Legislative Decree No. 36173 define the function of collective agreements and lay down certain fundamental principles for the conclusions of such agreements.

Pursuant to section 9 of Legislative Decree No. 37245 the Labour Inspection Service is responsible for supervising the observance of all rules relating to terms and conditions of employment whether laid down by statute or contained in collective agreements.

Under the terms of section 11 of Legislative Decree No. 36173 collective agreements may establish corporative boards with joint representation of the organisations or firms which are parties to the agreement, under the chairmanship of representatives of the National Labour Institute. The functions of such corporative boards are as follows: (1) to promote the due execution of the agreements and to determine questions as to the interpretation of the clauses thereof; (2) to promote the making of improvements in the agreements by carrying out the necessary steps and investigations; (3) to mediate between the parties whenever attempts to enforce rights under the agreements are made and one of the parties so requests; and (4) to give opinions and furnish information when asked to do so by the departments of the State or by the corporative boards.

The report adds that, generally speaking, all the provisions of the Recommendation are applied by Portuguese legislation.

#### *Spain.*

Act of 24 April 1958 concerning trade union collective agreements.

The Act of 24 April 1958 concerning trade union collective agreements improves the system for the conclusion of inter-union agreements established under the earlier Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations. Under section 6 of the above-mentioned Act of 24 April 1958 the trade union representatives of workers and employers respectively are empowered to conclude collective agreements.

Collective agreements, which exist for the purpose of supplementing and improving on the minimum conditions of work laid down by statutory provisions may, under section 4 and by reason of their scope, be local, district or provincial agreements or agreements for groups of undertakings or for single undertakings.

Matters properly dealt with in collective agreements are the following: pay scales and payment systems, incentives, bonuses, standards of job classification, engagement, promotion, replacements, changes in methods of work, the reduction of hours, improvements in social security benefits, accident prevention, the workers' hygiene and comfort, holidays, initial and further vocational training and in general all measures relating to conditions of work and welfare schemes.

Application and interpretation is the business of the Director-General of Labour and of the provincial labour officers.

Supervision of the application of the clauses of trade union collective agreements is the responsibility of the Labour Inspection Service, and the Labour Courts are competent to hear and determine individual disputes that arise.

The report adds that at the moment it does not seem necessary to take any measures to bring the national law and practice into line with this Recommendation.

#### *Sudan.*

Many of the workers' trade unions in Sudan have held joint meetings with their employers and have concluded collective agreements with regard to working conditions and terms of employment. Such agreements are not regulated by any legislation and they are only voluntarily arrived at by the parties concerned. The nature of these agreements is normally in conformity with Part III of the Recommendation.

The Government is much interested in the development of such collective agreements and some of the government departments, for instance the Ministry of Education, have made separate agreements with the workers' trade unions to regulate working conditions. The Central Government, as an employer, has held joint meetings with the representatives of the trade unions of government workers; it issued a circular letter (No. 18/1956) in which the conditions of employment were reconsidered in the light of the joint meeting. The workers accepted the circular letter, which now forms what may rise to the level of being a collective agreement.

The practice of making collective agreements is encouraged by the Government with regard both to its departments and to private commercial undertakings. As there are no employers' organisations at present in the Sudan, these agreements are normally made between private employers and their workers.

The Labour Department is the authority entrusted with the encouragement of collective agreements. Those made in recent years were concluded after consultation with the Department or with one of its representatives taking part in the joint meetings.

#### *Sweden.*

At the end of 1950 there were over 20,000 collective agreements in force covering 88,000 employers and 1,371,000 workers. These figures do not include arrangements made on the basis of negotiation which take the form of unilateral decisions by the employers' side (rules for municipal salaried personnel, etc.). Practically the whole of the Swedish employment market is covered by collective agreements or other similar arrangements. The collective agreement system in Sweden has a scope and a legal status equalled in few other countries, and the objective of the Recommendation is abundantly reached. If it has nevertheless not been possible to accept the Recommendation in its entirety, this is not because there is any objection to its purpose but because it contains certain provisions which are in disaccord with the relevant Swedish legislation and practice. This is the case, in particular, of the provisions stating (a) that the "machinery" provided for in Paragraph 1 of the Recommendation may itself conclude agreements; (b) that in order to have the right to conclude collective agreements, workers' organisations must be "representative" (Paragraph 2); (c) that "stipulations in contracts of employment which are more favourable to the workers than those prescribed by collective agreements should not be regarded as contrary to the collective agreements" (Paragraph 3); and (d) that measures should be taken for the extension of collective agreements (Paragraph 5).

The Social Board is the supervisory authority as regards conciliation. It should be stressed in this connection that the very great majority of collective agreements are concluded by the parties themselves and that most decisions to prolong their agreements are also taken in this way; the state mediation authority intervenes only if and when the parties have failed to agree.

#### *Switzerland.*

Federal Act of 28 September 1956, to permit the extension of the scope of collective labour agreements (L.S. 1956—Swi. 2).

The Government repeats the information given in its first report on this Recommendation (1955)<sup>1</sup> and adds the following particulars.

The Act of 28 September 1956 enabling collective labour agreements to be made generally binding came into force on 1 January 1957 and replaced the Federal Order of 23 June 1943. This Act repeals sections 322 and 323 of the

Federal Code of Obligations and replaces them by sections 322 and 323*quater*.

*Part I of the Recommendation.* Section 322 of the Code of Obligations states that the negotiation, conclusion, revision and renewal of collective agreements is under the exclusive jurisdiction of the contracting associations.

*Part II.* Any collective agreement is a contract by which employers and employers' associations on one side and workers' associations on the other set up clauses jointly on the settlement, contents and suppression of individual labour agreements between the employers and workers concerned (section 322 of the Code of Obligations).

*Part III.* The agreement is binding on its signatories and the members of the contracting associations. In so far as they conflict with the imperative clauses of the agreement, settlements between employers and workers bound by the agreement are null and void and are replaced by the former; however, derogations mentioned in the workers' favour are valid (sections 323, 323*bis* and 323*quater* of the Code). The contracting parties alone are responsible for carrying out the collective agreement (sections 322*bis* and 322*ter* of the Code). Contrary to the provisions of the Recommendation, the agreement is, in principle, binding only on the employers and workers who are affiliated to a contracting association. Workers who are not affiliated to a contracting trade union can, however, take part in the agreement, as can also third party employers, with the consent of the parties and by means of a written declaration (sections 322*bis* and 322*ter* of the Code).

*Part IV.* The extension of a collective agreement, regulated by the Act of 28 September 1956, has effect in accordance with the Recommendation. Leaving out of account clauses which refer the settlement of suits to courts of arbitration, the Act may be concerned with the standard and semi-standard clauses (section 1 of the Act). The extension is subject in particular to three conditions provided for by the Recommendation: that the agreement covers a majority of the employers and workers concerned, that the request for extension shall be made by parties to the agreement, and that opportunity shall be given to submit objections (sections 2, 8, 9 and 10 of the Act). The decision to extend is under the jurisdiction of the Federal Council when it refers to the territory of some cantons. In other cases the responsibility lies with the cantons, provided that the approval of the Federal Council has been received (sections 7 and 13 of the Act).

According to the federal legislation and most of the cantonal Acts no registration or obligatory commitment of collective agreements exists. However, the Federal Office of Industry, Arts and Crafts, and Labour has published a list of agreements, of which a copy is appended to the Government's report.

Switzerland does not propose to amend either its legislation, which is recent, or its practice. Thus it does not contemplate giving effect to Paragraphs 4 and 8 (a) and (b) of the Recommendation. Leaving these provisions out of account, Switzerland applies the Recommendation.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 33-34.

*Thailand.*

Labour Act, 1956 (L.S. 1956—Thai. 1).

The Government states that the provisions under the above-mentioned Act respond on the whole to the aims and purposes set out in the Recommendation.

*Tunisia.*

Decree of 5 November 1949 with regard to collective labour agreements (L.S. 1949—Tun. 1).

*Part I of the Recommendation.* Under the decree a collective agreement must be drawn up by the employers' and workers' trade union organisations that are most representative of the sector of industry or commerce concerned in the area where the agreement applies.

A collective agreement must be written, or else it is null and void. It may be entered into for either a fixed or an indefinite term (not more than five years in the first case).

A collective agreement becomes obligatory only when an order by the Secretary of State for Social Affairs has been issued.

The area and occupations covered by an agreement are also fixed by an order of the Secretary of State for Social Affairs, on the recommendation of the Advisory Committee for Collective Agreements set up under sections 25 and 26 of the decree.

Approval can be refused only after a reason has been given by the Advisory Committee. The decision to refuse approval is notified by the Secretary of State for Social Affairs to the contracting parties. The Secretary of State can also, either on his own initiative or at the request of an employers' or workers' trade union organisation, withdraw approval given to a collective agreement.

If the trade union organisations cannot agree, the Secretary of State for Social Affairs can intervene and settle the dispute by inviting the parties to name an arbitrator. If the difficulty is not overcome the Secretary of State, by means of an order, can for the time being fix conditions of employment and remuneration in the sector of activity and in the region concerned.

An agreement at the end of its fixed term continues—if there is no specification to the contrary—to have the same effect as a collective agreement with an indefinite term. The right to renounce an agreement of indefinite duration is legally recognised only in the case of the contracting trade union organisations themselves, which must send to the Secretary of State for Social Affairs within a month a copy of the notification that is sent to the other parties. If the contracting parties consider it necessary to amend the terms of a collective agreement, they can use the right of denouncement and then establish new agreements more in accordance with their wishes.

Besides approved collective agreements, the decree provides for other collective agreements with less scope which can only apply to an establishment or a group of establishments. These collective agreements for establishments can be entered into only if there already exists an approved agreement governing the establishment in question. They cannot include provisions that are less favourable than those in the approved collective agreement.

*Part II.* A collective labour agreement is a settlement with relation to conditions of employment that is entered into on one side, by one or more workers' trade union organisations and on the other, by one or more employers' trade union organisations, or any other group of employers or one or more employers considered individually (section 2 of the decree). Representatives of an employers' or workers' trade union organisation, or of a group of employers, can make settlements in the name of the organisation they represent in virtue of statutory provisions or a special resolution of such an organisation and of special written commissions which are given them individually by all the supporters of such an organisation.

*Part III.* Under section 12 of the decree the provisions of collective agreements apply to all the employers and workers of occupations included within its scope dating from the day when they receive, at the request of the party that acts first, the approval of the Minister of Labour and Social Insurance. Thus an approved collective agreement is binding not only on its signatories and the persons on whose behalf the agreement has been concluded but also on the occupation concerned in the region defined by the approval order.

Provisions of an individual labour settlement that are contrary to a particular collective agreement are considered as null and void and are automatically replaced by the corresponding provisions of the agreement.

The provisions of an agreement apply to all the workers of the categories concerned who are employed in the establishment referred to in the approved collective agreement.

Under sections 8, 9 and 10 the groups that can go to law, bound by a collective labour agreement, can bring an action for damages against their own members, or against any person bound by the agreement who may violate it. Trade union groups can take action to defend both the collective interest of the group and the individual interests of one of their members.

*Part IV.* In the first place the decree provides for the conclusion of a collective agreement, the aim of which is to fix the relations between employers and workers in a complete sector of industry or commerce and only afterwards to conclude other collective agreements with less scope and referring to an establishment or group of establishments. In order to receive approval an agreement must have been entered into by the trade union organisations most representative of the sector of industry or commerce concerned in the area where it is to be applied.

This procedure, which leads from the general to the particular, is explained by the relatively small size of the country, so there is good reason for adopting standards with a wide range in the first place and then for stating them more precisely in establishment agreements with a narrower scope.

*Part V.* Disputes arising from the enforcement of an agreement are to be dealt with by a joint committee empowered to this end, whose methods of functioning must appear in all collective agreements. An appeal to the competent courts is also possible in well-defined cases (sec-

tions 8, 9 and 10) when a trade union group is defending a collective or individual interest under its supervision.

*Part VI.* Labour inspectors only note infringements in an official report when it is a question of paying wages lower than the legal minimum. In the event of any other infringement of a collective agreement, labour inspectors can only make known the facts that they have verified to the organisations concerned, and it is for the latter to bring an action for damages (sections 7, 8, 9 and 10).

*Part VII. (a)* The decision to give approval is made public by the insertion of the approval order in the *Journal officiel tunisien* with the text of the approved collective agreement appended (section 14). If approval is withdrawn an agreement between the contracting parties ceases to have effect from the day when an order for the withdrawal of approval is published in the *Journal officiel tunisien*.

*(b)* Collective agreements for establishments apply only from the day following their deposit with a clerk of the justice of the peace in the place where they are to be applied (section 21).

*(c)* The decree fixes a maximum period for agreements with a definite term only. Agreements with an indefinite term can be denounced after a month.

The Government considers that the Tunisian legislation satisfactorily answers the concerns and fulfils the objects of the Recommendation.

#### *Turkey.*

The Government refers to its report of 1955 on this Recommendation<sup>1</sup> and states that work is in progress on a Bill which is to introduce a system of collective agreements. The Bill is being drafted on the basis of, *inter alia*, the provisions of the Recommendation. It is hoped that this text will be submitted to the Grand National Assembly during its present session.

#### *Ukraine.*

Decree of the Praesidium of the Supreme Council of the U.S.S.R., dated 31 January 1957, to ratify the order respecting procedure in the consideration of labour disputes.

The Government repeats information already given in its first report on this Recommendation (1955)<sup>2</sup> and furnishes the following additional data.

Collective agreements are effective in respect of all persons working in an undertaking, irrespective of their trade union membership.

At large workplaces, besides the collective agreement applying to the undertaking as a whole there are usually workplace agreements dealing with the protection of the workers, organisational and technical measures, the introduction of new techniques, progressive methods and advanced experience.

The year 1958 has seen in Ukraine the beginning of general agreements between economic councils and the district trade union committees. These are intended to secure

implementation of collective agreements in undertakings; they specify obligations which concern the personnel of several undertakings (regarding for example the construction of community clubs, cultural centres, sports grounds, housing, etc.).

Disputes connected with the application of collective agreements are considered by labour disputes committees which act in accordance with the above-mentioned order, ratified by decree of 31 January 1957.

#### *Union of South Africa.*

The Government states that the position of the law and practice as regards the matters dealt with in the Recommendation has not changed since the submission of its report for 1955.<sup>1</sup>

#### *U.S.S.R.*

Constitution of the U.S.S.R., 1936.

Labour Code of the R.S.F.S.R. and Labour Codes of other Federal Republics of the Union (*L.S.* 1936—Russ. 1).

Decree of the Council of Ministers of the U.S.S.R. dated 4 February 1947 concerning the conclusion of collective agreements in undertakings (*Izvestia*, 19 February 1947).

Decree of the Council of Ministers of the U.S.S.R. dated 5 April 1948 concerning the conclusion of collective agreements in undertakings, etc.

Decree of the Praesidium of the Supreme Soviet of the U.S.S.R. dated 24 May 1955 to approve Regulations relating to the right of control vested in the agents of the Public Prosecutor of the U.S.S.R.

Ordinances of the Central Trade Union Council of the U.S.S.R., published at the end of each year, concerning the conclusion of collective agreements for the next year.

Collective agreements are entered into each year in Soviet undertakings by the works trade union committee on the one hand, acting for the staff and following their instructions, and by the works management on the other. These agreements fix labour and pay conditions that apply in undertakings (institutions, state farms or groups of such production units). They also fix the contents of individual labour agreements which may be entered into in the future.

The provisions of the collective agreement apply to all persons employed in the undertaking concerned, without discrimination of race, nationality, sex, age, religion or membership of a trade union or political party. In order to prevent the possible violation of its provisions by some economic managers, the Labour Code states that the agreement does not apply to members of the management who have the right to take on and dismiss workers.

Collective agreements are concluded for the period of one year. This method makes it easier for the parties to control the enforcement of their reciprocal contracts and enables the workers to introduce new provisions into them each year, which indicate the progress made up to that point with regard to remuneration, security and labour efficiency.

Provisions of a collective agreement that might be less favourable to workers than those of the legislation in force are null and void.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 34.

<sup>2</sup> Ibid., pp. 34 and 12.

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., p. 35.

Every collective agreement in an undertaking must be registered with the regional economic council and the Public Prosecutor or competent government service on the one hand, and with the corresponding trade union council on the other. This registration system facilitates public control over the enforcement of contractual and legislative provisions. It also makes it easier for the trade unions to control the enforcement of contracts entered into by the managements in undertakings.

Amongst methods used to this end by Soviet trade unions the report mentions for example the quarterly inspection programmes by the working masses for the enforcement of collective agreements, in which all the workers of the undertakings concerned are called upon to participate. At other times joint meetings are also held in undertakings to enable the workers to hear the reports of the management and the trade union and to come to a decision on them.

Furthermore, in the U.S.S.R. there is a very efficient system of control over Socialist legality, which is the responsibility of the Attorney-General of the Soviet Union under article 13 of the Constitution. This system enables the agents of the Public Prosecutor at all levels to avail themselves of any ordinance or other decision taken by the Ministries or other government departments, undertakings, local administrations, co-operatives and other social or public organisations, or by the individual managers of the latter, with a view to checking the legality of the action concerned. If they constitute a violation of the law, the agents of the Public Prosecutor are to take action to enforce the restoration of legality. In doing this they are acting independently of any other local authority and they are responsible only to the Attorney-General of the Union.

Members of the management and heads of government administrations are responsible for maintaining order if promises provided for in a collective agreement are not carried out. In the case of the intentional violation of an agreement, criminal proceedings can also be started against the managers responsible. Furthermore, the undertaking is materially responsible if the provisions of the agreement are not carried out. On the other hand, trade unions do not assume any civil or material liability for contracts. Such contracts only involve for the trade union organisations and workers political or moral responsibility.

Differences which might involve opposition between workers and the management of an undertaking and which refer to the enforcement of the provisions of a collective agreement are examined in the first place by joint committees in undertakings comprising representatives of the management and the trade union committee.

As the most important provisions in a collective agreement refer to the remuneration of labour, the permanent wage committees set up by trade union committees in undertakings or workshops also play an important role in this respect. A member of the trade union committee in the undertaking is chairman of these committees, which include workers, employees and technicians. They are called upon to exercise a daily control over the enforcement of scales of remuneration, methods of payment

according to profit, the concession of special bonuses, etc.

The Government states that legislation and practice are in full accord with the provisions of the Recommendation and that, therefore, no amendment is necessary.

Measures dealing with the matters dealt with in the Recommendation are taken both at the federal level and at the level of the various Republics.

#### *United Arab Republic.*

##### *Egypt.*

Collective Employment Act No. 97 of 24 July 1950 respecting collective bargaining (L.S. 1950—Eg. 2).

The Government states that effect is given to all the provisions of the Recommendation in virtue of Act No. 97.

The labour department and labour offices are entrusted with the supervision of the application of the Act. Employers' and workers' organisations are not called upon to co-operate in this application of the law.

No modifications to the Recommendation appear to be necessary.

#### *United Kingdom.*

The Government states that there has been no change since its report of 1955<sup>1</sup>, except that the references to the Bacon Industry Act, 1938, and to the Cotton Manufacturing Industry (Temporary Provisions) Act, 1934, should be deleted; and that the Sugar Act, 1936, should be replaced by the Sugar Act, 1956.

#### *United States.<sup>2</sup>*

Railway Labor Act, 1926 (Arbitration and Conciliation) (L.S. 1926—U.S.A. 1). Amended by Public Law No. 442 (L.S. 1934—U.S.A. 1) and by Public Law No. 914 (L.S. 1951—U.S.A. 1).

Norris-La Guardia Act (Anti-Injunction Act, 1932) (L.S. 1932—U.S.A. 2). Sections 111 and 112 were repealed by C. 645 §21 Act of 25 June 1948 (62 Stat. 862). Former Section 111 is covered by Rule 42 of Federal Rules of Criminal Procedure.

Wagner Act (National Labor Relations Act, 1935) (L.S. 1935—U.S.A. 1).

Taft-Hartley Act (Labor-Management Relations Act, 1947) (L.S. 1947—U.S.A. 2). Amended by Public Law No. 189, Ch. 534 (82nd Congress, 1st Session, approved 22 October 1951).

The Government states that this Recommendation is considered to be appropriate in part for federal action and in part for action by the constituent states.

Collective bargaining is basically a free, private and voluntary system fundamental to the country's free enterprise economy. Government regulations exist to the minimum extent necessary to provide certain rules designed to promote and protect the free functioning of this system.

#### *Federal Action.*

*Part I of the Recommendation.* The negotiation, conclusion, revision and renewal of collective bargaining agreements is essentially a

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 35-36.

<sup>2</sup> This summary is based on the United States Government report of 1955, which was received too late to be published in time for the 39th Session of the Conference (1956) and on its report of 1957.

private and voluntary procedure. Machinery for such action is established by agreement between employers and workers. Title I of the Labor-Management Relations Act makes refusal to bargain collectively an unfair labour practice (section 8 (a) (5) and 7 (b) (3)). Section 8 (d) of Title I of the Act provides certain specific rules that must be followed in order to comply with the specific obligation to bargain collectively.

Sections 201-205 of the Labor-Management Relations Act impose the duty upon employers and employees to make and maintain collective bargaining agreements and establish a Federal Mediation and Conciliation Service. The function of this service is to assist parties to labour disputes and to settle such disputes through conciliation and mediation.

In the same manner the Railway Labor Act governs labour relations of railroads and airlines and their employees. It provides two agencies for the administration of its provisions: the National Mediation Board in Washington, D.C., and the National Railroad Adjustment Board in Chicago. Both organs are bipartite. Their action tends to the adjustment of grievances. They handle disputes concerning designation of representatives for collective bargaining purposes, negotiation of changes in rates of pay and new or revised collective bargaining agreements, and interpretation of agreements reached through mediation.

*Part II.* The term "collective agreements" as used in the United States is used as set forth in the Recommendation. Title I of the Labor-Management Relations Act provides procedures for the selection by employees of their representatives free from coercion or interference by employers (section 9) and prohibits employers' domination or support of or interference with labour organisations, with procedures for enforcing this prescription. Such practices are declared unfair by section 8 (a) (2), 8 (b) (2), and 10 of Title I. The National Labor Relations Board enforces these provisions. The Board issues where necessary "cease and desist" orders. The Railway Labor Act guarantees the same protection to railroad and airline personnel.

*Part III.* At the federal level collective bargaining agreements are made binding on the signatories by section 301 of the Labor-Management Relations Act of 1947. This section authorises damage suits by and against both unions and employers for breach of such contracts and permits the union to sue or be sued in the courts of the United States. Title I of the same Act makes the union chosen by a majority of the employees in the unit covered the exclusive bargaining representative for those employees. The Railway Labor Act guarantees the enforceability of provisions of collective bargaining agreements by providing special procedures for handling disputes arising out of the interpretation of their terms. It provides further that agreements may be altered or amended only in the manner prescribed in the agreement or after 30 days' written notice. Employers and workers cannot include in contracts of employment stipulations contrary to those in the collective agreements. Such stipulations would be null and void. It is the understanding of the United States Govern-

ment that Paragraph 3 (3) of this Recommendation applies only to collective agreements which merely state minimum conditions of employment, and that it does not sanction the use of individual employment contracts to break a union.

The stipulations of a collective bargaining agreement apply to all the workers of the classes concerned employed in the undertaking covered by the agreement.

*Part IV.* The provisions of a collective bargaining agreement extend only to those employees in the particular unit represented by the union doing the bargaining and are not extended outside the scope of that unit without the consent through voluntary collective bargaining of the employers and workers of whatever other unit or units may be covered. Sometimes collective bargaining agreements may cover an industry or territorial area but where they do it is through the processes of free collective bargaining.

*Part V.* The majority of collective bargaining agreements provide procedures and machinery for settlement of disputes arising out of interpretation of the collective bargaining agreement. The Labor-Management Relations Act (section 204) and the Railway Labor Act provide procedures for assisting the parties in settling such disputes by mediation and conciliation (Federal Mediation and Conciliation Service, National Railroad Adjustment Board, National Mediation Board).

*Part VI.* The supervision is a matter for the parties to the agreement subject, of course, to the rules of law and the provisions of the legislation referred to in another section of this report.

*Part VII.* The Railway Labor Act requires every carrier to file with the National Mediation Board a copy of every contract with its employees (section 5 (e)). The Labor-Management Relations Act requires the Bureau of Labor Statistics to maintain a file of copies of all available collective bargaining agreements.

Section 9 (c) (3) of Title I of the Labor-Management Relations Act provides that no election shall be directed in any bargaining unit within which in the preceding 12 months' period a valid election shall have been held. Moreover, the National Labor Relations Board has adopted the "contract bar" rule. The same type of provision exists in the Railway Labor Act. The certification of the new collective bargaining agent to represent a class or craft of employees does not have any effect upon an existing collective bargaining agreement made on behalf of such employees by their previous representative.

#### *State Action.*

The matters dealt with in the Recommendation may also be established at the state level by agreements between the parties. It has been held by the Supreme Court of the United States that the right of collective bargaining is a fundamental right of employees which existed prior to and is independent of legislation like the Labor-Management Relations Act of 1947 (*Amalgamated Utility Workers v. Consolidated Edison Company*, 309 U.S. 261). The agree-



ments are enforceable by any lawful means including application of the general principles of contract law and legitimate economic pressures. The injunctive powers of equity have also been held to be available to ensure the right of collective bargaining.

The matters dealt with in the Recommendation are further covered by statute in 12 states, Hawaii and the Commonwealth of Puerto Rico, which have enacted comprehensive labour relations laws. In addition 12 states, including five of those with labour relations laws, and Hawaii, provide statutory procedures for encouraging the making of collective agreements between public utility employers and their employees and provide settlement procedures for labour disputes in those industries. However, these latter statutes must be viewed in the light of the Supreme Court's decision in *Amalgamated Association of Street Electric Railway and Motor Coach Employees v. Webb* (1951), 340 U.S. 383, holding that the Congress had, by passage of the National Labor Relations Act and the Labor-Management Relations Act, closed to state regulation the fields of peaceful strikes in industries affecting inter-state commerce. At present 43 states, the District of Columbia, Alaska, Hawaii and the Commonwealth of Puerto Rico have some kind of facilities, established by law or practice, for mediating labour disputes in any industry. All three of the territories and 35 of the states have specific statutes under authority of which mediation is carried on by a state agency. In the other eight states the labour departments mediate without specific statutory authority, six of the eight interpreting the general powers of the department to be broad enough to include authority for mediation, and the other two offering mediation upon the order of the Governor.

Only five states today have no agency to mediate general labour disputes. However, in two of these there are statutes providing mediation or arbitration procedures to be followed in settling disputes in public utilities; and in a third the Governor is authorised to refer labour disputes to a specially appointed industrial commission for investigation, hearing and report. Disputes in the District of Columbia are subject to the jurisdiction of the Federal Mediation and Conciliation Service.

Hawaii, the Commonwealth of Puerto Rico and all but five of the 35 states that provide

for mediation by statute have some provision for arbitration if mediation is unsuccessful.

The Labor-Management Relations Act of 1947 provides that the Federal Mediation and Conciliation Service shall make its mediation facilities available in labour-management disputes threatening a substantial interruption of inter-state commerce. The Director of the federal service is authorised to establish suitable procedures for co-operation with state and other local mediation agencies.

In order to comply with this authorisation and maintain a working relationship with these non-federal agencies, the Federal Mediation and Conciliation Service has issued a uniform regulation applying alike to all states and territories and the Commonwealth of Puerto Rico.

The federal service determines whether it will enter a dispute affecting inter-state commerce. However, it recognises that the non-federal mediation agencies may have an interest in a labour dispute and that the best interests of all concerned may best be served by co-operation and co-ordination of activities so as to keep duplication as well as industrial strife to a minimum.

The authorities entrusted with the application of the legislation discussed, and the manner in which employers' and workers' organisations are called upon to co-operate in this application, are mentioned above.

The Government states that the United States practice is in full compliance with the provisions of this Recommendation which, as the instrument provides, are appropriate to conditions in this country.

#### *Uruguay.*

Act No. 9675 of 4 August 1937.

In the course of 1957 nine collective agreements relating to wages and other matters were registered by the National Labour Institute.

#### *Viet-Nam.*

The Government repeats information supplied in its report of 1955 on this Recommendation.<sup>1</sup>

<sup>1</sup> See Report III (Part II) prepared for the 39th Session of the Conference (1956), op. cit., pp. 36-37.

## Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)

### *Afghanistan.*

See under Convention No. 87.

### *Argentina.*

National Constitution : Reform of 24 October 1957.

Legislative Decree No. 23852/45 approved by Act No. 12921 (*L.S.* 1945—Arg. 3).

Legislative Decree No 9270/56 (*L.S.* 1956—Arg. 2).

As part of the constitutional reform of October 1957 the following text was added to article 14 of the Constitution : "Labour in its various forms shall enjoy legal protection so as to ensure for the worker : ... a share in the profits of the undertaking, together with the management of production and co-operation in the undertaking ...." It is now for the legislature to adopt texts giving effect to these principles.

The only provision in the above article which so far has been put into effect is that referring to co-operation. This takes place through so-called "works committees" and "delegates". These instrumentalities are not provided for by statute, but are well known in practice and are established under various collective agreements (woodwork, paper, light and power, metallurgy, rubber, etc.).

The "internal committees" are not works councils, even though they have some of the functions of the latter. They are actually organs of supervision and co-operation. As such they have reserved for themselves, as their main function, the right to submit to the management complaints on the part of workers arising out of individual contracts of employment.

The composition of these committees varies. As a rule they are elected by the union or by its members among the staff of the undertaking. The names of the members may—but need not—be communicated to the employer by the union. Membership in the latter is usually a prerequisite for election to the committee ; sometimes a minimum period of employment is also required.

The members of the committees enjoy special protection against action by the employer to impose sanctions on them or modify their contracts of employment by reason of their committee functions. Actions of this sort are considered as unfair practices and are submitted to the National Labour Relations Board (sections 29 and 31 of Legislative Decree 9270/56 and 52 of Legislative Decree 23852/45, Act 12921). At the same time, on the basis of past jurisprudence, members of works committees are expected to achieve maximum output and display exemplary conduct at their jobs. Meetings with the head of the undertaking take place with a certain degree of periodicity and, in some cases, the employer receives the book containing

the complaints of the committee to which he must reply within a reasonable period of time.

The activities of works committees are supplemented by those of section delegates, who perform a fact-finding function and relieve the management and the works committee of the handling of comparatively minor cases. In practice it has been found best for these persons to carry out their functions outside of working hours and off the work premises.

Although the works committees constitute the main form of consultation machinery, undertakings frequently resort to other means, including showcases in which notices for the mutual information of the parties are posted, announcements and communications, mural posters, individual interviews, conferences, meetings, etc.

The authorities who supervise the working of consultation machinery in the undertaking are the occupational association concerned and the National Labour Relations Board (sections 29 and 81 of Legislative Decree 9270/56 and 52 of Legislative Decree 23852/45, Act 12921).

The Government considers that under its constitutional system the provisions of the Recommendation are most appropriate for federal action.

### *Australia.*

Under the Australian constitutional system the provisions of the Recommendation are considered as appropriate for action partly by the Commonwealth and partly by the states.

The Commonwealth and state Governments encourage employers and workers to adopt voluntarily methods of consultation and co-operation on matters of mutual concern not within the scope of collective bargaining machinery or not normally dealt with by machinery concerned with the determination of terms and conditions of employment.

The most common medium is formal management-worker committees, use of which seems to be steadily growing. Two main types are being developed. The first is a general committee at which the range of matters discussed is usually limited only by the exclusion of "industrial matters", and includes such matters as physical working conditions, amenities, production methods, health and safety promotion, absence from work, time-keeping, employee grievances, welfare and benefit schemes and recreation facilities. The second is the special-purpose committee confined to a particular subject or activity such as safety, welfare, social functions, suggestion schemes, bonus plans and profit sharing.

Various other methods are being developed to facilitate the exchange of information as a means of closer co-operation between employers



and workers, such as suggestion schemes, which are increasing in number, house magazines, etc. Training conferences and *ad hoc* informal consultation are quite common.

One method of furthering consultation and co-operation on particular practices is to have employee representatives participating in planning and in implementing them. For example, a few undertakings now include shop stewards in their work study teams.

### *Austria.*

Works Councils Act, 1947 (*L.S.* 1947—Aus. 2).

Rules of 1947 for Works Councils (*Bundesgesetzblatt* 22/1947).

Chambers of Labour Act, 1954 (*L.S.* 1954—Aus. 2).

Section 5 (5) of the Works Councils Act provides that the owner of the undertaking may attend works meetings, if invited. Section 14 of the Act gives works councils the following powers and duties. They are to supervise the observance of collective agreements and other employment agreements and to conclude supplementary agreements on matters provided for in collective agreements. Wage rates, if not fixed by collective agreement, must be fixed in agreement with the works council. Rules of employment, unless determined by agreement between bodies capable of concluding collective agreements, require the consent of the council. The works council must be notified of the engagement of new employees. The permanent transfer of an employee to another workplace, involving reduction of wages or less favourable conditions of work, requires the council's consent. The works council must be informed immediately of the arrival of any inspection official. Holiday rosters are to be agreed with the council. The works council is to participate in the administration of welfare schemes. It also co-operates in the maintenance of discipline.

Section 14 of the Works Councils Act also places the duty on works councils of making suggestions for promoting efficiency and productivity. The employer may and, if requested by the council, must, hold monthly joint meetings with the council to discuss management and improvements in working arrangements. As regards commercial, banking and insurance firms with 30 or more employees, factories and mines, provision is also made for copies of balance sheets to be furnished to the works councils, for them to be informed of the economic situation of the undertaking, production, etc., and for the participation of the councils in plans relating to the output, investments, sales, etc. In the case of companies, provision is also made for the appointment of two members of the works council to the board of directors.

Under section 25 of the Works Councils Act, in establishments where works councils or delegates are appointed, the council's consent is required for all notices of dismissal or summary dismissals. If a worker is dismissed notwithstanding the refusal of the council's consent, the dismissal can, in certain cases, be challenged before the Conciliation Board.

Enforcement of the Works Councils Act is in general the responsibility of the Federal Ministry of Social Administration. Employers' and workers' organisations participate in the

application of the Act in certain cases. Thus, under section 5 (4) of the Act, where the works council is unable to function or does not exist, the trade unions concerned must be notified of works meetings and of the subjects to be discussed. Rule 7 (2) of the Rules for Works Councils gives the trade unions and the competent Chambers of Workers and Salaried Employees the right to send representatives to works meetings. Under section 2 (*k*) of the Chambers of Labour Act, the functions of the Chambers of Labour and of the Congress of Chambers of Labour include advising works councils or staff representatives and instituting arrangements to advance and reinforce their work.

The Government considers that the Recommendation is fully implemented by Austrian legislation, and that the modification of the Recommendation is not necessary.

### *Belgium.*

#### *Works Councils.*

Act of 20 September 1948 to make provision for the organisation of the economic life of the country (*L.S.* 1948—Bel. 8), supplemented by the Act of 18 March 1950 and amended by the Acts of 15 June 1953 and 15 March 1954.

Order of the Regent of 13 June 1949 to organise works councils, amended by the Order of the Regent of 11 January 1950 and the Royal Orders of 27 October 1951, 27 March 1954, 7 February 1957 (*L.S.* 1949—Bel. 7; 1957—Bel. 1).

Order of the Regent of 13 July 1949 to make provision for the election of delegates to works councils, amended by the Order of the Regent of 11 January 1950 and the Royal Orders of 27 October 1951, 30 March 1954 and 9 October 1954.

Order of the Regent of 23 November 1949 to fix the conditions of franchise for the constitution of works councils and the procedure relating to the drawing up of electoral lists.

Royal Order of 27 November 1950 to implement the Act of 20 September 1948 to make provision for the organisation of the economic life of the country, and in particular article 15 (*b*).

National Agreement concluded by the National Labour Board dated 16 July 1958.

#### *Trade Union Delegations.*

National Agreement of 16 and 17 June 1947.

Collective agreements concluded by joint national committees concerning trade union delegations.

#### *Committees on Safety, Hygiene and the Embellishment of Workplaces.*

General regulations for the protection of labour approved by the Order of the Regent of 11 February 1946 and amended by the Orders of the Regent of 6 July 1946 and 27 September 1947.

Order of the Regent of 27 September 1947 to approve parts III, IV and V of the General Regulations for the Protection of Labour.

Royal Order of 22 April 1958 concerning the appointment of staff delegates to security committees and district committees for the safety, hygiene and embellishment of workplaces.

#### *Works Councils.*

The Act states that a works council must be set up in every undertaking which employs at least 50 workers on a permanent basis. Only those undertakings which employ more than 200 workers, however, are at present obliged to have a works council, but the National Labour Council has just expressed the opinion that works councils should be extended to include undertakings employing at least 150 workers.

Works councils have the following duties :

(a) To give advice and to make suggestions for amending labour organisation, working conditions and the works output.

(b) To receive information of an economic and financial nature from the head of the undertaking with special reference to productivity, the general running of the works and its economic results. The extent and kind of information required and the reports and documents to be communicated are fixed by the King by means of an order decided upon by the Council of Ministers, where occasion arises according to category of undertaking, at the suggestion of or after consultation with either the competent industrial council or the Central Economic Council or the most representative organisations of works directors and of workers. At the request of the members of the works council the reports and documents communicated are certified as correct and completed by a sworn auditor, who is approved by the competent industrial council or the King, at the suggestion of the most representative organisations of works directors and of workers. The auditor is nominated by the works council, or, in case of disagreement in the latter, by the competent industrial council. The rules for works auditors are fixed in accordance with section 65 of the Companies Act.

(c) To give advice or reports on all economic questions within their competence which have been submitted to them beforehand either by the industrial council concerned or the central economic council.

(d) To draw up and amend workshop regulations and works internal regulations and to see to the strict enforcement of industrial and social legislation.

(e) To examine the general criteria to be followed in case of dismissal and recruitment of workers.

(f) To see to the enforcement of all general provisions concerning the undertaking, with particular reference to occupational qualifications.

(g) To fix the dates of annual holidays and to establish a staff rota if necessary.

(h) To administer all social bodies set up by the undertaking for the welfare of the staff, unless these bodies are under the independent administration of the workers.

(i) To examine all action calculated to develop a co-operative spirit between the works director and his staff, in particular by the use of the language of the region for internal works reports.

(j) According to the methods and conditions to be fixed by Royal Order, works councils may be empowered to carry out the duties of safety and hygiene committees set up by the Order of the Regent of 3 December 1946 and the Order of the Regent of 25 September 1947.

A works council comprises an employers' delegation composed of one or more delegates nominated by the head of the undertaking. This delegation may not exceed the size of the staff delegation which varies from 3 to 20 members according to the importance of the undertaking. Young workers' delegates do not form an actual part of the works council but they may be called

upon to give their opinion on questions which specially concern them. The number of members of a staff delegation can be increased by a unanimous agreement entered into between the heads of undertakings and the most representative workers' organisations. The number may not exceed the number laid down by the Act, however.

Staff delegates are elected for four years and are eligible for re-election. The powers of regular or deputy delegates come to an end when delegates cease to be employed by the undertaking or when they no longer belong to the organisation which put them forward as candidates. These powers may be withdrawn by the organisation if the candidate commits a serious offence, and he may be prosecuted, if necessary, before the arbitration board.

A delegate can be dismissed only for serious reasons or on economic and technical grounds that have been previously acknowledged by the competent joint committee. A worker who has been put forward as a candidate at the elections also profits by these protective provisions for four years in the case of his first election and for two years if he stands for re-election. If a regular delegate or candidate is dismissed by the employer despite these protective provisions, he may request the latter to reinstate him in the undertaking. If the employer does not carry out his request, the worker can then sue him before a conciliation board for compensation equivalent to two years' wages, including any benefits which would be due to him by virtue of his contract.

A works council meets at the undertaking at least once a month at the request of the head of the undertaking or of at least half the staff representatives.

Joint national committees have been instructed to draft standard internal regulations for works councils, which shall apply either to all the workers under their competence or else to a part of them. Obligatory powers have been given to the internal regulations established by joint committees in virtue of article 12 of the Order of 9 June 1945 if the parties concerned so desire. In cases where joint committees had not established internal regulations within the time allowed or had omitted to request their obligatory enforcement, standard internal regulations were established by Royal Order at the Minister's suggestion.

#### *Trade Union Delegations.*

In July 1946 the National Labour Conference recognised the value of setting up trade union delegations in actual undertakings. The rules and duties of these delegations were drawn up by the joint committees and the general joint council was invited to fix its general principles. These principles are contained in the National Agreement signed on 17 June 1947. They were formulated in a precise manner in order to enable the joint committees to draw up, within the same general pattern, individual agreements adapted to the specific character of the various sectors of activity. After a detailed analysis of existing collective agreements, it can be said that in general the principles of the National Agreement have been adopted or developed : the protection of the trade union delegations is guaranteed by the heads of undertakings ; claims

are forwarded through the usual channels ; the proper functioning of delegations must not be held up by heads of undertakings, who cannot dismiss members of delegations without informing the latter. Moreover, individual agreements determine the way delegates are nominated and elected and their numbers in proportion to the workers employed, the length of their commission and the conditions under which it comes to an end.

The National Agreement has been widely enforced. Thus, by 30 July 1958, 28 agreements (the texts of which were appended to the report) had been concluded by joint committees. They cover the most important sectors of the national economy. In most cases, however, joint committees have only confirmed the existing situation and the problem of the general implementation of trade union delegations still remains linked above all with the development of trade union organisations in the different sectors of industry.

#### *Committees for Safety, Hygiene and the Embellishment of Workplaces.*

Every employer with at least 50 workers under him is obliged to organise a service for the safety, hygiene and embellishment of workplaces. The functions of the committee for safety, hygiene and the embellishment of workplaces are the following : to make regular visits to workplaces in order to ensure the enforcement of regulations concerning safety, cleanliness and hygiene ; to take appropriate action with a view to remedying confirmed causes of danger ; to ensure that these measures are enforced and supervise their effectiveness ; to give orders or the necessary advice for the observation of these measures ; to use the appropriate means for giving the staff the right ideas on safety and hygiene ; to make regular reports concerning the safety and hygiene conditions in the undertakings on the one hand and accidents occurring in the said undertaking on the other.

Except where the number of staff delegates on a committee for safety, hygiene and the embellishment of workplaces is concerned, the methods of electing and fixing the rules of procedure for members of this committee are the same as those for works councils.

In accordance with section 55 of the Royal Order of 22 April 1958 the first elections for setting up the said committees are to take place at the same time as the elections for the renewal of works councils, i.e. in the course of the last quarter of 1958. The authorities responsible for supervision of the enforcement of the legislation in question are the following : (1) Welfare inspectors and controllers with regard to works councils and trade union delegations ; these officials are also instructed to organise elections to committees for safety, hygiene and the embellishment of workplaces. (2) Technical, medical or chemical inspection officials, who are instructed to see that the safety committees function properly.

In case of violation the inspectors draw up a note of the particulars. Joint committees and conciliation boards may be called upon to settle some disputes, the former in general and the latter in specific cases.

#### *Bulgaria.*

Labour Code (L.S. 1951—Bul. 2 ; 1957—Bul. 2).

Instructions issued on 22 August 1951 by the Central Council of Trade Unions regarding meetings of workers in undertakings to consider questions of production.

Resolution of 28 March 1958 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Council of Trade Unions to extend the rights of managers of undertakings, trade unions and organisations with a view to the more active participation of workers in the management of production.

As the Labour Code and other legislation regulate conditions of employment in great detail and in view of the wide range of matters covered by collective agreements, there exists in Bulgaria only limited scope for the measures provided for in paragraph 1 of the Recommendation.

Section 5 (1) of the Labour Code (as amended) provides for the participation of workers in the management of undertakings through the trade unions. The most common form of such participation consists of production meetings. In accordance with the instructions issued on 22 August 1951 by the Central Council of Trade Unions these meetings are prepared, called and conducted by the trade union committees, with the participation of the works managers. They are called for each production brigade in the trade union groups of the different sectors of production within the undertaking. All the wage and salary earners in the particular production unit participate in the meeting.

In accordance with the above-mentioned resolution of 28 March 1958 production meetings must consider primarily questions concerning production plans, improvements in the organisation of work and in the quality of output, reductions in costs, technical standards, occupational safety and health, etc. All proposals made are examined jointly by the management and trade union, and if approved become binding on the former. The trade union committees and other trade union agencies systematically supervise the application of these decisions, and works managers report on their implementation to workers' meetings and production meetings.

#### *Burma.*

Trade Disputes Act.

The Trade Disputes Act (section 2 A (1)) provides that, in any industry in which 50 or more workmen are employed or have been employed on any day in the preceding 12 months, the President may by general or special order require the employer to constitute a works committee or committees consisting of representatives of employers and workmen in the industry ; however, the representatives of workmen shall not be less than the number of employer's representatives. The workmen's representatives are to be chosen from among the workmen engaged in the industry and in consultation with their trade union, if any, registered under the Trade Union Act.

The function of the works committees is to secure the greatest measure of co-operation between the management and the employees with a view to increased efficiency and the well-being of the employees and also to provide a means

whereby the employees can be kept informed of the state of the industry, particularly with regard to questions concerning safety, health, welfare, recreation, education and training, related personnel problems, including individual grievances, improvements in methods of production, means of encouraging and utilising employees' ideas and suggestions, and any matter affecting the industry which they decide to consider.

The Director of Labour has been invested with power to direct employers to constitute works committees in accordance with the Trade Disputes Act.

It is not intended to take any further measures to give effect to the Recommendation.

### *Byelorussia.*

Constitution of the Byelorussian S.S.R.

Model internal rules of 12 January 1957 on staff and labour matters for state, co-operative and welfare undertakings and institutions, approved by the State Labour and Wages Committee of the Council of Ministers in agreement with the All-Union Central Council of Trade Unions of the U.S.S.R.

Decree of 31 January 1957 of the Presidium of the Supreme Soviet of the U.S.S.R., to approve Regulations relating to the consideration of labour disputes (L.S. 1957—U.S.S.R. 1).

Ordinance of 9 July 1958 of the Council of Ministers and the Central Council of Trade Unions of the U.S.S.R. to approve Regulations relating to production conferences acting on a permanent basis in industrial undertakings and on construction sites, state farms, machine and tractor service and repair stations.

Decree of 15 July 1958 of the Presidium of the Supreme Soviet of the U.S.S.R. to approve Regulations relating to the powers of works committees and local trade union committees.

The report recalls the various provisions of the Byelorussian Constitution, in particular with regard to the socialisation of all the means of production, the elimination of private property (articles 4 and 6), the principle of state economic planning which aims at promoting the welfare of the population (article 11), and the obligation to work which is the duty of all citizens (article 12).

*Undertakings and their directors.* In Byelorussia each state undertaking is directly administered by a single head, who is the director of the undertaking. All the material and financial resources that he needs are at his disposal.

The enforcement of the principle of the "single head", however, is linked with the development of creative initiative among the staff. Their relations with the management are founded on socialist ties of co-operation and mutual help, conducted by persons freed from all exploitation. The director and the staff are equally concerned both in increasing production and improving the workers' level of material and cultural living conditions. Thus all the necessary conditions for efficient and profitable co-operation are to be found in Byelorussian undertakings.

*Socialist competition in labour.* Socialist competition, which is a very widespread method, aims at introducing the most efficient production methods and processes and raising the cultural and technical standard of the workers. It is an influential means for educating workers and developing an atmosphere of reciprocal

co-operation and has enabled a rapid increase in production in all sectors of the national economy.

*Permanent production conferences.* These conferences, which are to be set up in all undertakings employing at least 100 workers, comprise the workers in undertakings together with employees, representatives of the trade union committee, the management, social and public organisations, scientific and technical societies and groups of inventors and time and labour saving experts. The members are appointed at workers' general assemblies and their commission lasts as long as that of the trade union committee.

It is the duty of these members to organise sessions of the conference and to exercise a systematic control over the application of their decisions. The conference itself elects a permanent presidium, comprising from 5 to 15 persons, including the chairman and the secretary of the conference.

The conference takes part in particular in the drawing up of production plans and examines the various methods calculated to ensure their proper execution; further, it is responsible for drafting regulations with a view to ensuring optimum production.

The works management is obliged to do all it can to ensure the success of the conference's work and to eliminate defects noted by the conference. It must also give the conference all the essential facts concerning conditions in the undertaking.

The conference meets when necessary, but it must meet at least once every three months (once a month where workshop conferences are concerned). It can examine both questions on the agenda and those put forward by the various organisations' representatives or by individual members of the works staff. Absolute majority decisions are necessary and must be strictly in accordance with the legislation in force. It is the duty of the works management to carry out the conference's decisions and to report to it in this respect at a later session.

The conference is obliged to report on its activities to the general staff assembly at least once every six months. The assembly has the right to dismiss conference members before the termination of their commission.

*The works trade union committee.* In accordance with the regulations for 1958 concerning the powers of local and works trade union committees, the latter are called upon to co-operate with the management with regard to all questions relating to labour and the workers' material and cultural living conditions.

Some questions can be settled only with the assent of the trade union committee; in particular these include the fixing of jobs to be paid at time or at piece rates, rates for different operations (shifts) and for individual workers, taking into account their grade, the fixing or the revision of profit norms, bonus systems, etc.

The trade union committee exercises general control over the enforcement of labour legislation and security and hygiene standards. It has representatives on the committees whose duty it is to authorise the opening of new workshops or works departments.

The trade union committee administers the state social insurance system with regard to the workers it represents ; in particular it is empowered to fix the sum of temporary social insurance benefits.

The trade union committee supervises the carrying out of the works plans with relation to the construction of housing and buildings for the use of cultural and social services ; at the same time it checks up on the way the funds allotted for this are used. The distribution of available housing between staff members is done on the basis of a joint decision by the management and the trade union committee.

In conclusion the report points out that the trade union committee may, if necessary, appeal to the competent courts for the dismissal of works directors who do not carry out the provisions of collective agreements and who violate labour legislation, etc. Moreover, works directors are nominated after consultation with the trade union committee.

*Scientific and technical societies.* In Byelorussia there are 17 industrial societies of a scientific and technical nature which bring together the foremost scientists, technicians and workers in the most highly developed sectors of the national economy. These societies have sub-units in undertakings which are concerned with the improvement of production techniques ; they also organise scientific and technical conferences, excursions, visits to undertakings, etc. In Byelorussian undertakings there are also many societies of inventors and time and labour-saving experts. In particular they help their members to follow up suggestions for rationalisation and check the estimates of their economic resources and calculate the bonuses due to the originators of the various interventions and time and labour-saving proposals. They also see to it that suggestions of this nature are effected without unnecessary delay, and they examine any complaints of those concerned that might crop up.

*Joint committees for examination of disputes.* For all labour disputes between staff members on the one hand and the management on the other, application has to be made in the first instance to these committees, which comprise an equal number of representatives of the management and the trade union committee. They also examine differences of opinion with regard to the enforcement of labour legislation, collective agreements and works internal regulations. The management is obliged to carry out the decisions of these committees within a normal limit of ten days. Otherwise the trade union committee will issue an enforceable order ensuring the worker the payment of the loans due to him (compensation for loss of wages, etc.).

The government considers that the national provisions relating to co-operation in undertakings are more favourable than those provided for by the Recommendation.

#### *Canada.*

##### *Federal Action.*

Consultation and co-operation between employers and workers at the level of the undertaking is promoted by the Labour-Management

Co-operation Division, Industrial Relations Branch, Department of Labour, not under special legislation but as one of the functions coming under the general legislation of the Department of Labour.

A staff of trained industrial relations officers is maintained to advise, encourage and assist labour and management to practise co-operation and consultation. In addition, there is a publicity staff, responsible for research, data, films, and other publicity. An advisory committee comprising representatives of employers' associations and trade unions advises the Minister of Labour on matters relating to the administration of the Division.

Copies of various pamphlets, leaflets and posters issued by the Labour-Management Co-operation Service are appended to the report.

The promotion by laws or regulations of bodies for consultation and co-operation in accordance with the Recommendation is not appropriate for federal action under the Canadian constitutional system.

#### *Action by the Provinces.*

Provincial authorities have no machinery for promoting co-operation at the level of the undertaking. No arrangements have been made within the federal state for co-ordinated action to give effect to the Recommendation. However, federal authorities make their services and literature available to employers and workers under provincial jurisdiction.

The Government considers that Paragraphs 1 and 2 (a) of the Recommendation are fully applied, and that Paragraphs 2 (b) and (c) are not applicable to conditions existing in Canada. No action is contemplated to promote consultation and co-operation otherwise than by the encouragement of voluntary agreements between the parties.

#### *Ceylon.*

There is no legislation on the matters dealt with in the Recommendation, but administrative steps have been and will continue to be taken to promote consultation and co-operation between employers and workers at the level of the undertaking through the encouragement of voluntary agreements between the parties.

Joint committees have been established in some undertakings by means of such agreements.

#### *Chile.*

There are no special statutory provisions in Chile respecting the encouragement of co-operation between employers and workers in undertakings. However, a movement of opinion is being initiated at the administrative level in order to create an atmosphere favourable to the establishment of bodies for such co-operation, and an inquiry among employers and workers has been started by means of forms attached to Circulars No. 3 of 15 July 1957 and No. 4 of 30 August 1957.

#### *Colombia.*

See under Recommendation No. 91.

*Costa Rica.*

There are no legal provisions regulating systematically and generally the matters referred to in this Recommendation. Since most of the work is carried on in small undertakings, direct personal relations between employers and workers are the usual means of consultation and co-operation between them on relevant matters.

Under sections 497, 498 and 499 of the Labour Code, however, there are certain provisions which bear some relation to the matters dealt with in the Recommendation.

The various points of the Recommendation will be studied to ascertain how far they can be applied in accordance with the requirements of national circumstances.

*Cuba.*

Legislative Decree No. 568 of 1952.

The above legislative decree of 1952 established the Directorate-General of Labour-Management Relations in the Ministry of Labour. This is required to undertake conciliation between employers and workers in undertakings, to ascertain their opinions regarding labour policy, to give information on contingencies which may affect management-labour relations and to promote agreements between employers and workers.

The activity of the Directorate-General is of an eminently conciliatory character and acceptance of its help is voluntary.

*Denmark.*

A voluntary agreement on the establishment of works committees in the majority of undertakings within handicraft and industry was concluded on 6 June 1947 between the Danish Employers' Confederation and the Confederation of Danish Trade Unions. A copy of this agreement is appended to the report.

The agreement provides for the establishment of a joint board responsible for promoting the activities of the works committees, advising them, interpreting the agreement, and dealing with breaches of its provisions.

No amendments of the agreement are under consideration.

*Dominican Republic.*

The fundamental object of the Labour Code, as expressed in its declaration of principles, is to regulate the rights and obligations of employers and workers and to provide means of conciliating their respective interests. To this effect labour legislation provides for action of various kinds designed to achieve the above-mentioned object, both by direct intervention on the part of the labour authorities and through co-operation between employers and workers at the level of the undertaking.

In practice, employers and workers may have recourse to a special section (*Sección de Intervención*) of the Department of Labour, where any problem arising in the undertaking can be settled before it reaches the stage of a dispute.

The trade unions usually appoint delegates in undertakings. Their purpose is to co-operate with the employer in the organisation and management of the undertaking and in improving output.

The Department of Labour provides a free counselling service for employers and workers with the object of avoiding disputes and promoting labour management co-operation. This service deals not only with the matters covered by individual contracts of employment and collective agreements but also with any question connected with the work of employed persons. The above-mentioned section of the Department and the counselling service encourage the conclusion of voluntary agreements between the parties, and this avoids many disputes. The counselling service is of a public character and will in no case give advice on legal questions which are proper for settlement by courts of law; nor can any complaint, denunciation or other personal action be proposed or advised on through this service.

The possibility of taking other action to give effect to those provisions of the Recommendation which are not yet implemented by means of legislation is being examined. One of these measures may relate to the establishment of permanent organisations for co-operation at the level of the undertaking with the object of encouraging good labour-management relations.

*Finland.*

Act of 4 March 1927 respecting industrial inspection (*L.S.* 1927—Fin. 1) and resolution of the Council of State dated 4 March 1927 concerning the administration of the Act.

Act of 30 December 1949 respecting production committees (*L.S.* 1949—Fin. 2) and decision of the Council of State dated 30 December 1949 relating thereto.

Co-operation between employers and workers is based on the provisions of the above-mentioned legislation. For particulars of this legislation, the Government refers to the report on the Labour Inspection Recommendation, 1947, submitted by it in 1956.<sup>1</sup> No new measures are being considered at present.

*France.*

Ordinance No. 45-280 of 22 February 1945 for the institution of works committees (*L.S.* 1945—Fr. 8) after amendment.

The Government is in complete agreement with the aim of the Recommendation, the principles of which are put into effect in French legislation.

The institution by means of legislation of staff delegates in establishments comprising ten wage earners and of works committees in those comprising 50 or more wage earners ensures the workers' effective participation in the various problems of a technical, economic and social nature which arise in undertakings.

Although legislation for works committees sets a certain number of rules which cannot be waived and which ensure that the committees function properly, the Act also provides for the institution, by means of settlements or collective agreements, of methods dealing with the functions or powers of these bodies.

The Government considers that current French social legislation is in very close agreement with the principles of the Recommendation.

<sup>1</sup> See Report III (Part II) prepared for the 40th Session of the Conference (1957), p. 32.



*Federal Republic of Germany.*

Works Constitution Act of 11 October 1952 (*L.S.* 1952—Ger. F.R. 6), as amended by section 121 of the Labour Courts Act of 3 September 1953 (*L.S.* 1953—Ger. F.R. 2).

Staff Representation Act of 5 August 1955 (*L.S.* 1955—Ger. F.R. 1).

The matters dealt with in the Recommendation are regulated by the above-mentioned legislation. The Works Constitution Act applies to the entire private sector of the economy except aviation and maritime shipping. The Staff Representation Act applies to persons in the service of the Federal Republic. As regards aviation, relevant provisions are contained in a collective agreement concluded under section 1 of the Collective Agreements Act of 9 April 1949.

The relevant provisions are not enforced by the public authorities. However, legal differences may be submitted, free of cost, to the Labour Courts or, in case of matters covered by the Staff Representation Act, to the Administrative Tribunals. Co-operation with the consultative bodies established in undertakings and public offices in accordance with the relevant statutory provisions is furthered by the trade unions and employers' associations.

The federal Government has for some time been attempting in collaboration with employers' and employees' organisations, to draft a maritime Works Constitution Bill.

The Government considers that changes in the Recommendation are not called for.

*Ghana.*

There are no legislative provisions with regard to the matters dealt with in the Recommendation. However, the Government encourages the voluntary establishment of committees for consultation on matters which do not fall within the scope of collective agreements, and several joint consultative committees have been set up.

It is not intended at present to give effect to the Recommendation by legislative action, as existing facilities for voluntary action are adequate.

*Greece.*

Legislative Decree No. 3789/1957 to amend and supplement certain labour laws provisions (*Ephemerides Kyberneseos*, No. 210, Part A of 12 October 1957).

Section 1 (1) of Legislative Decree No. 3789 requires all employers (including the State, municipalities, institutes, etc.) with more than 70 employees to draw up regulations governing the relations between management and employees. This obligation may be extended to employers with more than 40 employees by decision of the Minister of Labour, with the approval of the National Advisory Board on Social Policy.

Under section 2 of the decree the said regulations must be approved by ministerial decision, taken after consultation of the Labour Relations Section of the National Advisory Board on Social Policy. The regulations are not considered as part of any individual labour contract unless they are approved and permanently posted in prominent positions in the workplaces.

The Government considers that the existing provisions partly cover the principles contained in the Recommendation.

*Guatemala.*

Labour Code (*L.S.* 1947—Guat. 1).

General Accident Prevention Regulations issued by the Guatemalan Social Security Institute.

Section 374 of the Labour Code provides that employers and workers shall endeavour to settle their differences by direct negotiation and for this purpose the employees in every workplace may set up *ad hoc* or permanent committees to submit their complaints or demands to the employer.

The General Accident Prevention Regulations (sections 46-53) provide for the establishment of safety committees. Section 46 provides that safety committees must be set up by every registered employer within 30 days of receiving the appropriate notice; they must consist of equal numbers of employers' and workers' representatives, the former appointed by the employer, the latter elected by the workers. Members of the committees carry out their duties during working hours, without loss of wages. Section 47 makes special provision for undertakings working in shifts. Section 48 fixes the size of the committees, varying from two to five representatives each of employers and workers according to the number of persons employed. The Directorate of the Social Security Institute may, however, increase or reduce the number of members of the committee in any undertaking. Section 51 provides that safety committees should meet at least once a month, and whenever called together by the chairman or requested by two members, as well as whenever a serious accident occurs.

Under section 52 safety committees have the following rights and duties: to suggest accident prevention measures, to ensure the maintenance of the best possible health and safety conditions, to ensure the proper operation and maintenance of machinery and tools, to register all occupational accidents, to draw up detailed reports on unusual or serious accidents, to carry out first-aid drill, to promote occupational health and safety by publicity, lectures, prizes, etc., to obtain the imposition of prescribed disciplinary penalties on or the dismissal of workers infringing safety and health provisions, and to report annually to the Accident Prevention Department of the Social Security Institution.

Under section 53 the Directorate of the Social Security Institute, acting through the Accident Prevention Department, is responsible for enforcing the above-mentioned regulations.

So far as economic and social conditions permit, measures will be taken to implement those provisions of the Recommendation which are not yet covered by legislation and practice.

*Haiti.*

The Mediation and Conciliation Service of the Labour Office investigates complaints and mediates in labour disputes. The Legal Service of the Labour Office gives free advice on the interpretation and application of labour legislation. Section 44 of an Act of 17 September 1958 provides that certain claims by workers must

be submitted to the Labour Office for mediation before they can be pursued in the courts.

The Labour Office makes constant efforts to have workers' committees, distinct from the trade unions, set up in undertakings.

#### *Honduras.*

Legislative Decree of 14 March 1955 respecting mediation, conciliation and arbitration (*L.S.* 1955—Hon. 3).

Legislative Decree of 20 April 1956 respecting individual contracts of employment (*L.S.* 1956—Hon. 1).

Legislative Decree of 19 August 1957 respecting the Directorate of Labour (*L.S.* 1957—Hon. 2).

The Act respecting mediation, conciliation and arbitration provides for the appointment in the capital and in very important industrial centre of mediators, one of whose functions is to assist in the establishment of committees of employers and workers for the amicable settlement of disputes (section 3 (3)).

Section 34 of the Act respecting individual contracts of employment requires workers to present to their employer any observations which are likely to prevent loss or damage.

Under section 2 (f) of the Act respecting the Directorate of Labour the functions of the Directorate include promoting the setting up of mixed, joint, or safety bodies prescribed by law or regulations or agreement and of other bodies which may contribute to the improvement of labour conditions and industrial relations.

The above provisions make possible compliance with paragraph 2 (c) of the Recommendation: on the one hand, employers and workers are free to make agreements about their day-to-day relations in the undertaking; on the other, the Government may intervene to create the necessary bodies for preventing unsatisfactory situations.

In practice the Directorate of Labour has facilitated and encouraged voluntary agreements between the parties. Certain public undertakings possess advisory labour relations services whose main object is to settle the common problems of employers and workers. When works rules are drawn up the Ministry of Labour always secures the inclusion of provisions empowering either party to demand the setting up of advisory committees; however, inspections have shown that this right is not always exercised. Certain works rules also provide for boxes in which suggestions can be placed.

The Labour Education Section of the Ministry of Labour aims at promoting consultation and co-operation at the level of the undertaking. Most of its activities are directed to this end (including joint seminars, courses, lectures, talks and round-table discussions) and it considers that it has succeeded in promoting harmonious relations between employers and workers. Much remains to be done in the field of labour education activities which only indirectly affect labour-management relations. Illiteracy constitutes one of the greatest problems, but steps to fight it are already being taken.

The Government considers the existing provisions to be adequate. Its policy is to give full liberty to the parties to settle minor difficulties by direct agreement. However, beyond a certain point, the State must intervene through its

mediation, conciliation and arbitration services. If a more active policy should become necessary, the requisite legislative basis for government action already exists.

#### *Iceland.*

There are no provisions in regard to the matters dealt with in the Recommendation. No decisions have been taken as to giving effect to the Recommendation.

#### *India.*

Industrial Disputes Act, 1947 (*L.S.* 1947—Ind. 1).

Industrial Disputes (Central) Rules, 1957 (S.R.O.770).

Bombay Industrial Relations Act, 1946.

Central Provinces and Berar Industrial Disputes Settlement Act, 1947.

"Labour" is a "concurrent" subject under the Constitution of India; while the Central Government can pass laws covering the entire country, the state governments are free to enact supplementary legislation. The enforcement of labour laws rests largely with the state governments, except in the case of undertakings subject to Central authority.

The principle underlying the Recommendation has been accepted in India and efforts have been made to encourage joint consultation and co-operation between employers and workers at the unit level through the establishment of works committees, production committees, joint councils of management, etc.

Works committees are statutory bodies set up under section 3 of the Industrial Disputes Act, 1947, in establishments employing or which had employed on any day during the preceding 12 months more than 100 workers. The duty of works committees is to promote amity and good relations between employers and workers and, to that end, to comment upon matters of common interest and to endeavour to compose differences of opinion thereon. Matters falling within the scope of collective bargaining machinery are not to be discussed by them. Their role is purely advisory and their recommendations are not binding upon the parties. Part VII of the Industrial Disputes (Central) Rules lays down the mode of election of members of works committees, etc.

The Bombay Industrial Relations Act, 1946 (section 48 (1)) provides for the setting up of joint committees, consisting of representatives of employers and workers, with a view to establishing direct and continuous touch between them and for securing speedy consideration and removal of difficulties arising in day-to-day relations. The Central Provinces and Berar Industrial Disputes Settlement Act, 1947 (section 21) also provides for the setting up of works committees.

Unit production committees have been set up in many undertakings. They discuss production problems in which labour has a direct interest, e.g. efficient use of safety measures, better maintenance of machinery and tools, etc., but are not concerned with problems of planning, development and production in a wider sense. Production committees are at present constituted on a voluntary basis. Where they do not exist, works committees generally function as production committees also. In some establishments other bodies (e.g. accident preven-



tion committees, welfare committees, and safety committees) have been set up.

Staff councils for consultation on matters of mutual concern have been introduced on most of the railways and in the Central Public Works Department. In this Department and in the Bombay Port Trust periodical meetings between department heads and union representatives are held to discuss workers' grievances. The Government of Kerala is considering a proposal for the constitution of negotiating bodies in establishments to deal with disputes.

The Second Five-Year Plan recommended increased association of workers in the management of industrial undertakings. The Government of India accordingly sponsored a study group to gain first-hand knowledge of schemes of worker participation in management in some European countries. The report of the study group was discussed in July 1957 by the Indian Labour Conference, which decided that such schemes should first be tried out on a voluntary basis in a selected number of undertakings. A seminar was conducted in January 1958 to work out details for the constitution, functions and administration of joint councils to be set up under the Worker Participation in Management Scheme; a copy of the proceedings of the seminar is appended to the report. Joint councils on the lines suggested by the seminar have been set up in four units, and 27 others are likely to be established shortly, in both the private and public sectors.

Though many works committees have been set up (19,694 existed in 1955-56) their success has varied. While in some cases the works committees have played a noteworthy role in bringing about co-operation, in several instances the experience has not been happy. The problems of these committees were discussed by the Indian Labour Conference in May 1958, and it was decided to investigate means of making them function more successfully. As regards worker participation in management, although the Government has initiated the scheme and maintains a panel of advisors to assist participating units, the ultimate success of the scheme depends on the parties.

The Government considers that the Recommendation is being complied with to the fullest possible extent. No modification of the Recommendation has been found necessary in applying it.

#### *Iran.*

Labour Act, 1949.

Section 13 of the Labour Act provides for disputes within an undertaking to be referred in the first instance to a works conciliation committee consisting of representatives of the workers and of the employer. In addition to dealing with disputes, works conciliation committees may consider questions of common interest to employers and workers, such as social services, employment, production, etc. The Ministry of Labour encourages discussion of such questions by the committees. In most cases an appropriate solution is found by agreement between the parties.

The Government considers that national legislation and practice meet the requirements of the Recommendation.

#### *Ireland.*

Factories Act, 1955.

In Ireland it is the custom to leave questions relating to conditions of employment to be dealt with by direct negotiation between the parties, subject to the intervention of the Labour Court in the settlement of disputes under the provisions of the Industrial Relations Act, 1946.

Consultation and co-operation at the level of the undertaking have not been the specific subject of legislation, but employers and their representative organisations are encouraged to consult and co-operate at all levels on matters of mutual concern. Joint councils composed of employers' and workers' representatives exist in a number of undertakings to deal with the problems arising at the level of the undertaking. Interest in the establishment of such councils is understood to be growing.

Provisions regarding safety committees are contained in section 73 of the Factories Act.

The introduction of legislation on co-operation at the level of the undertaking is not at present contemplated.

#### *Israel.*

Labour Inspection Act, 1954.

The Labour Inspection Act provides for the collaboration of employers and workers in matters relating to industrial safety and hygiene. At the level of the undertaking there are safety delegates and safety committees consisting of an equal number of employers' and workers' representatives. The National Industrial Safety and Hygiene Institute promotes the establishment of such committees, guides their work, and promotes the idea of industrial safety generally through lectures, conferences, exhibitions, etc.

Productivity boards are established in many undertakings through collective agreements between the General Federation of Labour and the Manufacturers' Association, with the aim of increasing productivity and consequently wages, as well as solving incidental problems. The National Institute of Productivity guides and co-ordinates the activities of bodies dealing with increasing productivity.

The Labour Inspectorate enforces the relevant legislation.

No further measures are proposed at present to give effect to the Recommendation.

#### *Italy.*

Constitution of the Italian Republic (L.S. 1947—It. 5).

In Italy co-operation within the undertaking takes place through works committees.

These are governed by agreements freely entered into by employers' and workers' organisations. Their main function is the maintenance of normal relations between employers and workers and the promotion of a spirit of mutual co-operation and understanding, with a view to the normal operation of the production process.

The establishment and operation of these committees are governed at present by the agreement of 8 May 1953 concluded between the General Confederation of Italian Industry on the one hand and the Italian General Con-

federation of Labour, the Italian Confederation of Workers' Unions and the Italian Workers' Union on the other. On the same date the General Confederation of Italian Industry signed an identical agreement with the Italian Confederation of National Trade Unions. These agreements regulate the establishment of works committees and the appointment of works delegates according as the undertaking has more or less than 40 employees.

In non-industrial branches of the economy the establishment of similar committees is provided for by the following texts: for commerce, by the National Collective Agreement of 23 October 1950; for banks, by the agreement of 27 April 1949; and for savings funds, by the agreement of 30 June 1950. In the case of insurance the regulations are still under discussion, but some committees have actually been established and are now in operation.

Another series of special agreements applies to municipal and transport undertakings. In agriculture such committees have not yet been developed to any appreciable extent.

The entire staff of an undertaking is represented by a single committee. All workers over 16 years of age are entitled to vote in the elections and all those over 18 to stand for election.

Apart from the main function referred to above, the committees have been entrusted with a series of other tasks under various agreements between the chief employers' and workers' organisations, e.g. to call the attention of the management to any problem arising out of contracts of employment or the application of labour legislation.

Article 46 of the Constitution of the Republic reads as follows: "For the purpose of raising the economic and social level of labour and subject to the requirements of production, the Republic recognises the right of the workers to participate, in ways and within limits established by law, in the management of undertakings." This provision has been occasionally applied in a few large undertakings, but only as an experiment.

The Government considers that the Recommendation is applied both adequately and extensively in Italy and that the adoption of new legislation is therefore unnecessary.

#### *Japan.*

Ordinance on Labour Safety and Sanitation (Ministry of Labour Ordinance No. 9 of 1947).

Public Corporation and National Enterprise Labour Relations Law (No. 257 of 1948).

Mine Safety Law (No. 70 of 1949).

Local Public Enterprise Labour Relations Law (No. 289 of 1952).

There is no general legislation on consultation and co-operation at the level of the undertaking, but in many cases joint labour-management machinery has been set up, on the basis of collective agreements. At the end of June 1957, 12,085 trade unions had concluded collective agreements providing for such joint machinery, applicable to 3,146,137 union members. In addition 1,720 trade unions with a total membership of 454,732, had set up such machinery in practice, without specific provisions in collective agreements.

Generally, the joint machinery considers questions arising from the interpretation and application of collective agreements, or examines

problems concerning management, production, etc., not settled by collective bargaining. In some cases there is consultation on wages and other working conditions. There has been some confusion between the functions of the joint consultation machinery and collective bargaining. However, although the joint machinery may handle collective bargaining matters, normally it carries out the preliminary negotiations only and not the collective bargaining itself. Moreover, there also exists grievance settlement machinery to deal with differences regarding the interpretation and application of collective agreements and minor grievances. In a number of cases joint technical committees have been set up to deal with matters such as safety, health and welfare.

Joint bodies are generally composed of equal numbers of employees designated by the employer and employees selected by the trade union. Technical committees sometimes also include other persons with technical knowledge and experience. In most cases the agreements guarantee payment of the wages of the workers' members for time spent in attending meetings.

The Government considers it desirable for consultation machinery to be set up by voluntary agreement, and encourages the conclusion of collective agreements to that end. The Government had advocated that machinery for co-operation should be distinct from collective bargaining machinery, and that there should exist (1) machinery for collective bargaining, (2) grievance machinery, and (3) machinery for matters not covered by the first two.

Under certain legislation, employers must hear the workers' opinions or set up joint committees. For example, sections 8 and 20 of the Ordinance on Labour Safety and Sanitation provide that an employer shall adopt means to hear workers' opinions on matters of safety and health, and that any safety and health committee must include members selected by the workers. Sections 19 and 20 of the Mine Safety Law provide for the establishment of mine safety commissions to investigate safety matters and to co-operate with and advise the safety supervisor; half their members must be selected from among the workers in the mine upon the recommendation of the majority of workers. The Public Corporation and National Enterprise Labour Relations Law (section 12) and the Local Public Enterprise Labour Relations Law (section 13) provide for the establishment of joint grievance adjustment boards consisting of an equal number of representatives of labour and management.

The Government has no intention for the moment of taking special measures in regard to the matters dealt with in the Recommendation, except encouraging voluntary agreements and giving advice to the parties concerned. The Government feels that the modification of the Recommendation is not necessary, as it considers the instrument to be practically implemented.

#### *Luxembourg.*

Grand-ducal Order of 8 May 1925, relating to the institution of workers' committees in industrial establishments (*L.S.* 1925—Lux. 1), as amended by Grand-ducal orders of 2 June 1933, 16 December 1945 and 31 January 1948.

Appended to the report are copies of a draft order relating to the institution of workers' committees in industrial, commercial and handicrafts undertakings and of a Bill for the institution of joint works committees. When adopted, the provisions of these texts will go far beyond the requirements of the Recommendation. The draft order, intended to reform the existing system of workers' committees, was expected to come into force by the end of October 1958. The Bill for the institution of joint works committees, however, has given rise to serious objections on the part of employers' organisations.

#### *Federation of Malaya.*

No legislation exists to provide for collaboration at the level of the undertaking, but it is the Government's policy to encourage workers and employers to deal with wages and conditions of employment and to settle other mutual problems through voluntary negotiation and consultation.

Encouragement and assistance in the establishment of voluntary collaborative bodies in undertakings is given by the Industrial Relations Division of the Ministry of Labour and Social Welfare. Almost all the employer-employee bodies so far established (providing for joint machinery at the national, district and undertaking level) are based on the conception of joint industrial councils recommended by the United Kingdom Whitley Committee. There are approximately 300 joint estate committees in the planting industries, and various industrial or office committees in Government departments (e.g. Public Works Department, Medical Department, Telecommunications and the Malayan Railway). Where this structure is not possible, the formation of works committees in undertakings only is encouraged (e.g. the Malayan Cement Ltd. joint works committee at Rawang, the General Transport Company joint committee at Kuala Lumpur and the Prai Wharf joint council).

The Government considers that broadly the Recommendation is being implemented on the basis of voluntary collaboration by the two sides of industry.

#### *Mexico.*

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Section 335 of the Federal Labour Act concerns joint committees.

The report also refers to other sections of the same Act concerning conciliation and arbitration committees.

The Government considers that the legislation carries out the provisions of the Recommendation in practice and that for the time being there is no need to modify this practice in any way.

#### *Morocco.*

No legislative or administrative provisions exist in regard to any of the matters dealt with in the Recommendation. However, staff delegates are in practice to be found in all undertakings, as was noted in the recent discussions

between the Moroccan Federation of Labour and the most representative employers' organisations. These discussions led to the adoption of recommendations regarding staff delegates, which are to be reproduced in all collective agreements at industry level. The principal provisions of these recommendations are as follows.

Staff delegates are to be appointed in all establishments with more than ten workers, varying in number from one delegate for undertakings with 25 workers or less to nine delegates for undertakings with from 501 to 1,000 workers, with two additional delegates for every 500 workers in excess of 1,000. All delegates are to have substitutes. Provision may be made for separate groups of delegates to be elected by the various workshops.

The delegates' functions are to be as follows: to present to the employer all individual or collective complaints relating to the collective agreement in question, wage rates, job classifications, and labour, health, safety and social security legislation; to inform the Labour Inspectorate of all complaints or observations relating to provisions for whose enforcement it is responsible; to assist in the drawing-up of works regulations and to consider with the employer workers' complaints regarding holiday rosters. The delegates may submit to the employer or the appropriate committee in the undertaking suggestions for raising output or improving working arrangements or relating to the social institutions of the undertaking. Where no safety committee exists the delegates are also responsible for seeing that safety provisions are observed and may suggest measures in regard to accidents and occupational diseases.

The delegates are to be elected by secret ballot for a term of one year, but are eligible for re-election. Specific provision is made for the qualification of voters and candidates, the conduct of elections (which are to take place during working hours), the supervision of the election by electoral bureaux, etc. Provision is also made for the removal from office of delegates.

Delegates are to have the right to perform their duties during working hours, up to a maximum (except in exceptional circumstances) of ten hours a month. The employer or his representatives must meet the delegates collectively at least once a month and in case of urgency. Such meetings may not be held outside working hours unless they are paid for as time worked. The delegates may be accompanied by a trade union representative, and the employer by a representative of an employers' organisation. The exercise of the functions of a delegate is not to prevent a worker's normal promotion or increments in remuneration, nor to justify any change in terms of service. During his term of office a delegate may not be transferred to another job or dismissed without the labour inspector's advice.

Difficulties in the application of the provisions regarding staff delegates are to be settled with the assistance of labour inspectors, who must also be consulted in case of disciplinary action against a delegate.

The Government indicates that a change in existing practice is not contemplated, as the latter satisfies the workers.

### *Netherlands.*

Act of 4 May 1950 to provide for works councils (L.S. 1950—Neth. 2).

As a rule the Act obliges every employer (except where exemption is granted by the Economic and Social Board) who has more than 25 workers under his care to set up a works council.

The task of the works council is to contribute in so far as it is able to the proper administration of the undertaking. The works council is an advisory body and it is the contractor's right to make decisions. The council's duties include—(a) the examination of requirements, statements and observations handed to the council by the staff in so far as these matters deal with the conditions of the workers; (b) consultations with regard to the regulation of holidays, team work and meal times, when these questions are not settled by the sector of the industry concerned; (c) ensuring that the working conditions which apply to the undertaking are observed; (d) ensuring that legal regulations with regard to the workers' protection, security, health and hygiene together with other matters are observed; (e) taking part in the management of institutions set up for the workers' benefit, unless the Act determines otherwise; (f) suggestions that would be likely to contribute to the improved running of the undertaking from the technical and economic points of view.

The contractor is obliged to co-operate with the council and to provide it with all the particulars it needs in order to fulfil its duties, to make periodical reports to the works council on the economic situation in the undertaking and to consult the council before introducing, amending and supplementing any labour regulations.

The composition of the council is regulated according to the number of workers in the undertaking. The employer or his representative is chairman of the works council. The works council comprises from 3 to 25 workers excluding the chairman. The members of the council are elected by workers in the undertaking of at least 21 years of age who have been employed there continuously for a year. Workers of at least 23 years of age who have been employed continuously in the undertaking for a minimum of three years are eligible. As a rule candidates are put forward by the workers' trade unions, but the industrial committee concerned can decide if candidates can also be put forward by non-affiliated workers and if necessary the industrial committee can lay down entirely different rules with the approval of the Social and Economic Board. The list of candidates is drawn up in such a way that all staff categories can be represented on the council, if this is possible. A council member's mandate lasts two years and can be renewed immediately.

The council must work out its own procedure. The Labour Institution has published standard regulations for works councils. As a rule all undertakings comprising more than 25 wage earners are obliged to set up a works council. With the approval of the Crown, however, the Social and Economic Board has exempted a few undertakings and in particular some building and naval concerns. An ordinance of the

Secretary of State for Social Affairs has also exempted several public authority undertakings.

The Social and Economic Board has played an important part in putting the Works Councils Act into effect. In many sectors of industry it has set up joint industrial committees composed of delegates from representative employers' and workers' organisations. It is the duty of these committees to—(1) ratify the works council regulations and any amendments or supplement thereto; (2) make suggestions to the Social and Economic Board with a view to giving more extensive powers than those laid down by the Act to one or more works councils under their supervision; (3) ratify a derogation relating to the number of persons on a works council; (4) nominate workers' organisations with the right to forward lists of candidates for election to the works council; (5) make different regulations with regard to the candidature if the situation requires it; (6) settle disputes which might arise on the subject of the council's powers or the interpretation of its regulations; (7) promote the proper enforcement of the Act in general in the sector of industry concerned.

If the decisions of the industrial committee prove to be contrary to the Act or the public interest, they can be suspended or set aside by the Minister of Health and Welfare.

At the end of 1954 the Social and Economic Board set up a general industrial committee for the sectors of industry in which there are no special committees.

Furthermore, the Act lays down that, where a central industrial organisation or an industrial organisation has been set up in a sector of industry, the industrial committees' duties are automatically taken over by one of these organisations.

By 31 December 1956 works councils had been set up in nearly 750 undertakings and the number of industrial committees and controlling organisations totalled over 60. When the Act is fully enforced there will be approximately 5,000 works councils.

The Government does not propose to take any further action to give effect to the provisions of the Recommendation that have not yet been covered by the Act or by national practice.

### *New Zealand.*

Industrial Relations Act, 1949 (No. 6 of 1949) (L.S. 1949—N.Z. 1).

The Government accepted the Recommendation in 1953, and has taken measures to foster consultation and co-operation between employers and workers at the level of the undertaking.

In government employment, works councils have existed in the Government Railway Workshops since 1926-27, and meet regularly each month. In 1941 advisory councils were set up in the Post and Telegraph Department, and in 1943 efficiency committees (subsequently superseded by organisation and methods committees) were established in the public service. Production councils have functioned on building jobs and hydro-electric construction works in the Public Works Department, and in 1941 a welfare committee was formed at the Naval Dockyard, Devonport, to promote co-operation between the management and dockyard workers.

Works efficiency councils were established in the freezing works industry by Emergency Regulations in 1940. Pit production committees have existed in the mining industry since 1940.

In private industry generally, works councils have operated in a number of undertakings from at least 1936. In 1942 the National Service Department of the Department of Labour published a general guide to the establishment and functioning of workshop committees. As a result a number of committees were set up, particularly in the engineering and clothing and textile industries. However, only from 1946 did the number of committees, particularly those concerned with welfare activities, begin to increase appreciably.

Under the Industrial Relations Act of 1949 a National Industrial Advisory Committee was set up to advise the Minister on ways and means of improving industrial relations and welfare, including the establishment of works committees. It recommended the establishment of joint consultative committees and adopted a model code of rules for the guidance of the parties (a copy of which was appended to the report). In these model rules it is provided that the chief object of the committee is to promote a spirit of co-operation, with a view to furthering the common well-being of the undertaking as a whole, and that, to this end, the committee may discuss all matters pertaining to the undertaking which it may agree to deal with, including suggestions; however, the committee is not to consider any proposal which conflicts in any way with industrial awards or agreements governing the undertaking.

The Industrial Relations Act (section 7) empowers the Governor-General to make regulations providing for the establishment on a voluntary basis of works committees representative of workers and employers for the purpose of promoting and maintaining harmonious industrial relations and improving the welfare, safety and health of the workers. No such regulations have as yet been issued.

In New Zealand most industrial and commercial undertakings are relatively small and in 1957 there were only 42 factories employing more than 100 workers. In smaller enterprises formal machinery for joint consultation is often unnecessary because of the close day-to-day association of management and employees. It cannot, therefore, be expected that any large number of formal committees will be formed.

The Industrial Relations Act is administered by the Department of Labour.

#### *Nicaragua.*

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

There is no specific legislation in Nicaragua on the matter dealt with in the Recommendation.

Under article 340 of the Labour Code the Legal Department of the Ministry of Labour is responsible for replying to requests for advice from employers, workers or their organisations so that they may understand their respective rights. Many disputes are avoided in this way. Similar functions are performed in the provinces by the provincial and municipal labour inspectors. The report also alludes to the work done by the permanent Board of Conciliation and the

Arbitration Tribunals (articles 251-267 of the Labour Code).

The Government does not intend to take further action with a view to implementing the Recommendation, as it considers that the Labour Code and existing practice are sufficient for this purpose.

#### *Norway.*

Act of 23 July 1920 respecting works councils in industrial undertakings (*L.S.* 1920—Nor. 1).

Workers' Protection Act of 7 December 1956 (*L.S.* 1956—Nor. 2).

The Act respecting works councils in industrial undertakings has had no practical significance. Sections 9 and 11 of the Workers' Protection Act will form the basis for co-operation on safety matters in all undertakings.

Co-operation at the level of the undertaking is also provided for by an agreement of 1954 between the Norwegian Employers' Confederation and the Norwegian Trade Union Federation concerning production committees and by the provisions of paragraph 9 of the basic agreement between these organisations (as amended in 1957) concerning meetings between managements and shop stewards (copies of both of which are appended to the report). The agreement of 1954 provides for the establishment of production committees in all undertakings with at least 50 employees. Although some of these committees seem to be functioning satisfactorily, the agreement has not produced the results anticipated when it was signed. The new provisions of paragraph 9 of the basic agreement regarding meetings with shop stewards came into force only on 1 July 1957, and an assessment of the extent to which such meetings will be held is not yet possible.

The Workers' Protection Act is enforced by the Directorate of Labour Inspection. Responsibility for the enforcement of the above-mentioned agreements lies with the central organisations concerned.

Amendments to the existing regulations relevant to the Recommendation are not at present contemplated.

#### *Pakistan.*

Industrial Disputes Act, 1947 (*L.S.* 1947—Ind. 1), as amended by Act No. XXXI of 1958.

The federal Government has been empowered to enact legislation for implementing decisions taken by any international body (article 108 of the Constitution).

Section 3 (1) of the Industrial Disputes Act, 1947, as amended, provides for the setting up in all industrial establishments employing more than 50 workers of a works committee, consisting of representatives of the employer and of the workers, the latter not to be less in number than the former. The workers' representatives are to be chosen from among the workers of the establishment and in consultation with their trade union, if any, registered under the Trade Unions Act.

It is the duty of the works committee to promote measures for securing and preserving amity and good relations between the employer and the workers and to that end to comment upon matters of common interest and endeavour

to compose any material differences of opinion in respect of such matters.

In addition to these statutory provisions, it is the policy of the Government of Pakistan to encourage the formation of other types of joint consultative committees by mutual agreement between workers and management.

The conciliation machinery provided for in the Industrial Disputes Act generally supervises the application of the provisions concerning works committees. It can contact employers' and workers' organisations to secure their co-operation in the application of said provisions.

The Recommendation was accepted by Pakistan in 1954, without modifications. The Government considers that its provisions are largely covered by existing legislation. It is, however, intended to define the functions of works committees more elaborately by rules.

#### *Philippines.*

There is no legislation which deals in particular with the matters provided for in the Recommendation. However, the existing laws on minimum wages, health and safety of workers, and hours of work are broad enough to cover these matters, which can be dealt with in consultation with the Bureau of Labour Standards.

The Secretary of Labour will study and recommend measures to implement the Recommendation.

#### *Poland.*

Decree of 6 February 1945 to institute works councils (L.S. 1945—Pol. 2 ; 1947—Pol. 1).

Decree of 24 February 1954 respecting works arbitration committees (L.S. 1954—Pol. 1).

Decree of 18 January 1956 to restrict the right to terminate contracts of employment without notice, etc. (L.S. 1956—Pol. 1).

Act of 19 November 1956 respecting workers' councils (L.S. 1956—Pol. 3).

*Works councils.* The decree of 6 February 1945 to institute works councils defines their functions as the supervision of conditions of employment and of the social and cultural arrangements of the undertaking, approval of draft employment rules, collaboration with the employer in matters concerning workers' supplies, mediation between the workers and employer, and collaboration in regulating employment, including the engagement and dismissal of workers. Since 1945 the functions of works councils have been considerably enlarged. For example, the decree of 24 February 1954 respecting works arbitration committees provides that the members of these committees are to be appointed in equal numbers by the works council and the head of the undertaking, and the decree of 18 January 1956 makes dismissal of a worker without notice subject to the works council's consent.

*Workers' councils.* The workers' councils instituted by the Act of 19 November 1956 now constitute one of the principal forms of collaboration between employers and workers. Their functions are as follows : commenting on the draft annual indices of the planned tasks, approving the annual plans of the undertaking, determining the organisation and structure of the undertaking, reviewing the economic activity of the undertaking and approving the annual

balance sheet, laying down the basic directives for increasing productivity, commenting on the economic effects of the undertaking's activities, deciding on the disposal of surplus machines and plant, fixing (so far as permitted by collective agreements) output standards, wage scales and bonuses, and deciding on the distribution of profits set aside for that purpose.

The workers' council is elected from among all the persons employed in the undertaking.

*Workers' Management Conference.* The Fourth Trade Union Congress (April 1958) decided to establish a Workers' Management Conference, consisting of all the members of workers' councils, works councils, and works Party committees, and responsible for the co-ordination of the activities of the workers' councils. It is proposed shortly to regulate the functions of this Conference by law.

The Central Council of Trade Unions and the individual trade unions are particularly interested in collaboration with the heads of undertakings, as this is their principal means of influencing the management of nationalised undertakings and effectively protecting workers' rights.

The Government considers that the existing system of consultation and collaboration goes far beyond the requirements of the Recommendation, since it provides for permanent workers' management bodies and enables the trade unions to influence profoundly both the activities of undertakings and working conditions.

#### *Spain.*

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

Decree of 11 September 1953 concerning the rules of joint boards in undertakings.

The purpose of joint boards in undertakings is to establish co-operation in its various forms between employers, technicians and workers in undertakings (section 1 of the decree of 1947).

Joint boards also have the following duties : to submit to the management proposals aimed at increasing working efficiency ; to supervise the implementation of social legislation ; to recommend measures for the prevention of accidents and for ensuring safety, hygiene and comfort at work ; to make proposals on questions concerning the physical, moral, cultural and social progress of the workers and on questions relating to vocational training ; to receive periodical reports on the progress of production ; to give opinions on company rules, on bonus, task or piece-work rates, and on the determination of extra pay for difficult, unhealthy or dangerous work ; to administer the family allowances scheme ; to appoint representatives in company stores ; to verify the payment of social security benefits ; to provide an adequate channel for the aspirations or desires of the employees ; and to report and mediate in case of complaints regarding occupational classification (section 2).

The joint boards are made up of a representative of the management and of members appointed by the trade union delegates for the various occupational groups (section 4).

Joint boards must be set up in all undertakings with 50 or more employees. However, their establishment is a gradual process, which



has not yet been completed ; at present, such boards in practice exist only in undertakings with 500 or more workers.

It is not considered necessary to take any new measures to comply with the Recommendation.

#### *Sudan.*

There is no legislation dealing directly with the provisions of the Recommendation.

Employers have always preferred to reach agreement with the workers at the level of the undertaking. On matters of mutual concern, the employer used to consult the workers however small their number might be ; as employers' associations have as yet no effective existence, this co-operation at undertaking level continues.

The Government co-operates with its workers on matters not within the scope of collective bargaining or the determination of terms of employment. For instance, a meeting between the workers of the Ministry of Irrigation and their Director resulted in an agreement on transport facilities to take workers in out-stations to town at week-ends. In practice trade union branch committees also sit with the branch senior officials of the different Departments and draw up agreements regulating their local relations.

The conclusion of such agreements at undertaking level, whether in government departments or private establishments, is encouraged by the Government. The Labour Department's close contact with employers and workers' groups enable it to further such co-operation.

Further encouragement is to be given to the conclusion of voluntary agreements between employers and workers. More frequent meetings are being arranged to this end.

#### *Sweden.*

On 30 August 1946 the Swedish Employers' Confederation concluded agreements regarding works councils with the Swedish Confederation of Trade Unions and with the Swedish Federation of Salaried Employees' Organisations. These agreements recommended to affiliated organisations the conclusion of collective agreements on the basis of model provisions. Such collective agreements have been concluded on a wide scale, not only within the scope of the Swedish Employers' Confederation but also in the fields covered by the State Agreements Board, the Commercial Employers' Organisation and the Co-operative Federation, and there are similar agreements at the municipal level.

It is estimated that there are now about 3,400 works councils in undertakings employing 660,000 persons (as regards undertakings belonging to the Swedish Employers' Confederation, the figures are 1,900 works councils and 400,000 employees). By a 1958 amendment to the 1946 agreements, undertakings are required to have works councils only if they have more than 50 employees (instead of 25 previously). This amendment affects about 20 per cent. of the establishments belonging to the Swedish Employers' Confederation which have works councils, but a number of exempted establishments are likely to retain their councils, as the amendment was intended merely to enable small

establishments in which works councils had proved an unnecessary or burdensome form of co-operation to wind them up.

In the public sector the defence and communications undertakings have for many years had agreed arrangements for works councils ; after discussions with organisations of government employees, the Crown has issued rules respecting works councils in civil service departments. Consultation outside the works councils also occurs in all these spheres of public employment. At present there are about 718 works councils in 69 government agencies with about 200,000 salaried and wage-earning employees.

Works councils are actively encouraged by both the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions. The former has a works councils office, which arranges courses on works councils for heads of undertakings and members of works councils. The Swedish Confederation of Trade Unions and its affiliated organisations also arrange courses, and it is estimated that 55,300 persons had taken part in correspondence courses on works councils by the end of 1956. The Swedish Federation of Salaried Employees' Organisations is also active in this field.

In 1957 Parliament called for an inquiry with a view to introducing legislation giving employees greater rights of supervision and co-management. However, no action has been taken because the parties concerned considered that this was not a field for intervention by the public authorities. Negotiations are going on between various government agencies and the civil servants' organisations with a view to producing revised instructions on works councils in the public sector.

Works councils have reached the stage of supervising operations in their establishments. The activities of works councils established under the Swedish Employers' Confederation agreements are guided by the Employment Market Committee (established under the basic agreement of 1938), which can be appointed as arbitration board for settlement of disputes regarding the interpretation or application of the works councils agreements and may order payment of damages. Similar arbitration provisions are contained in agreements concluded by organisations other than the Swedish Employers' Confederation.

No action other than that mentioned above is likely to be taken for the present. The Government considers that general effect is given to the Recommendation.

#### *Switzerland.*

Federal Code of Obligations.

Federal Act of 18 June 1914 respecting employment in factories (Factories Act).

Order of 3 October 1919 concerning the application of the Factories Act.

Federal Act of 28 September 1956 to permit the extension of the scope of collective labour agreements (L.S. 1956—Swi. 2).

The provisions of the Recommendation are appropriate for federal action only.

Under section 321 of the federal Code of Obligations internal employment regulations bind an employee only if made in writing and communicated to him before engagement.

Subsequently such regulations may be made binding on an employee, or existing regulations amended, only with the employee's consent, and this in practice leads to collaboration between employers and workers in drawing up employment regulations.

Under section 323<sup>ter</sup> (1) of the Code of Obligations (as amended by the Act of 28 September 1956), collective labour agreements between associations may contain clauses concerning the representation of employees in undertakings, and may also confer on the parties jointly the right to enforce observance of the agreement by employers and employees bound by it. The application of provisions of this kind may be extended under the Act of 28 September 1956, by virtue of section 1 (2) thereof. A copy of an article on "Clauses in collective labour agreements concerning workers' committees", published by the Federal Office of Industry, Arts and Crafts, and Labour in *La Vie Economique* (No. 10, October 1955), is appended to the report.

Section 11 of the Federal Factories Act requires all undertakings subject to the Act to draw up factory rules regarding the organisation of work, discipline and wage payments. The draft rules, before being submitted to the cantonal Government for approval, must be submitted to the workers concerned and any observations made by the workers must be communicated to the cantonal Government (sections 14 and 15).

In federal workshops subject to the Federal Factories Act, workers' claims relating to general employment conditions are submitted to a "federal workshops committee" of seven members. There are two permanent members, one of whom must be a person possessing the confidence of the workers. Two of the non-permanent members are chosen from the workers in the workshop concerned, upon their nomination (sections 36 (1) and 37). The Ordinance of 3 October 1919 regulates in detail the nomination of members, the committee's powers, procedure, etc.

Section 79 of the Factories Act provides for the participation of workers (in proportion at least equal to that of their contributions) in the administration of contributory funds for their benefit; if the employer himself handles the accounts, the workers have access thereto through their delegates. The workers' representatives who participate in the administration of a fund or supervise its accounts are elected by the workers from among themselves (section 192 of the Order of 3 October 1919).

Internal employment regulations and collective agreements providing for the establishment of workers' committees create only private law rights, and are enforceable by the parties in the ordinary courts, subject to any agreement to go to arbitration. The Federal Factories Act is enforced by the cantons, subject to supervision by the Federal Council and the appointment by the latter of the federal workshops committee (sections 83, 84 and 36).

The federal Government has under consideration a Bill to regulate labour in industry, handicrafts, commerce, transport and similar branches of activity. The Bill provides for the drawing up of works regulations, with the participation of or by agreement with the workers, in industrial or dangerous undertakings employ-

ing at least ten workers. The regulations would deal with the conduct of workers in the undertaking, payment of wages, notice of termination, health, accident prevention, and workers' participation in safety measures. The regulations could also make provision for a staff delegation.

The Government considers that the Recommendation has the advantage of leaving a wide choice of measures to promote consultation and collaboration between employers and workers at the level of the undertaking, and that the measures taken in Switzerland meet the aims of the Recommendation. However, it is difficult to determine whether the "matters of mutual concern" in the Recommendation correspond to the matters dealt with in internal employment regulations and rules. It may also be wondered whether the fact that the above-mentioned legislation does not apply to agriculture can be reconciled with the Recommendation.

### *Thailand.*

Labour Act 1956 (*L.S.* 1956—Tha. 1).

The Labour Act deals more or less with the aims and purposes set forth in the Recommendation, of which the Government in general approves.

### *Tunisia.*

Decree of 13 July 1944 (*Journal officiel tunisien* of 21 July 1944) with regard to labour regulations for officials employed on the Tunis-Goulette-Marsa railway, on tramway networks and on autobus and trolleybus services attached to them or replacing them.

Decree of 5 November 1949 respecting collective agreements (*L.S.* 1949—Tun. 1).

Decree of 8 January 1953 (*J.O.T.* of 13 January 1953) for the reorganisation of the permanent wage-earning and salaried staff in concessionary undertakings for the production, transport and distribution of gas and electricity.

Decree of 25 October 1956 (*J.O.T.* of 30 October 1956) relating to medical labour services in undertakings.

Decree of 15 November 1956 (*J.O.T.* of 16 November 1956) with regard to general rules for permanent wage-earning and salaried state personnel, regional public organisations and public institutions.

Co-operation between workers and employers in an undertaking is achieved through staff delegates.

These delegates have the general task of being the workers' representatives to the employers; they present the workers' requests and suggestions on questions of both individual and collective concerns. They also help to supervise the enforcement of Acts and regulations in the matter of welfare, the defence of the workers' interests, the fulfilment of the clauses of collective agreements and in particular the control and the improvement of hygiene and security conditions in the undertaking.

Co-operation between employers and staff delegates in the undertaking is provided for in some collective agreements and in particular in those of Tunisian garages and machine workshops, Tunisian sandal factories and the lead-smelting works of the Peñarroya Mining and Metallurgical Society. This co-operation also has effect in the labour medical services under section 4 of the decree of 25 October 1956, which lays down that a doctor who is attached



to the medical services cannot be nominated or dismissed without the advice of the staff delegate or delegates in the undertakings and with the agreement of the Medical Labour Inspector.

Section 22 of the decree of 15 November 1956 for laying down general rules for permanent wage-earning and salaried state personnel and the staff of regional public organisations and public institutions defines the powers of staff delegates. They are entitled to hand to the employer individual requests that are not satisfactorily dealt with in regard to the enforcement of the general and detailed rules. As a rule the employer sees the delegates once every two months and also in urgent cases when there is good reason for the request.

The decree of 8 January 1953 for the re-organisation of the regulations governing permanent wage-earning and salaried staff in concessionary undertakings for the production, transport and distribution of gas and electricity lays down similar provisions with regard to the powers of staff delegates (section 22).

More detailed rules for staff delegates in certain transport services have been laid down under the decree of 13 July 1944 (section 28). In particular the decree states that "shifts and timetables must be sent to the staff delegates concerned as soon as they are arranged and before they are put into force and they shall examine them as soon as possible afterwards". The decree also states that difficulties of a general nature which might arise from the enforcement of the rules for the Tunis-Goulette-Marsa railway staff and for tramway, trolleybus and bus personnel are to be submitted for examination and consideration to a joint permanent committee comprising employers' and workers' representatives (section 29).

Most disputes that may arise through non-observation of legal provisions concerning the co-operation of staff personnel with employers in undertakings come under the jurisdiction of the civil courts. When it is obligatory to consult the staff personnel (see decree dated 25 October 1956) the Medical Labour Inspector is entitled to refuse to consent to the nomination or dismissal of the works doctor if the staff representatives have not been consulted on this matter.

The problem of co-operation between employers and workers in an undertaking is being closely studied at the moment by the committee entrusted with the drafting of the Tunisian Labour Code.

This committee is studying the possibility of setting up works councils with the task of effecting co-operation between employers and workers in undertakings, in labour organisation, in the improvement and expansion of production and also in the development of the welfare services for the benefit of the workers.

#### *Turkey.*

No specific legislative or administrative provisions exist in regard to the matters dealt with in the Recommendation. However, the importance of consultation and co-operation as described in the Recommendation is stressed in labour seminars and industrial management seminars organised by the Ministries of Labour and Industries. Such consultation and co-

operation are also recommended in articles in *Calima Dergisi*, a periodical publication of the Ministry of Labour, and in regular broadcast talks. Labour inspectors likewise play an important part in this respect.

No further measures are contemplated to give further effect to the Recommendation.

#### *Ukraine.*

Decree of 31 January 1957 of the Presidium of the Supreme Soviet of the U.S.S.R. to promulgate Regulations for the procedure to be followed in examining labour disputes (L.S. 1957—U.S.S.R. 1).

Ordinance of 9 July 1958 of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of the Trade Unions of the U.S.S.R. to approve the Regulations relating to production conferences functioning on a permanent basis in industrial undertakings, shipyards, state farms and machine tractor service and repair stations.

In the Ukrainian S.S.R. all means of production, communications, banks, etc., are the property of the nation and as a result the exploitation of man by man has been abolished. State undertakings are managed in the public interest as a whole by persons who are universally trusted. Relations between works managements and trade unions are based on mutual understanding, co-operation and respect. All the work of the heads of state undertakings is based on the co-operation of the working masses. The trade unions play a very important role in the effort to put workers in contact with the management.

*Permanent production conferences.* Permanent production conferences have been set up in all state undertakings under the ordinance dated 9 July 1958; they include representatives chosen by workers as well as those chosen by the trade union committee, the Party and the youth organisation, scientific and technical organisations and works managements. Every permanent conference has a fixed presidium which deals with business in hand, prepares sessions and controls the enforcement of decisions of the conference.

These production conferences are called upon to make proposals for the purpose of increasing and improving production, speeding up productivity, improving security arrangements and raising the wage level.

*Scientific and technical societies.* In undertakings there are also sub-units of scientific and technical societies and of the Society of Time and Labour Saving Experts and Inventors of the U.S.S.R., which act under the direction of the trade unions.

These societies are concerned with the introduction of new manufacturing techniques, the popularisation of advanced methods, etc. They organise conferences, consultations, discussions, meetings and seminars to this end and also in order to establish an efficient liaison between technicians and manual workers.

The Society of Time and Labour Saving Experts and Inventors of the U.S.S.R. is an organisation of the working masses, who have a share in rationalisation and technical inventions or in the application of such measures.

*Joint arbitration committees.* Another co-operative body in undertakings is the joint arbitration committee set up under the decree of the Supreme Soviet of the U.S.S.R. dated

31 January 1957. This committee is composed of an equal number of representatives from the works trade union committee and the management. The arbitration committee must be informed immediately of all suits arising from labour relations in undertakings, institutions, etc., and in particular all cases of dismissal, transfers to other jobs, overtime pay, compensations for dismissal, etc. If the joint committee does not reach a settlement the workers may apply to the works trade union committee, which is also empowered to issue rules for appeals against the decisions of the joint committees.

*Works trade union committees.* Trade union subcommittees take part in the drafting of production and investment plans, housing construction projects, etc. Trade union committees also have some powers of supervision in the enforcement of labour legislation ; their assent is essential in all cases of workers being dismissed and they may compel the undertaking to replace heavy manual labour by machinery, to introduce more up-to-date techniques and to ensure adequate security and hygiene conditions for all the workers.

#### *Union of South Africa.*

Employers and workers are encouraged to co-operate at the level of the undertaking on such matters as increasing efficiency, productivity, accident prevention, first aid and other health services.

The Government considers that such co-operation should be voluntary, and no steps have therefore been taken to promote it by rigid laws or regulations.

#### *U.S.S.R.*

Constitution of the U.S.S.R. of 1936.

The Labour Codes of the R.S.F.S.R. and other federated republics (*L.S.* 1936—Rus. 1).

Model Internal Rules of 12 January 1957 on staff and labour matters for governmental, co-operative and public undertakings and institutions, approved by the Labour and Wage Committee of the Council of Ministers in agreement with the Central Council of the Trade Unions of the U.S.S.R.

Decree of 31 January 1957 of the Presidium of the Supreme Soviet of the U.S.S.R. to approve Regulations relating to the consideration of labour disputes (*L.S.* 1957—U.S.S.R. 1).

Ordinance of 9 July 1958 of the Council of Ministers and the Central Council of Trade Unions of the U.S.S.R. to approve Regulations relating to production conferences acting on a permanent basis in industrial undertakings, construction projects, state farms, machine and tractor service and repair stations.

Decree of 15 July 1958 of the Presidium of the Supreme Soviet of the U.S.S.R. to approve Regulations relating to the powers of works committees and local trade union committees.

The report recalls in the first place that in the Soviet Union factories, mines, means of transport and communications have been nationalised and therefore class antagonism and the exploitation of one man by another have disappeared. Being the undisputed masters of all the resources and means of production, the workers take a direct interest in social enrichment and thus their attitude towards labour has been radically transformed.

*Soviet undertakings and their directors.* A Soviet undertaking is an independent economic production unit having the status of a juridical person. The head is a director appointed by the higher economic authority. He has all the necessary powers and is fully responsible for the condition of the undertaking and the economic results of its operation. Nevertheless, all important decisions connected with the organisation of production and the working and living conditions of the personnel are determined by mutual consultations and agreements between the director and the local or works trade union committee.

*Works funds.* To enhance the well-being of its personnel and to develop production, every undertaking has a special fund, established out of a charge on profits and savings obtained by reducing production costs. The moneys of this fund are spent by the director in consultation with the trade union committee, as follows : 50 per cent. on modernising production techniques and on constructing housing for the workers and 50 per cent. on improving cultural and welfare services for the workers' benefit (clubs, works canteens, physical culture, sanatoria and rest houses, etc.) and on the granting of individual bonuses, the repayment of holiday expenses in sanatoria and rest houses and the granting of special aid to workers.

*The works trade union committees.* The decree of 15 July 1958 allowed works trade union committees extensive rights for making decisions and exercising control with regard to the management. These committees co-operate in particular in fixing jobs to be paid at time or piece rates or those for which special rates are provided on account of hard or dangerous work, etc., and in fixing the rates to be applied to different grades, profit norms, bonus systems and remuneration, the dismissal of workers, etc.

*Permanent production conferences.* These conferences, which are to be set up in all undertakings in the Union under the ordinance of 9 July 1958, are one of the most important forms of co-operation between the management and workers in production problems. Workers and employees are members of these conferences, together with representatives of local, workshop, and works trade union committees and also representatives of the works management. Until now more than 6 million workers have been elected as members of these conferences.

The conference hears the management reports, reviews their proposals and makes observations on the different problems dealing with the activities of the undertaking. Its decisions must be carried out by the management, unless they are in conflict with legal provisions or current economic plans.

*Scientific and technical societies.* At a more technical level close co-operation exists in the various scientific and technical societies to be found in the Soviet undertakings ; they play an active role in the development of rationalisation projects and in the popularisation of advanced experiments.

*Joint committees for settling disputes in undertakings.* These committees, which com-

prise an equal number of representatives of the trade union committee and the management, must be informed immediately of disputes concerning the enforcement of labour legislation, collective agreements and internal regulations as well as of disputes arising from the enforcement of the wage rates in force, the dismissal of workers or their transfer to another post, remuneration for work not up to standard (reject), separation pay, etc.

*Internal regulations.* The two sides are also induced to co-operate in the reciprocal control that they exercise with regard to the enforcement of the interior regulations in undertakings. These regulations, amongst other things, provide for the obligation of the management to organise labour in such a way as to fit each worker to a job corresponding to his occupation and grade; to enforce strictly the legislation relating to labour conditions (prescribed working hours, etc.), to take action in the sphere of labour security and hygiene, etc. On their side the workers are obliged to observe the prescribed length of the working day, to carry out the management instructions in good time and to observe the security and hygiene rules, etc.

The Government considers that the legislation and national practice are in full accordance with the Recommendation.

#### *United Arab Republic.*

##### *Egypt.*

Legislative Decree No. 317 of 1952 respecting individual contracts of employment (*L.S.* 1952—*Ex. 1*).

Ministerial Order No. 3 of 23 January 1956, issued under section 34 of Legislative Decree No. 317 of 1952 (as amended by Ministerial Orders No. 8 of 7 February 1956 and No. 99 of 25 November 1956).

Ministerial Order No. 50 of 12 February 1958 respecting measures for the protection of workers against dangers to health and dangers from machines.

Section 1 of Ministerial Order No. 3 of 1956 (as amended) provides that in each establishment a committee shall be set up to review the establishment's social activities and to decide as to the spending of fines deducted from wages and salaries. The committee is to consist of an employer's delegate and two wage earners. The latter are selected by the trade union to which not less than 60 per cent. of the wage earners belong; otherwise they are elected by the wage earners.

Section 15 of Ministerial Order No. 50 of 1958 provides for the setting up in industrial firms employing more than 100 wage earners of a safety committee consisting of the employer or his delegate as chairman, the supervisor of workers' safety, the chiefs of principal divisions, and three workers selected by the workers. The safety committee may investigate the causes of accidents and lay down safety regulations. It must render monthly reports to the Labour Department.

The above-mentioned provisions are enforced by the Labour Department.

It is proposed to amend Legislative Decree No. 317 of 1952 so as to provide for the setting up of committees for employer-worker co-operation in undertakings.

#### *United Kingdom.*

Coal Industry Nationalisation Act, 1946.

Transport Act, 1947.

Electricity Act, 1947.

Gas Act, 1948.

Civil Aviation Act, 1949.

After the First World War the establishment of joint consultative committees was encouraged, in accordance with the recommendations of the Whitley Committee. In 1942 the Government encouraged employers and trade unions in the major war production industries to set up joint productivity committees. In 1947 the National Joint Advisory Council recommended the setting up of joint consultative machinery, where it did not already exist, for the discussion of production questions. The Council, however, stated that such machinery should be voluntary and advisory in character, that it should not consider terms of employment normally dealt with through ordinary machinery of joint negotiation, and that each industry should be free to decide the form of the consultative machinery and the level at which it should be established.

Encouragement and assistance in the setting up of consultative machinery have been provided by Regional Boards for Industry, their District Committees, Local Employment Committees, and the Ministry of Labour and National Service, by means of conferences, leaflets and contacts with individual firms. The subject was discussed at national conferences in 1948 and 1952. The establishment of consultative machinery in undertakings is advocated in a booklet on "Positive Employment Policies" which was sent by the Ministry of Labour in 1958 to all firms with over 200 employees (a copy is appended to the report).

Legislation passed between 1946 and 1949 to nationalise the railways, civil air transport, coal, gas and electricity supply provided for consultation with appropriate bodies with a view to establishing joint consultative machinery (as well as negotiating machinery) where adequate machinery did not already exist. Consultation machinery has been established, *inter alia*, at the local level in all the nationalised industries. The form of machinery varies; in some industries negotiation and consultation are carried out by the same bodies, in others by separate bodies.

At the end of 1949 the position regarding agreements on joint consultative machinery was as follows: in ten industries national organisations of employers and employees had agreed to recommend to their members the establishment of joint committees in accordance with a model constitution; in 17 industries it was agreed to recommend the establishment of joint machinery where desired by both parties in an establishment, its form being left to the parties; 11 industries were satisfied with existing arrangements, which permitted the establishment of works committees or councils by local agreement (in two of these model constitutions had been adopted); nine industries considered existing arrangements to be satisfactory, although in general no form of consultative machinery existed in individual establishments.

Most major industries now possess consultative machinery, though the bulk of the committees are in manufacturing and the nationalised industries. No statistics have been collected in recent years, but a large number of establishments is known to possess joint consultative committees, and on the whole they work effectively.

The scope of works councils and committees varies considerably from industry to industry and from one firm to another, but effective joint consultation appears to take place in many firms on matters of considerable importance (e.g. installation of new processes, redundancy, introduction of work study, job evaluation, efficiency, safety and education and training). The report cites the following examples :

1. The works committee of an aircraft propeller factory with 5,000 employees regularly considers the company's orders and delivery dates and makes a programme review. When the factory layout was replanned, the committee was consulted, and for four weeks went round the factory checking the practicability of the plans ; a tooling subcommittee studied the plans with particular reference to efficient future servicing of the various departments.

2. In the nationalised electricity supply industry, joint consultative machinery operates under an agreement made in 1949 (revised in 1957). Originally local committees concentrated on welfare matters, but now the main subjects discussed are efficiency and safety, followed by education and training. Progress reports by local chairmen (who are also the local managers) have stimulated interest in efficiency matters.

It is the established policy of the Government to promote consultation between employers and workers at the level of the undertaking, and for this purpose to encourage the conclusion of voluntary agreements between the parties. On this basis the Government has accepted the Recommendation. The promotion of consultation and co-operation by laws or regulations is not considered appropriate to custom and practice in the United Kingdom.

#### *United States.*

Apprenticeship Act 1937 (29 United States Code 50).  
Executive Order 10640 (3 Code of Federal Regulations 88, 1955 Supplement).

The Recommendation is considered to be appropriate in part for federal action and in part for action by the constituent states.

#### *Federal Action.*

The matters apparently envisaged by the Recommendation as subjects of "co-operation" are, in the United States, generally the products of collective bargaining. The purpose of existing legislation is to facilitate collective bargaining.

The Apprenticeship Act of 1937 authorises and directs the Secretary of Labor, *inter alia*, to bring together employers and labour for the formulation of apprenticeship programmes.

Under Executive Order 10640, the President's Committee on Employment of the Physically Handicapped co-operates with, and encourages

co-operation between, all interested groups in the employment of the handicapped, including employers and labour.

#### *State Action.*

Co-operation at the level of the undertaking by means of collective bargaining is encouraged by the state governments. Legislation and practice vary from state to state.

#### *Uruguay.*

There is no legislation on this subject. In practice many industrial establishments have work committees, particularly in the textile and metal production industries. The Ministry of Industry and Labour, in co-operation with the National Labour Institute, is preparing relevant draft legislation.

#### *Viet-Nam.*

Order No. 66-XLND of 14 September 1953 of the Minister of Labour, regarding staff representatives. Labour Code (L.S. 1956—V.N. 1).

Chapter IX (sections 148 to 153) of the Labour Code provides for the appointment of staff representatives in all undertakings normally employing more than 100 employees. The composition of the staff delegations and their activities are regulated by collective agreements or general employment regulations (section 149 (2) of the Code). In the absence of collective agreements and general employment regulations, the provisions of Ministerial Order No. 66-XLND apply.

The powers and duties of staff representatives are defined by section 152 of the Code.

The Labour Inspectorate enforces the relevant legislation.

The Government considers that the existing provisions implement the Recommendation.

#### *Yugoslavia.*

Constitution of the Federal People's Republic of Yugoslavia of 1953.

Basic Law of 1950 on the administration of public undertakings by the staffs employed therein (L.S. 1950—Yug. 2).

Labour Relations Act of 1957 (L.S. 1957—Yug. 2).

The system of workers' management in undertakings, which was introduced into Yugoslavia by the Act of 1950 and developed by later legislation, enables the workers in each undertaking to decide all questions dealing with production and the distribution of the net profits in the undertaking within the general scope of the pattern established by the Economic Plan. They also settle all questions relating to their work in the undertaking. In particular they adopt the Internal Labour Regulations and the Tariff Regulations, and also make rules within the framework of these Regulations on individual questions, such as the institution and discontinuation of labour relations (recruitment and dismissal), disciplinary penalties, etc. Thus Yugoslav workers no longer have to deal with the employer, whether this is a private person or the State as proprietor. Under the system of workers' management, relations between employers and work-

ers have been replaced by relations between the workers themselves in the workers' collective in the undertaking; the collective's interests tend to be identified with those of the undertaking itself.

The system of workers' management also includes the right of the workers to elect directly in the undertaking members of representative bodies of the public authority at

all levels, from communal assemblies to the National Assembly at the federal level. Representatives elected in undertakings are members of the "Producers' Boards", which play an especially important role in the carrying out of the economic policy in their respective areas. No economic action of any importance can be taken unless it is approved by these Producers' Boards.

## 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 sent to the representative employers' and workers' organisations :

Argentina	Ghana	Norway
Australia	Greece	Pakistan
Austria	Guatemala	Philippines
Belgium	Honduras	Portugal
Burma	Iceland	Sudan
Canada	India	Sweden
Ceylon	Indonesia	Switzerland
Chile	Iran	Tunis
Costa Rica	Ireland	Turkey
Cuba	Israel	Union of South Africa
Denmark	Italy	United Arab Republic
Dominican Republic	Japan	(Egypt)
Finland	Luxembourg	United Kingdom
France	Mexico	United States
Federal Republic of Germany	Morocco	Viet-Nam
	New Zealand	

The Government of *Afghanistan* stated that no such organisations exist.

The Governments of *Bulgaria* and *Poland* stated that copies of the reports supplied by them have been sent to the central boards of the trade unions in their respective countries.

The Government of *Spain* stated that copies of the reports provided by it have been sent to the national economic and national social departments of the relevant trade unions.

The Government of the *Federation of Malaya* stated that the I.L.O. Conventions Subcommittee of the National Joint Labour Advisory Council would receive copies of the reports supplied by it.

The Government of the *Netherlands* stated that copies of the report supplied by it have been sent to the Labour Institution, to which body the main employers' and workers' organisations belong.

The Governments of *Byelorussia*, *Ukraine* and the *U.S.S.R.* stated that copies of the reports supplied by them have been sent to the central boards of the trade unions in their respective countries and to the managements of the various undertakings.

---







# INTERNATIONAL LABOUR OFFICE

Catalogues and publications may be obtained at the following addresses:

INTERNATIONAL LABOUR OFFICE, Geneva, Switzerland ("Interlab Genève"; Tel. 32 62 00 and 32 80 20).

INTERNATIONAL LABOUR OFFICE (Liaison Office with the United Nations), 345 East 46th Street, New York 17, N.Y., U.S.A. ("Interlabor Newyorkny"; Tel. OXford 7-0150).

(Limited distribution only; orders for publications in the United States should be addressed to the Washington Office.)

## BRANCH OFFICES

**Brazil:** Mr. Pericles DE SOUZA MONTEIRO, Edifício do Ministério do Trabalho, 2.º andar, salas 216 a 220, Avenida Presidente Antonio Carlos, Rio de Janeiro ("Interlab Rio de Janeiro"; Tel. 42-0455).

**Canada:** Mr. D. M. YOUNG, Room 307, 202 Queen Street, Ottawa 4, Ontario ("Interlab Ottawa").

**France:** Mrs. A. JOUHAUX, 205 Boulevard Saint-Germain, Paris VII\* ("Interlab Paris"; Tel. Littre 92-02 and 92-03).

**Germany (Federal Republic):** Mr. F. G. SEIB, Kölner Strasse 64a, Bad Godesberg ("Interlab Bonn"; Tel. Bad Godesberg 2322).

**India:** Mr. V. K. R. MENON, 1-Mandi House New Delhi ("Interlab New Delhi"; Tel. 44481 and 47567).

**Italy:** Mr. G. GALLONE, Villa Aldobrandini, 28 Via Panisperna, Rome ("Interlab Roma"; Tel. 68 43 84).

**Japan:** Mr. Y. SAKURAI, Zenkoku-Choson-Kaikan, 17, 1 Chome, Nagata-Cho, Chiyoda-Ku, Tokyo ("Interlab Tokyo").

**United Kingdom:** Mr. E. S. KRAUSE, 38-39 Parliament Street, London, S.W.1 ("Interlab London"; Tel. Whitehall 1437).

**United States:** —, 917 15th Street, N.W., Washington 5, D.C. ("Interlab Washington"; Tel. District 7-9120).

## CORRESPONDENTS

**Australia:** Mr. Ian G. SHARP, Department of Labour and National Service, 125 Swanston Street, Melbourne, C.I., Victoria ("Sharp Co-labour Melbourne"; Tel. MF 8482).

**Austria:** Dr. Josef HAMMERL, Bundesministerium für Soziale Verwaltung, Stubenring 1, Regierungsgebäude, Vienna.

**Bulgaria:** Mr. A. MINTCHEFF, Rue Zanko Zerkovski 30, Sofia 21.

**Czechoslovakia:** Mr. Jiří FISCHER, ÚTK-Klementinum, Prague I.

**Greece:** Mr. A. TRIANTAFYLOU, Thiras 49, Athens (Tel. 532450).

**Iran:** Mr. Habib NAFICY, Av. Keyvan, Hechmatdowle, Teheran ("Interlab Teheran"; Tel. 39002).

**Israel:** Mr. M. E. MARGALIT, Ministry of Labour, Jerusalem.

**Lebanon:** Mr. Joseph DONATO, Directeur du Département des Affaires sociales, Boite postale 2306, Beyrouth ("Interlab Beyrouth").

**Netherlands:** Mr. T. M. FELLINKHOFF, Ministerie van Sociale Zaken, 73 Zeestraat, The Hague ("Soza The Hague"; Tel. 18 32 20).

**Norway:** Mr. Kaare SALVESEN, Sosialdepartementet, Akersgaten 42, Oslo Dep. ("Interlab Oslo"; Tel. 41 78 00).

**Pakistan:** Mr. Muhammad ASLAM, Room No. 8, Block No. 17, Pakistan Secretariat Hutments, near Chief Court, Karachi ("Interlab Karachi").

**Philippines:** Mr. Juan L. LANTING, Room 507, Burke Building, Escolta, Manila ("Interlab Manila").

**Portugal:** Mr. A. GOMES d'ALMEIDA, Rua D. João V, 29-3.º E., Lisbon (Tel. 68 17 31).

**Turkey:** Professor Fadil Hakki SUB, Ankara Hukuk Fakültesi, Ankara ("Interlab Ankara"). (Orders may also be addressed to the Field Office for the Near and Middle East, Lüleçiler caddesi 26, Tophane, Istanbul.)

**Union of South Africa:** Major-General F. L. A. BUCHANAN, P.O. Box 56, Silverton, Pretoria (Tel. 39637).

**United Arab Republic:** Mr. A. EL MARAGHI, 59 Rue Treize, Maadi, Cairo; Mr. Ihsan JOUKHADAR, Secrétaire général, Ministère du Travail et des Affaires sociales, Damas.

**Yugoslavia:** Mr. Ratko PEŠIĆ, Jugoslovenska nacionalna komisija za Međunarodnu organizaciju rada, Savska 35, Belgrade.

Also from Correspondents in Argentina, Belgium, Bolivia, Chile, Colombia, Costa Rica, Cuba, Ecuador, Haiti, Peru, Spain, Uruguay and Venezuela.

Specimen copies sent free on request. *Apart from subscriptions and orders, all correspondence concerning the publications (requests for information, suggestions, etc.) should be addressed to the International Labour Office in Geneva (Editorial Division).*



# **INTERNATIONAL LABOUR CONFERENCE**

**FORTY-THIRD SESSION**

**GENEVA, 1959**

**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, 1959**

**Price : 10 cents; 6d.**

09661 /

## Contents

	Page
Introduction . . . . .	1
Summary of information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the International Labour Conference at its 40th Session (Geneva, 1957) and supplementary information relating to the texts adopted by the Conference at its 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951, 1952, 1953, 1954, 1955 and 1956) . . . . .	3

## 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 Conventions and Recommendations adopted by the Conference at its 40th Session, held in Geneva from 5 to 27 June 1957.

As the closing date of the 40th Session of the Conference was 27 June 1957, the period of one year provided for the submission to the competent authorities expired on 27 June 1958, and the period of 18 months on 27 December 1958.

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, 38th and 39th 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, 1 to 23 June 1955 and 6 to 28 June 1956. 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 42nd Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 6 to 18 April 1959, the communications received from the governments, as stated in its report.

### *List of Texts Adopted by the Conference at Its 31st to 40th 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).

*40th Session (1957).*

Abolition of Forced Labour Convention (No. 105).  
Weekly Rest (Commerce and Offices) Convention (No. 106).  
Indigenous and Tribal Populations Convention (No. 107).  
Weekly Rest (Commerce and Offices) Recommendation (No. 103).  
Indigenous and Tribal Populations Recommendation (No. 104).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at its 40th Session (Geneva, 1957) and Supplementary Information relating to the Texts Adopted by the Conference at its 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951, 1952, 1953, 1954, 1955 and 1956)

*Albania*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Praesidium of the People's Assembly on 25 March 1958. With regard to Convention No. 105, the Government states that forced labour does not exist in Albania. As regards Convention No. 106 and Recommendation No. 103, employees are entitled to 36 consecutive hours of weekly rest. Convention No. 107 and Recommendation No. 104 are not applicable in Albania as there are no tribal or semi-tribal populations.

*Australia*

In October 1958 a document was submitted to the Commonwealth Parliament concerning the Conventions and Recommendations adopted by the Conference at its 38th and 39th Sessions. This document describes the law and practice of the Commonwealth and the various states and sets out the views of the Commonwealth and state governments concerning the effect to be given to the various instruments. As regards Convention No. 104, a study was made of the question whether the ratification would be possible even though non-discriminatory penal sanctions exist for breaches of contract of employment; pending the results of this study and, in the absence of agreement by all the states, it is not proposed at present to proceed with ratification. As regards Recommendations Nos. 99, 101 and 102, their provisions are applied to a large extent. It is not proposed, in the absence of full compliance and agreement by all the states, to accept the instruments. As regards Recommendation No. 100, it is partially applied in the territories of Nauru, New Guinea and Papua, but with a great many exceptions to its provisions. Most of these exceptions are aimed at protecting the interests of the indigenous inhabitants to an even greater extent than that proposed in the Recommendation.

*Austria*

Conventions Nos. 105 and 107 and Recommendation No. 104 have been submitted to the National Council (Parliament), which ap-

proved ratification of Convention No. 105.<sup>1</sup> Convention No. 107 and Recommendation No. 104 deal with problems which do not arise in Austria, and it is not proposed to ratify the Convention. As regards Convention No. 106 and Recommendation No. 103, the Council of Ministers in November 1958 established a Ministerial Committee consisting of the Federal Ministers of Social Administration, Finance and Commerce, and Reconstruction, for the purpose of examining the possibility of ratifying the Convention and the adjustments which would have to be made in Austrian legislation so as to bring it into conformity with both of these instruments.

*Belgium*<sup>2</sup>

On 11 November 1958 the Government sent to Parliament two communications, one of which related to Conventions Nos. 105 and 106, and Recommendation No. 103, and the other to Convention No. 107 and Recommendation No. 104. According to these communications, it is not possible at present to ratify Convention No. 105; the ratification of Convention No. 106, which the Government is considering, would require changes in the scope of the Sunday Rest Act and in those of its provisions which concern the grant of compensatory rest; the Government proposes to ratify Convention No. 107 in a spirit of international solidarity.<sup>3</sup>

*Brazil*

In May 1958 the President of the Republic submitted Conventions Nos. 105, 106 and 107 to the National Congress, recommending their adoption.

*Bulgaria*

The instruments adopted by the Conference at its 40th Session have been submitted to the Praesidium of the National Assembly.

<sup>1</sup> Ratification of Convention No. 105 by Austria was registered on 5 March 1958.

<sup>2</sup> Ratification of Convention No. 96 by Belgium was registered on 4 July 1958.

<sup>3</sup> Ratification of Convention No. 107 by Belgium was registered on 19 November 1958.

The Praesidium took note of Conventions Nos. 105 and 106 and Recommendation No. 103. With regard to Convention No. 107 and Recommendation No. 104, the Praesidium noted that these instruments were not applicable to Bulgaria.

#### *Byelorussia*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Praesidium of the Supreme Soviet of the Byelorussian Soviet Socialist Republic on 10 May 1958.

#### *Canada*

Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104 were submitted to the House of Commons and the Senate of Canada on 21 May 1958, accompanied by a letter dated 14 February 1958 setting forth the opinion of the Minister of Justice concerning the respective legislative jurisdiction of the Central Government and of the provinces for these instruments. On 6 June these Conventions and Recommendations were sent to the Lieutenant-Governors of the ten provinces of Canada for submission to the respective provincial governments.

#### *Ceylon*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the House of Representatives on 11 February 1958 and to the Senate on 18 February 1958. The submission was not accompanied by any proposals. The Government will examine the instruments with a view to determining what action is called for.

#### *Chile*

Conventions Nos. 105, 106 and 107 were submitted to the National Congress by messages dated 22 April 1958. Recommendations 103 and 104 were submitted to the National Congress by messages dated 6 June 1958.

#### *China*<sup>1</sup>

The information received concerns ratification only.

#### *Costa Rica*

By a note dated 7 October 1958 the Executive submitted to the Legislative Assembly Recommendations Nos. 101 and 102 adopted by the Conference at its 39th Session, and by a note dated 26 January 1959 it submitted Conventions Nos. 105, 106 and 107 and Recommendations Nos. 103 and 104 adopted at the 40th Session.

#### *Cuba*<sup>2</sup>

In October 1957 the Ministry of State informed the Ministry of Labour that the Conventions and Recommendations adopted by

the Conference at its 40th Session would be submitted to the Senate of the Republic so that it might approve the Conventions and take account of the Recommendations in its legislative work.

In August 1958 the Ministry of Labour transmitted Recommendations Nos. 103 and 104 to the Council of Ministers, which is considered as the competent authority. In so doing the Minister pointed out that Recommendation No. 104 was not applicable to Cuba and that Recommendation No. 103 should be taken into consideration with a view to the adoption of general regulations on hours of work and weekly rest, which would amend Decree No. 2513 of 1933.

#### *Denmark*

The report of the Danish delegation to the 40th Session of the Conference, containing the texts of the Conventions and Recommendations adopted at that session, was submitted to the Parliament, together with a communication of the Minister of Social Affairs dated 30 September 1957. According to this communication, the Government will propose ratification of Conventions Nos. 105 and 106. Convention No. 107 and Recommendation No. 104 are not considered applicable to Denmark. The Danish Parliament authorised ratification of Conventions Nos. 105 and 106<sup>1</sup> on 13 November 1957.

#### *Dominican Republic*<sup>2</sup>

Recommendations Nos. 103 and 104, adopted by the Conference at its 40th Session, have been submitted to the National Congress and brought to the knowledge of all senators and deputies for such action as they might deem appropriate.

#### *Federal Republic of Germany*

The instruments adopted by the Conference at its 40th Session were submitted to the Diet and the Federal Council on 24 December 1958, accompanied by detailed memoranda describing the existing legislation and the action contemplated by the Government. The provisions of Convention No. 106 are largely applied in the Federal Republic; however, German legislation makes no provision for weekly rest within the meaning of the Convention, particularly as regards the temporary exceptions listed in section 105 (c) of the Industrial Code. Therefore, it does not yet seem possible to ratify the Convention, but the Federal Government is considering adopting legislation which will take account of both Convention No. 14 and Convention No. 106.

As regards Recommendation No. 103, the provisions of Paragraph 4 concerning young persons under 18 years of age are not embodied in the Bill concerning the protection of young workers which is now before the Lower Chamber. In the course of the proposed revision of existing provisions concerning the prohibition of work on Sunday and on public holidays and authorised exceptions, the Federal Government will examine how far effect can be given to

<sup>1</sup> Ratification of Convention No. 105 by China was registered on 31 March 1959.

<sup>2</sup> Ratification of Conventions Nos. 105, 106 and 107 by Cuba was registered on 2 June 1958.

<sup>1</sup> Ratification of Conventions Nos. 105 and 106 by Denmark was registered on 17 January 1958.

<sup>2</sup> Ratification of Conventions Nos. 105, 106 and 107 by the Dominican Republic was registered on 23 June 1958.



Recommendation No. 103. As regards Convention No. 107 and Recommendation No. 104, the problems which these instruments deal with do not arise in the Federal Republic; the Federal Government nevertheless welcomes the adoption by the International Labour Organisation, in co-operation with the United Nations and the other specialised agencies, of standards giving effect to the principles contained in the Declaration of Philadelphia.

#### *Ghana*<sup>1</sup>

The information received concerns ratification only.

#### *Guatemala*

The Government submitted Recommendations Nos. 101 and 102 to the Congress of the Republic on 12 June 1958.

#### *Haiti*

Conventions Nos. 105, 106 and 107 have been ratified, and Recommendations Nos. 103 and 104 have been submitted to the competent authorities. The Act of 17 September 1958 regulates the weekly rest in commerce and offices.

#### *Honduras*

The competent authority is the National Congress, which is required by the Constitution to meet once a year. On 21 March 1958, the Secretary of State for External Relations addressed a communication to the National Congress accompanied by the text of the Conventions and Recommendations adopted by the Conference at its 40th Session. According to this communication, Recommendation No. 103 is in harmony with the provisions of the Constitution; the National Congress is invited to take such steps as it deems appropriate to give effect in whole or in part to Recommendation No. 104; the National Congress is requested to ratify Convention No. 105, which has been approved by an Executive Resolution of 10 March 1958<sup>2</sup>; as regards Convention No. 106, article 112 (1) of the Constitution provides that all workers shall be entitled to one day of rest, preferably on Sunday, for six days of work; consequently, the Congress might either ratify the Convention, while declaring that the length of the weekly rest shall be as fixed in article 112 of the Constitution, or accept only those provisions of the Convention which can be given effect by legislative measures in conformity with the Constitution; finally, the Government, though recognising the value of Convention No. 107, is not in a position to ratify it owing to budgetary limitations and the claims of other serious social problems.

#### *Hungary*

The instruments adopted by the Conference at its 40th Session have been submitted to the competent authority.

<sup>1</sup> Ratification of Conventions Nos. 105, 106 and 107 by Ghana was registered on 15 December 1958.

<sup>2</sup> Ratification of Convention No. 105 by Honduras was registered on 4 August 1958.

#### *Iceland*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the *Althing* on 23 April 1958, together with an explanatory statement by the Minister of Social Affairs proposing, among other things, ratification of Conventions Nos. 105 and 106.

#### *India*<sup>1</sup>

The report of the Indian Government delegation to the 40th Session of the Conference was submitted to Parliament in December 1957, together with the texts of the Conventions and Recommendations adopted at that session. In accordance with the established practice, the texts of Conventions Nos. 106 and 107 and of Recommendations Nos. 103 and 104 were transmitted in October 1957 to the state governments, the central ministries concerned and the all-India organisations of employers and workers, inviting their views regarding the desirability and practicability of giving effect to these instruments, either in whole or in part. It was not considered necessary to communicate the text of Convention No. 105, as the implications of this Convention had already been examined and no further action was possible.

In August 1958 the Government submitted to Parliament a statement on each of the Conventions and Recommendations, together with a detailed analysis of the relevant legislation and practice. As regards Convention No. 105, the Government states that the Constitution and laws of India empower the State to impose compulsory labour in certain cases not contemplated by the Convention. Ratification of Convention No. 29 has already placed certain restrictions on the powers enjoyed by the State in this field, and the Government is not prepared to ratify Convention No. 105 in the present circumstances. As regards Convention No. 106 and Recommendation No. 103, the scope of Indian legislation is more restricted than that of these instruments, and efforts to extend it are hampered by obstacles of an administrative and financial nature; therefore, the Government does not for the time being propose to ratify the Convention, nor does it feel that any particular action is required to give effect to the Recommendation. Finally, the Government's statement recommended ratification of Convention No. 107<sup>2</sup> and indicated that no special action was necessary to give effect to the various provisions of Recommendation No. 104.

#### *Indonesia*<sup>3</sup>

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the competent authorities. The Minister of Labour proposed ratification of Convention No. 105.

<sup>1</sup> Ratification of Convention No. 100 by India was registered on 25 September 1958.

<sup>2</sup> Ratification of Convention No. 107 by India was registered on 29 September 1958.

<sup>3</sup> Ratification of Convention No. 100 by Indonesia was registered on 11 August 1958.

### *Iran*

Bills relating to Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104 were communicated to the Council of Ministers on 12 January 1959 and submitted to Parliament on 18 February 1959. They include proposals to ratify or accept the above instruments.

The ratification of Convention No. 105 has been approved by Parliament.

### *Ireland*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Government on 7 March 1958 and to the *Oireachtas* on 21 March 1958. The Government has decided to ratify Convention No. 105.<sup>1</sup> With regard to Convention No. 106 and Recommendation No. 103, Irish legislation does not give full effect to their provisions, but most workers already enjoy conditions equal to or better than those which they provide for and the Government therefore considered that there was no need for legislative action to ratify the Convention or to give effect to the Recommendation. The Government has not proposed ratification of Convention No. 107 which, like Recommendation No. 104, is not applicable to Ireland.

### *Israel*<sup>2</sup>

The Conventions and Recommendations adopted by the Conference at its 40th Session were placed on the agenda of the Parliament, by government decision, in the spring of 1958.<sup>3</sup>

### *Japan*

The Japanese texts of the instrument adopted by the Conference at its 40th Session were submitted to the Diet on 23 April 1958, together with a report containing the Government's proposals for action on each of these instruments. In this report, the Government proposes ratification of Convention No. 105. As regards Convention No. 106 and Recommendation No. 103, most of their provisions are already given effect by national legislation. However, there are still a few provisions which are not applied and it is therefore not possible to give full effect to the instruments at the present time. Convention No. 107 and Recommendation No. 104 are not applicable in Japan as there are no tribal or semi-tribal populations.

### *Jordan*<sup>4</sup>

The information received concerns ratification only.

### *Luxembourg*<sup>5</sup>

The Minister of Labour, Social Security and Mines has notified the Minister of Foreign

Affairs of his intention to introduce Bills providing for the approval of Conventions Nos. 105 and 106; as regards Convention No. 107, its ratification should be envisaged in a spirit of international solidarity; should ratification not seem advisable, the question of how to meet the requirements of article 19 of the I.L.O. Constitution would have to be considered.

### *Mexico*

Conventions Nos. 105, 106 and 107 have been submitted to the Senate of the Republic. Recommendation No. 103 has been addressed to the Chief of the Department of the Federal District and to the Governors of the various federal states and territories. Recommendation No. 104 has been addressed to the state governors, the Director-General of Native Affairs in the Ministry of Public Education, and the Director-General of the National Institute for Indigenous Questions.

### *Morocco*

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the President of the Government. In keeping with the observation made by the Committee of Experts in 1958, Recommendations Nos. 101 and 102 were addressed to the Director of the Royal Cabinet for submission to the King on 20 May 1958.

### *Netherlands*<sup>1</sup>

The instrument of ratification for Convention No. 105 has been signed by the Queen.<sup>2</sup> The Government has prepared a memorandum on Convention No. 106 and Recommendation No. 103 for submission to the States-General, indicating the reasons why ratification is considered impracticable at present. A draft memorandum relating to Convention No. 107 and Recommendation No. 104 was submitted to the Governments of Surinam and the Netherlands Antilles.

### *New Zealand*

The Conventions and Recommendations adopted by the Conference at its 40th Session were laid before the House of Representatives on 24 October 1957 as appendices to the report of the Government delegates to that session of the Conference. The Government will ratify Convention No. 105 on condition that further study confirms that the legislation gives effect to the Convention to the degree of exactness required by the Committee of Experts. It will not be possible for New Zealand to ratify Convention No. 106 or to accept Recommendation No. 103 owing to the greater flexibility of national law and practice. In view of the almost total integration of the Maori population and the conditions resulting therefrom, the Government hopes to be in a position to ratify Convention No. 107 but does not propose to accept Recommendation No. 104.

<sup>1</sup> Ratification of Convention No. 101 by the Netherlands was registered on 27 November 1958.

<sup>2</sup> Ratification of Convention No. 105 by the Netherlands was registered on 18 February 1959.

<sup>1</sup> Ratification of Convention No. 105 by Ireland was registered on 11 June 1958.

<sup>2</sup> Ratification of Convention No. 95 by Israel was registered on 12 January 1959.

<sup>3</sup> Ratification of Convention No. 105 by Israel was registered on 10 April 1958.

<sup>4</sup> Ratification of Convention No. 105 by Jordan was registered on 31 March 1958.

<sup>5</sup> Ratification of Convention No. 96 by Luxembourg was registered on 15 December 1958.

### *Nicaragua*

The Legislature is the competent authority. The Government is examining the possibility of ratifying the instruments adopted by the Conference at its 40th Session. These instruments will be submitted to the Chambers after approval of the legislative changes made to bring national labour laws and regulations into conformity with the international Conventions already ratified by Nicaragua.

### *Norway*

On 10 January 1956 the Government submitted to the *Storting* the Conventions and Recommendations adopted by the Conference at its 40th Session, together with a statement analysing the Norwegian legislation and practice in relation to the various provisions of these instruments and containing proposals for action thereon. The Government proposed ratification of Convention No. 105.<sup>1</sup>

### *Pakistan*

The Government has prepared a statement concerning Recommendations Nos. 101 and 102 for submission to the National Assembly. According to this statement, the existing state of agricultural development in Pakistan precludes acceptance of Recommendation No. 101; nevertheless, the provincial governments and the other authorities concerned are asked to implement as many of its provisions as possible and to report annually to the Government on the progress made in this regard. With regard to Recommendation No. 102, the Pakistan Tripartite Labour Conference at its May 1958 session recommended the Government to accept as many of its provisions as were found to be practicable. The Government accordingly accepts this Recommendation, with the exception of Paragraphs 10, 12, and 29 to 34. The provisions accepted will be modified in their application to meet local conditions. No legislative action will be proposed, the implementation of the accepted provisions of the Recommendation being left in the first instance to voluntary action.

### *Peru*

The Government has submitted several Conventions (Nos. 99, 100, 101, 102, 105 and 107) to Congress for ratification as the result of a favourable report given by the committee set up in the Ministry of Labour and Social Affairs to study the possibility of ratification.

### *Philippines*

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the President of the Philippines with a draft message to Congress proposing legislative action to give effect to them.

### *Poland*<sup>2</sup>

The information received concerns ratification only.

<sup>1</sup> Ratification of Convention No. 105 by Norway was registered on 14 April 1958.

<sup>2</sup> Ratification of Convention No. 105 by Poland was registered on 30 July 1958.

### *Portugal*

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the competent authorities for enactment into law or other appropriate action.

### *Rumania*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Praesidium of the National Assembly on 7 June 1958. The Government indicates that its submission was accompanied by explicit proposals.

### *El Salvador*<sup>1</sup>

The information received concerns ratification only.

### *Spain*

Convention No. 105 was submitted to the Ministry of Justice, the Ministry of the Interior, and the General Director of Labour in the Labour Ministry. Convention No. 106 and Recommendation No. 103 were submitted to the General Director of Labour in the Labour Ministry. Convention No. 107 and Recommendation No. 104 were submitted to the General Directorate of African Possessions, attached to the Prime Minister's office.

### *Sweden*

The instruments accepted by the Conference at its 40th Session were submitted by the Government to the *Riksdag* on 17 January 1958. The Minister of Social Affairs proposed ratification of Convention No. 105. Moreover, he suggested that the I.L.O. be consulted concerning the importance of discrepancies between Convention No. 106 and the corresponding Swedish legislation before taking any decision regarding ratification.<sup>1</sup> In the case of Recommendation No. 103, the Minister expressed the view that it did not for the time being call for any legislative action. Finally, he indicated that Convention No. 107 and Recommendation No. 104 had no direct bearing on conditions in Sweden.

In a communication to the Government dated 25 March 1958 the *Riksdag* indicated its approval of the Minister's proposals.<sup>2</sup>

### *Switzerland*

On 7 March 1958 the Federal Council submitted to the Federal Assembly a report containing the text of the Conventions and Recommendations adopted by the Conference at its 40th Session, together with a message proposing ratification of Convention No. 105.<sup>3</sup> The report mentions that while forced labour in any of the forms mentioned in the Convention has never existed in Switzerland, ratification is nonetheless desirable owing to the

<sup>1</sup> Ratification of Conventions Nos. 104, 105 and 107 by El Salvador was registered on 18 November 1958.

<sup>2</sup> Ratification of Convention No. 105 by Sweden was registered on 2 June 1958.

<sup>3</sup> Ratification of Convention No. 105 by Switzerland was registered on 18 July 1958.

great humanitarian significance of that instrument. Convention No. 107 and Recommendation No. 104 do not apply to Switzerland. As regards Convention No. 106, the Federal Law of 26 September 1931 contains a few minor discrepancies with respect to persons protected; the weekly rest provisions of the new general Labour Law now in preparation will be in conformity with the Convention. Effect is already given to a very large extent to the rules contained in Recommendation No. 103, particularly as regards young workers, and no special action appears to be called for; nevertheless, account is to be taken of these rules, so far as possible, in the drafting of the general Labour Law. The report of the Federal Council was approved unanimously by the Federal Legislative Chambers.

#### *Thailand*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the National Assembly but could not be examined owing to the latter's dissolution. The instruments will be re-submitted to the new National Assembly.

#### *Tunisia*<sup>1</sup>

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the President of the Republic, who is the authority competent to enact them into law or to take other measures. Ratification of Conventions Nos. 105 and 106 has been proposed.<sup>2</sup>

Convention No. 107 and Recommendation No. 104 do not apply to Tunisia, since there are no indigenous populations there. It is not proposed to accept Recommendation No. 103 at present, since Tunisian laws and regulations are not in conformity with that instrument.

#### *Turkey*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Grand National Assembly in the course of the 1958 budget debate.

#### *Ukraine*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Praesidium of the Supreme Soviet of the Ukrainian Soviet Socialist Republic in March 1958.

#### *Union of South Africa*

The Conventions and Recommendations adopted by the Conference at its 40th Session were laid on the tables of both houses of Parliament on 31 January 1958. Conventions Nos. 106 and 103 were submitted to the Executive Council which, while endorsing the principle of weekly rest in commerce and offices, decided that the subject did not lend

itself to regulation by international agreement. Convention No. 107 and Recommendation No. 104 were submitted to the Executive Council on 26 October 1958. The Union Government did not find it possible to ratify the Convention or to give effect to the Recommendation.

#### *U.S.S.R.*

The Conventions and Recommendations adopted by the Conference at its 40th Session were submitted to the Praesidium of the Supreme Soviet of the U.S.S.R. in May 1958.

#### *United Arab Republic*<sup>1</sup>

##### *Egypt.*

Considerable progress has been made with the translation of Conventions and Recommendations sponsored by the League of Arab States and the procedure is to continue with respect to those Conventions which have not yet been submitted to the competent authorities. The Conventions and Recommendations adopted at the 40th Session have been submitted to the National Assembly.

##### *Syria.*

The Conventions adopted by the Conference at its 40th Session have been submitted to the Syrian Parliament through the Council of Ministers.

Following the creation of the United Arab Republic, these instruments were submitted to the new competent authority, i.e. the President of the Republic, who promulgated Acts ratifying Conventions Nos. 105, 106 and 107.<sup>2</sup>

#### *United Kingdom*

In November 1957 the Government submitted to Parliament a White Paper in which, having regard to the fact that United Kingdom law and practice are fully in accordance with the provisions of Convention No. 105, it proposed ratification of the instrument.<sup>3</sup> In October 1958 the Government submitted to Parliament a White Paper concerning Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104. As regards Convention No. 106 and Recommendation No. 103, the White Paper points out that, while in the United Kingdom the workers covered by the Convention are entitled to a rest period at least equal to that specified in it, this is generally secured not by legislation but by custom. Therefore, ratification of the Convention would involve legislative measures, and since it is the policy of the Government not to intervene in matters which are settled by the parties themselves, it does not propose to ratify the Convention or to accept the Recommendation. As regards Convention No. 107 and Recommendation No. 104, the White Paper points

<sup>1</sup> Convention No. 104, formerly ratified by Syria, has been extended to the Egyptian Region by a declaration registered on 18 December 1958.

<sup>2</sup> Ratification of Conventions Nos. 105 and 106 by the United Arab Republic was registered on 23 October 1958 and ratification of Convention No. 107 on 14 January 1959.

<sup>3</sup> Ratification of Convention No. 105 by the United Kingdom was registered on 30 December 1957.

<sup>1</sup> Ratification of Convention No. 99 by Tunisia was registered on 12 January 1959.

<sup>2</sup> Ratification of Convention No. 105 by Tunisia was registered on 12 January 1959; and ratification of Convention No. 106 was registered on 28 May 1958.

out that these instruments refer to populations which do not exist in the United Kingdom and that, moreover, they do not apply to non-metropolitan territories. The Government therefore does not propose to ratify the Convention or to accept the Recommendation.

#### *United States*

The Government submitted Recommendations Nos. 99 and 100 to Congress in May 1958 and Recommendations Nos. 101 and 102 in June 1958. The documents submitted to Congress indicate that federal legislation is generally in agreement with the instruments and no new legislation is proposed. Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104 were submitted to Congress by a document dated 5 August 1958, stating that it is not proposed to ratify the Conventions or to adopt legislation giving effect to the instruments. The Government reported in September 1958 that Conventions Nos. 106 and 107 and Recommendations Nos. 99, 100, 102, 103 and 104 had been submitted to the Governors of the 48 states for possible recommendation to their respective legislatures.

#### *Uruguay*

In August 1958 the Executive sent a message to the General Assembly concerning Convention No. 105, together with a Bill for its approval and ratification.

#### *Viet-Nam*

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the President of the Republic for consideration.

#### *Yugoslavia*<sup>1</sup>

The Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the competent authorities with the proposal that the Conventions be ratified<sup>2</sup> and the Recommendations accepted.

---

<sup>1</sup> Ratification of Conventions Nos. 87, 88 and 98 by Yugoslavia was registered on 23 July 1958.

<sup>2</sup> Ratification of Convention No. 106 by Yugoslavia was registered on 13 October 1958.



90 9 66 1/1

**REPORT III**

**(PART IV)**

**INTERNATIONAL LABOUR  
CONFERENCE**

**FORTY-THIRD SESSION  
GENEVA, 1959**

**Third Item on the Agenda :**

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


**REPORT OF THE COMMITTEE  
OF EXPERTS ON THE APPLICATION OF CONVENTIONS  
AND RECOMMENDATIONS  
(Articles 19, 22 and 35 of the Constitution)**



**INTERNATIONAL LABOUR OFFICE  
GENEVA, 1959**

**Price : \$1.75 ; 10 s. 6 d.**

ILO LIBRARY  
1211 GENEVA 22



\*0088062\*



# **INTERNATIONAL LABOUR CONFERENCE**

**FORTY-THIRD SESSION**

**GENEVA, 1959**

**Third Item on the Agenda :**

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

**REPORT OF THE COMMITTEE  
OF EXPERTS ON THE APPLICATION OF CONVENTIONS  
AND RECOMMENDATIONS**

**(Articles 19, 22 and 35 of the Constitution)**



**INTERNATIONAL LABOUR OFFICE**

**GENEVA, 1959**



# CONTENTS

## PART ONE

### GENERAL REPORT

	Page		Page
I. Introduction . . . . .	3	V. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference . . . . .	8
II. Work of the Committee . . . . .	4	VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations . . . . .	10
III. Reports Submitted by Governments on Ratified Conventions . . . . .	5		
IV. Application of Conventions in Non-Metropolitan Territories . . . . .	6		

## PART TWO

### OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

	Page		Page
VII. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution) . . . . .	15	B. Individual Observations . . . . .	65
A. General Observations . . . . .	15	Appendix. Reports Received and Reports Not Received by 18 April 1959 . . . .	79
B. Individual Observations . . . . .	16	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) . . . . .	86
Appendix I. Reports Received and Reports Not Received by 18 April 1959 . . . .	60	Appendix I. Position of the Individual Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities . . . . .	92
Appendix II. Statistical Table of Annual Reports on Ratified Conventions . . . .	63	Appendix II. Tables Showing the Position of Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities . . . . .	95
VIII. Observations on the Application of Conventions in Non-Metropolitan Territories (Articles 22 and 35 (Paragraphs 6 and 8) of the Constitution) . . . . .	64		
A. General Observations . . . . .	64		

PART THREE <sup>1</sup>

CONCLUSIONS CONCERNING THE REPORTS RECEIVED UNDER ARTICLES 19 AND 22  
OF THE CONSTITUTION OF THE I.L.O., ON THE EFFECT GIVEN TO CONVENTIONS  
AND RECOMMENDATIONS RELATING TO FREEDOM OF ASSOCIATION AND PROTECTION  
OF THE RIGHT TO ORGANISE, COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS,  
CO-OPERATION IN THE UNDERTAKING

	Page
I. Freedom of Association and Protection of the Right to Organise, Collective Bargaining and Collective Agreements . . . . .	101
II. Co-operation in the Undertaking . . . . .	130
Appendix. Reports Requested and Reports Received by 18 April 1959 . . . . .	138
INDEX TO OBSERVATIONS MADE BY THE COMMITTEE (CLASSIFIED BY COUNTRIES) . .	139

---

<sup>1</sup> A detailed table of contents in respect of this Part is to be found on pp. 99-100.

PART ONE

**GENERAL REPORT**



## 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 29th Session in Geneva from 6 to 18 April 1959. The Committee has the honour to present its report to the Governing Body.

2. Since the Committee's last meeting the term of office of Mr. R. N. BANERJEE, who had been a member of the Committee since 1956, has expired and the Committee thanks him for his services. Mr. Paal BERG has resigned from the Committee owing to advancing years. Mr. BERG had since 1925 been closely associated with the work of the International Labour Organisation; he had held the offices of Chairman of the Governing Body and President of the International Labour Conference in addition to the eminent and valued assistance which he rendered to the Committee since he became a member of it in 1945. The Committee learned with profound regret of the death on 29 April 1958 of Mr. William RAPPARD who, in addition to having held the office of President of the International Labour Conference in 1951, had been a member of the Committee of Experts since it was first established in 1927. His high intellectual qualities and his wide experience of international affairs were an invaluable asset to the Committee in its work.

3. Since the Committee last met the Governing Body has appointed Mr. Isaac FORSTER (Senegal), Sir Ramaswami MUDALIAR (India) and Mr. Paul RUEGGER (Switzerland) to membership of the Committee. The Committee welcomed them to its present session.

4. The composition of the Committee is now as follows:

Sir Grantley ADAMS, Q.C. (Barbados),

Premier of the West Indies; former delegate to the United Nations Assembly;

Baron Frederik M. VAN ASBECK (Netherlands),

Professor of International Law and of Comparative Constitutional Law of Non-Metropolitan Countries at the University of Leyden; Member of the Permanent Court of Arbitration; Judge of the European Court of Human Rights; Associate Member of the Institute of International Law; former Member of the Mandates Commission of the League of Nations;

Mr. Henri BATIFFOL (France),

Professor of Private International Law at the Faculty of Law of the University of Paris; Deputy Director of the Institute of Comparative Law of the University of Paris; Member of the Institute of International Law;

Mr. Günther BEITZKE (Federal Republic of Germany),

Professor of Civil Law and of Private International Law at the University of Bonn;

Mr. Choucri CARDAHI (Lebanon),

Former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; Professor of

Law at the University of Beirut; Corresponding Member of the Institute of France (Academy of Moral and Political Sciences); Professor at the Academy of International Law of The Hague, 1933 and 1937;

Mr. Isaac FORSTER (Senegal),

President of Chamber in Court of Appeals, French West Africa; former Counsellor at Court of Appeals of Basse-Terre (Guadeloupe) and of French West Africa;

Mr. E. GARCÍA SAYÁN (Peru),

Former Professor of Civil Law at the University of Lima; former Minister of Foreign Affairs; Vice-President of the Inter-American Commercial Arbitration Commission;

Mr. Paul M. HERZOG (United States),

Executive Vice-President, American Arbitration Association; former Associate Dean, Graduate School of Public Administration, Harvard University; former Chairman of the National Labor Relations Board (Washington), former Chairman of the New York State Labor Relations Board; Member of the United States Government Delegation to the International Labour Conference, 1950;

Begum Liaquat Ali KHAN (Pakistan),

Ambassador to the Netherlands; former delegate to the United Nations Assembly; former Professor of Economics at the Inderprastha College, Delhi University; Member of the Syndicate and Senate of Karachi University;

Mr. H. S. KIRKALDY (United Kingdom),

Barrister; Professor of Industrial Relations at the University of Cambridge; Member of the United Kingdom Delegation to the sessions of the International Labour Conference, 1929-44;

Sir Ramaswami MUDALIAR, K.C.S.I., D.C.L. (Oxon.), (India),

Prime Minister of Mysore State, 1946-49; President of the Economic and Social Council, 1946 and 1947; leader of the Indian delegation to the United Nations Conference on International Organisation;

Mr. Afonso Rodrigues QUEIRO (Portugal),

Professor of International Law at the University of Coimbra; Member of the International Institute of Administrative Science;

Mr. Paul RUEGGER (Switzerland),

Ambassador; former Minister of Switzerland in Rome and London; President of the International Committee of the Red Cross, 1948-55; Swiss Member of the Permanent Court of Arbitration; Associate Member of the Institute of International Law;

Mr. Isidoro RUIZ MORENO (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 the Begum Liaquat Ali KHAN was unable to attend its present session owing to illness.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Sir Grantley ADAMS, Baron VAN ASBECK, Mr. FORSTER and Mr. SØRENSEN acted as Reporters on questions affecting non-metropolitan territories.

7. The Committee's session during this, the 40th anniversary year of the foundation of the International Labour Organisation, was marked by the attendance of the Chairman of the Governing Body, Mr. J. A. BARBOZA-CARNEIRO, at a sitting of the Committee. In the course of a short address he conveyed to the Committee the greetings of the members of the Governing Body and referred to the essential part which the work of the Committee played in the achievement of the objects of the International Labour Organisation. The Committee was gratified by the honour paid to it by the attendance of the Chairman of the Governing Body and by the remarks he was good enough to make.

## II. Work of the Committee

8. 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 three unratified Conventions and on two Recommendations selected by the Governing Body.

9. From 1 January to 31 December 1958, 98 new ratifications were registered, bringing the total number of ratifications at the end of 1958 to 1,863; by the time the Committee met that number had risen to 1,892. The number of new declarations affecting non-metropolitan territories which were communicated during the same period was 446, of which 203 provided for the application, with or without modifications, of Conventions to the territory in question. The total number of reports and other items of information submitted by governments under the various provisions of the Constitution referred to in paragraph 8 above and coming before the Committee this year for examination exceeded 4,800.

10. The Committee has, on many occasions in the past, referred to the growing volume of work coming each year before the Committee. To show the rapid increase it is only necessary to point out that the number of annual reports on the application of Conventions in metropolitan and non-metropolitan countries has more than trebled since 1949, having

risen from 1,300 in that year to 4,500 this year. In addition, there has been a corresponding growth in the number of other reports with which the Committee is each year called upon to deal. Further, there seems no reason to doubt that this trend is likely to continue in the coming years with the continued adoption of new Conventions, the admission of further States to membership and the increased rate at which Conventions are being ratified and declarations affecting non-metropolitan territories are being communicated.

11. The supply of these reports places every year a greater burden upon governments, the assimilation of the information which they contain places an increasing burden on the staff of the I.L.O. and the mass of information now coming before the Committee of Experts is such that there is great danger of the thoroughness of its work being seriously prejudiced. The Committee understands from recent reports of the Conference Committee on the Application of Conventions and Recommendations that it also has experienced difficulty in coping with the volume of work coming before it in present conditions.

12. As the Governing Body is aware, the Committee of Experts has in the past adopted, with the agreement of the Governing Body and of the Conference Committee, various measures with the intention of lightening the work-load, concentrating its efforts on the most important aspects of its work and reducing the size of its annual report. It has, for example, for a number of years now given particular attention to first reports received after ratification of a Convention. The object of this procedure was to enable the Committee, once it was satisfied of complete conformity, to deal, perhaps somewhat summarily, with subsequent annual reports. But the number of first reports coming before the Committee has greatly increased in recent years and an ever increasing part of the time at the disposal of the Committee has had to be devoted to this essential task. Moreover, when serious divergencies have been disclosed as a result of examination of first reports, it is often several years before the Committee has been able to satisfy itself that measures have been taken to secure complete conformity. The Committee has also, since last year, devised a new scheme by which certain of the points raised by its examination of governments' reports, which concerned requests for additional information or discrepancies of less fundamental importance, were not included in its printed report but were sent by the Office to the governments concerned in the form of direct requests on behalf of the Committee. While this procedure reduced somewhat the bulk of its report and may have lightened the task of the Conference Committee, it did not substantially affect the volume of work which the Committee of Experts had to handle.

13. In the whole circumstances the Committee feels the time has now come when some further substantial measures are necessary to lighten the burden imposed on governments in supplying reports, to ease the task of the International Labour Office in the essential services it renders to the Committee of Experts and the Conference Committee in connection with the examination of these reports and to ensure that the effectiveness of the work of the Committee of Experts will not be seriously prejudiced by its inability to deal effectively with the volume of material coming before it. The Committee of Experts believes that, if it has judged correctly the tenor of recent reports of the Conference Committee, that Committee will share its



view. The Committee has therefore submitted to the Governing Body in a separate report detailed proposals for that purpose. The proposals may be very briefly summarised by stating that the governments' annual report would not cover all ratified Conventions, as at present. Instead, with certain exceptions, governments would be called upon to report on a given Convention at two-yearly intervals instead of every year as at present, the Conventions being divided into two groups for this purpose. The exceptions referred to would be—

- (a) when a report is due for the first time after the entry into force of a Convention for a given country; and
- (b) when the Committee of Experts in its observations or the Conference Committee in its report has taken note of important divergencies between the national law or practice in any country and the terms of the Convention in question, and has specifically asked that the government concerned should submit a report in the following year even though it would not be due in accordance with the two-yearly rota suggested.

14. The Committee, before making these proposals, took careful note of the terms of article 22 of the Constitution and is satisfied that the procedure suggested is in no way in contravention of the terms of that article.

15. Although action to put these proposals into force lies entirely within the competence of the Governing Body, the Committee would venture to point out to the Governing Body that some such action is essential without delay if a crisis in the work of the international supervision of Conference decisions is to be avoided. It therefore hopes that the Governing Body will give effect to the proposals and will do so in time for them to come into force for the reports due to come before the Committee at its next session. It will be noted that in the observations which the Committee has made in Part Two of the present report relating to the reports supplied by governments on the various Conventions they have ratified the Committee has indicated by means of an appropriate footnote the cases where governments are asked to supply reports for next year even though a report would not otherwise be due if the Governing Body accepts the foregoing proposal of the Committee. The terms of that footnote, and the special reference it makes to supplying "full particulars to the Conference at its 43rd Session" are not intended in any way to imply that the Conference will not wish, in accordance with its usual practice, to receive information from the governments on the other observations which the Committee has made.

16. These proposals do not apply in any way, of course, to the information and reports requested every year from governments under article 19 of the Constitution (information on submission to the competent authorities and reports on unratified Conventions and on Recommendations).

### III. Reports Submitted by Governments on Ratified Conventions

#### (a) Supply of Annual Reports

17. The reports which came before the Committee this year related to the period 1 July 1957 to 30 June 1958. 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

1958 Conference Committee on the Application of Conventions and Recommendations. For the period 1957-58 the governments were called upon to supply a total number of 1,558 reports in respect of the application of 87 Conventions then in force for 70 States.

18. Up to the date of the present session of the Committee, the Office has received 1,484 reports (i.e. 95.2 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.

19. It will be noted not only 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 also the highest ever achieved. Although this may be in part the result of the fact that the session of the Committee took place this year somewhat later than usual, it is a matter worthy of emphasis as an indication of the increasing extent of recognition by member States of one of the fundamental obligations they have undertaken by virtue of their membership of the Organisation and the Conventions they have ratified.

20. On the other hand, the Committee would again express its regret that only about one-fifth of the reports were received by the date requested. The Committee would emphasise that the whole procedure for dealing with the organisation of the Committee's work is likely to be seriously upset if there is any considerable delay by governments in submitting the reports. The Committee therefore would again urge governments to make every effort to supply the reports as nearly as possible by the date requested.

21. Of the 70 countries which were called upon to supply reports, 51 submitted all those requested. On the other hand, no reports at all have so far been received for the current reporting period from five countries: Albania, Bolivia, Indonesia, Iraq, Venezuela.

22. One hundred and thirty-one reports since ratification of the relevant Conventions were received from 38 countries. Many of these first reports related to Conventions of major importance and it was a matter of particular regret that many of these reports were not received by the date requested and indeed some of them came to hand only a short time before the date on which the Committee met. In the circumstances it was therefore difficult, and in some cases impossible, to fulfil the task which the Committee regards as of fundamental importance in the organisation of its work of giving specially detailed examination to the extent of conformity of law and practice in connection with the first report submitted after ratification.

23. Five countries which were due to supply first reports on certain Conventions have failed to do so, i.e. Albania, Argentina, Hungary, Italy, United Arab Republic (Syria). In addition, two countries from which first reports were already overdue have again failed to supply them, i.e. Bolivia (Conventions Nos. 26, 42, 96) and Burma (Convention No. 29).

24. Voluntary reports (reports on Conventions which are not in force in the country concerned) were submitted by Belgium (Conventions Nos. 54 and 57) and New Zealand (Conventions Nos. 61 and 104).

25. The Committee has in the past emphasised the importance which it attaches to governments' forwarding to the Office, for the information of the Committee, any observations which they may have received from the employers' and workers' organisations in their countries on the practical application of the Conventions which they have ratified. The number of such observations coming before the Committee has always been small and this is no doubt accounted for by the fact that in the large majority of cases the organisations concerned are satisfied that the Convention is properly applied in their country. Nevertheless, the Committee would again emphasise the importance it attaches to this matter as a means of assisting the Committee in assessing the extent of practical application. This year the Committee had before it a number of observations from employers' and workers' organisations in respect of the application of Conventions in Australia, Austria, Finland, France, Greece, French Cameroons, French Equatorial Africa, French West Africa and Madagascar. In one case the copy of an observation addressed to the Government by a workers' organisation was sent direct to the Office but was not commented upon by the Government. The Committee has made a direct request to the Government concerned for its comments on the observation in question. The Committee has requested the Office to ask the Government, if similar cases occur in future, to forward any comments it may wish to make, so that the Committee would have before it all the essential elements of the matters without postponing consideration to its next session.

#### (b) *Examination of Reports by the Committee*

26. In making its detailed examination of the reports submitted by governments on ratified Conventions the Committee has continued, 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 cases in which direct requests to governments were formulated by the Committee and will be sent to governments by the Office on its behalf.

27. The Committee is pleased to point out that many of its observations relate to cases where as a result of previous observations, governments have taken action to bring legislation and practice into conformity with ratified texts.

#### IV. *Application of Conventions in Non-Metropolitan Territories*

28. 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*

29. The Committee notes with interest that, since its last session, 332 declarations regarding the application or acceptance of Conventions concerning non-metropolitan territories have been communicated to the Director-General of the International Labour Office and registered. The new declarations bring to 1,151 the number of declarations of application or acceptance without modification registered to date and to 231 the number of declarations with modifications (not counting declarations originally registered in respect of former non-metropolitan territories which have attained independence and become Members of the Organisation). The number of positive declarations made in the last five years is almost 500; it represents an average of 100 per annum, which is roughly the same as the number of ratifications registered. In this connection the Committee is pleased to note that the Conference Committee on the Application of Conventions and Recommendations has fully endorsed the suggestion made by it in 1958, that it should be possible to communicate the declarations provided for in article 35 of the Constitution within a maximum period of five years. The Committee takes due note of the results already obtained in this respect in the past year. It hopes that further progress will be achieved and that, when it makes its next five-yearly review of the application of Conventions in non-metropolitan territories, the declarations provided for in article 35 will have been made at least in respect of all Conventions ratified up to 1955.

#### *Reports Examined*

30. The Committee was also called upon this year to examine 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.

31. The Committee had before it 3,116 reports out of a total of 3,968 reports requested, the proportion of all reports received thus representing 78.5 per cent. Although this percentage is increasing, the Committee hopes that in future all member States, like some States already, will submit all the reports requested on the application of Conventions in their non-metropolitan territories.

#### *Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)*

32. Reports on this Convention were examined by the Committee for the first time last year. The Committee then drew a distinction between those provisions of the Convention to which effect might be given by specific laws or regulations and those provisions whose implementation did not depend on the enactment of particular legislation but which were designed rather to define the aims by which the social policy of governments of non-metropolitan territories should be guided. While the former provisions were the subject of a number of requests addressed to governments, the Committee considered

that it was not possible, with respect to what may be termed the "policy" provisions of the Convention, to determine, in the light of information relating to a period of 12 or at most 24 months, whether the measures already taken by governments would enable them to attain the aims of policy laid down in the Convention. It stated that it would endeavour periodically, after examining the information supplied by member States, to present a general study relating to one or other of the points covered by the Convention.

33. The Committee has considered that it is still too early, at this relatively short time after the receipt of the first reports on this Convention, to attempt a general evaluation of the measures taken in connection with the "policy" provisions of the Convention. Its direct requests this year therefore in most cases refer again to those provisions of the Convention which require the taking of specific measures of a primarily legislative nature. However, in particular cases, where special problems with regard to matters dealt with in other Articles of the Convention appeared to exist, the Committee has also made direct requests in relation thereto, designed mainly to elicit a statement of government policy on these problems and an indication of the measures contemplated to implement that policy. Such requests have been made, for example, in respect of several territories with a particularly heavy volume of labour migration (Article 7) and in respect of certain territories whose reports or legislation revealed the existence of discrimination in respect of the matters listed in paragraph 1 of Article 18.

34. The Committee has also, in a general observation on the Convention<sup>1</sup>, endeavoured to give certain indications designed to assist governments in the preparation of their reports and in overcoming certain difficulties which appear to have been encountered in some cases in the implementation of the Convention.

#### *Five-Yearly Examination of the Application of Conventions in Non-Metropolitan Territories*

35. In 1955 the Committee made a general examination of the application of Conventions in non-metropolitan territories. It then presented a "chart of the application of Conventions in non-metropolitan territories", indicating side by side, for each Convention and each territory, the declaration, if any, communicated pursuant to article 35 of the Constitution and the degree of application of the Convention in question as appearing from the information available. In 1957, at the request of the Conference Committee, the Committee presented a new up-to-date version of this chart. The Committee considers it desirable that the next general examination to be made by it in accordance with the procedure which it has established with respect to the application of Conventions in non-metropolitan territories should take place in 1961 instead of 1960. In effect, if the Committee's proposals regarding the reduction of the number of Conventions to be dealt with in annual reports are accepted by the Governing Body, the new procedure will operate for the first time in 1960 both for member States and for non-metropolitan territories. Furthermore, the Committee has noted that the Abolition of Forced Labour Convention, 1957 (No. 105) came into force recently and that a large number of declarations has already been made in respect of it under article 35 of the Constitution by ratifying States

responsible for non-metropolitan territories (Denmark, Netherlands, United Kingdom). This Convention is now applicable without modification to 31 territories. The Committee considers that it would be highly desirable that, when making its next general examination of the application of Conventions in non-metropolitan territories, it should be able to take into account the information supplied in reports on the new Convention concerning forced labour, and possibly also in reports relating to the Plantations Convention, 1958 (No. 110) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee therefore proposes, as it did in 1954, to give an indication in 1960 to all member States responsible for non-metropolitan territories as to the kind of information which would enable it, the following year, to make its general examination.

#### *Renunciation by Certain States of the Possibility of Having Recourse to the Provisions of Article 35 in Respect of Certain of Their Territories*

36. In 1955 and 1956 the Committee emphasised that the concept of non-metropolitan territories as it results from article 35 of the Constitution of the I.L.O., was sufficiently wide and flexible to embrace territories differing widely in constitutional status and possessing varying degrees of internal self-government. It pointed out in particular that, among the territories which could no longer be considered as non-self-governing, there were, on the one hand, territories which, by virtue of the national Constitution of the member State, formed an integral part of the national territory, but to which the metropolitan legislation was not always automatically applicable, and, on the other hand, territories which enjoyed complete internal self-government, including the power to accept or refuse the obligations laid down by a ratified international labour Convention, and which in certain cases continued to be regarded as an integral part of the national territory of the member State in question. The Committee has noted that at the 42nd Session of the Conference (June 1958) a Government delegate stated to the Conference Committee on the Application of Conventions and Recommendations that certain territories which had previously been regarded as non-metropolitan territories should henceforth be regarded, for the purposes of the application of ratified Conventions, as an integral part of the member State. In view of the important consequences which such a statement may have on the scope of the international obligations accepted by a State, the Committee wonders whether in such cases a verbal statement to a committee of the Conference could be considered as sufficient and whether the government in question should not be requested to notify its decision in a more formal manner. If certain territories are no longer to be treated as non-metropolitan territories it follows that the member State renounces the possibility of having recourse to the provisions of article 35 of the Constitution of the I.L.O. in respect of the Conventions which it has ratified and that therefore, except in so far as these Conventions may provide to the contrary, they must henceforth be applied without any modification throughout the national territory of the member State, including the territories in question. The Committee accordingly suggests that, in order to avoid all uncertainty as to the scope of the international obligations accepted by a member State, a formal written communication should in such cases be addressed to the Director-General of the I.L.O.

<sup>1</sup> See Chapter VIII B, Convention No. 82.

## V. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

### *Introduction*

37. In accordance with its terms of reference and its practice in previous years the Committee has examined the information supplied by the governments of Members pursuant to article 19 of the Constitution of the I.L.O., namely—

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the Abolition of Forced Labour Convention, 1957 (No. 105), the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103), and the Indigenous and Tribal Populations Recommendation, 1957 (No. 104), all of which were adopted by the Conference at its 40th Session (Geneva, 1957);
- (b) additional information on action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference from its 31st Session (1948) to its 39th Session (1956)—Conventions Nos. 87 to 104 and Recommendations Nos. 83 to 102;
- (c) replies to the observations and requests for information made by the Committee of Experts in 1958.

### *Fortieth Session*

38. The Committee is pleased to note that the following 38 countries have indicated that they have submitted the three Conventions and two Recommendations adopted at this session of the Conference to the competent authorities: Albania, Belgium, Bulgaria, Byelorussia, Ceylon, Chile, Costa Rica, Cuba, Denmark, Dominican Republic, Federal Republic of Germany, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Japan, Morocco, New Zealand, Norway, Portugal, Rumania, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Arab Republic (Egypt), United Kingdom, Viet-Nam, Yugoslavia.

39. The information supplied by 31 of these Governments shows that the obligation arising under article 19 of the Constitution was discharged within the normal time limit of 12 months or within the exceptional time limit of 18 months. The Governments of two countries (Costa Rica, Iran), discharged the obligation shortly after this time limit. In the case of five countries (Bulgaria, Hungary, Indonesia, Portugal, Spain) the Governments have not indicated the date on which the instruments were submitted to the authorities which they considered to be the competent authorities.

40. The Committee observes that in a number of additional countries, one or more of the instruments adopted at the 40th Session have been submitted to the competent authorities<sup>1</sup>; the countries in question are: Austria, Brazil, Canada, China, Ghana, Jordan, Mexico, Netherlands, Peru, Poland, El Salvador, United Arab Republic (Syria), United States, Uruguay. Of these countries, the following have also supplied information on the measures contemplated or the

procedure initiated in respect of the remaining instruments: Austria, Canada, Mexico, Netherlands, United States.

### *Thirty-First to Thirty-Ninth Sessions*

41. The Committee notes with satisfaction the Government of Chile's statement that it has submitted to the competent authorities the various instruments adopted at the 31st to 39th Sessions of the Conference in respect of which it had not already discharged this obligation. The Governments of Afghanistan and the United States have indicated that they have submitted to the competent authorities the instruments adopted at the 38th and 39th Sessions of the Conference. Eight other governments have furnished similar information regarding the submission of the instruments adopted at the 39th Session of the Conference. Finally, the following countries have supplied information on the submission of certain instruments adopted by the Conference at its 31st to 39th Sessions: Iran (Recommendations Nos. 99 and 100), Panama (Conventions Nos. 87 and 100), El Salvador (Convention No. 104).

### *General Assessment*

42. In Part Two of this report (Chapter IX) the Committee makes individual observations on those aspects of the obligation laid down by article 19 which it considers should be brought to the special attention of governments. In addition, requests have been addressed to a number of governments on points in respect of which the Committee wishes to obtain additional information or explanations; as in the case of annual reports, these requests will be communicated directly to the governments concerned by the Office on the Committee's behalf. The States to which such requests have been addressed are listed at the end of Chapter IX in Part Two of this report.

43. As already indicated, the Committee is pleased to note that altogether 38 governments have submitted all the instruments adopted at the 40th Session to the competent authorities. This figure is exactly the same as last year's. As the number of member States from which information concerning submission to the competent authorities was due this year is 77 (as compared with 76 last year), this figure falls short of the 50 per cent. mark by one only. The Committee, while fully conscious of the progress made in this respect in the past decade, considers that the results so far achieved still leave much to be desired. The fact that the governments of half the member States do not observe a fundamental obligation established by the Constitution of the I.L.O. cannot but be cause for criticism, even if account be taken of the fact that, in a large number of countries, the instruments are ultimately submitted, though after the expiration of the prescribed time limits.

44. The Committee regrets to observe once again that, as will be seen in the individual observations made in this respect, the governments of certain countries appear to persist in ignoring altogether the obligations imposed on them by article 19 of the Constitution. This is the case particularly as regards Bolivia, Ethiopia, Iraq, Lebanon, and Libya. As the Committee has previously pointed out, the fact that certain States do not meet their obligations like other member States may in the long run seriously prejudice the proper functioning of the system established by the Constitution of the I.L.O. The Committee, realising that certain governments may encounter special difficulties in fulfilling these obligations, recalls that—

<sup>1</sup> Including ratified Conventions.

in the words of the Conference Committee in 1956—“the Office might in certain appropriate cases provide assistance in order to enable some States to discharge more adequately the continuing obligation to bring Conventions and Recommendations before the competent authorities”.<sup>1</sup>

*New Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities*

45. The Committee welcomes the adoption by the Governing Body at its 140th Session (November 1958) of a new *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities*. This decision meets a wish expressed by the Conference Committee in 1957<sup>2</sup>, which suggested that the current *Memorandum* should be amended and amplified to make clear the scope of the obligations laid down by article 19 of the Constitution of the I.L.O. The newly adopted *Memorandum* gives information on a number of additional points in respect of which explanations had been provided by the Conference Committee and the Committee of Experts in recent years. This information is to be found under the following headings of the new *Memorandum*: II. Extent of the Obligation to Submit, paragraph (b) and III. Form of Submission, paragraphs (b) and (c). In addition, the questionnaire at the end of the *Memorandum* has been expanded to indicate more clearly to governments the various matters upon which information should be supplied, so that the Committee may correctly assess whether the obligations established by article 19 have been fulfilled. The Committee hopes that the new *Memorandum* will enable governments to understand more clearly their obligations regarding the submission to the competent authorities. However, it seems desirable to draw the attention of governments once more to the following points.

*Nature of the Competent Authority*

46. The *Memorandum* requests governments to indicate “what authorities are competent in the matter as regards each one of the Conventions and Recommendations on which information is requested”. In this connection the Committee notes that most governments indicate the authority or authorities to which each Convention or Recommendation has been submitted. However, in certain cases the information supplied is still confined to an indication that the instruments have been submitted to “the competent authorities”, without stating which authority is considered to be competent. A limited indication of this nature clearly does not suffice to show that the obligation laid down by article 19 has been properly discharged.

47. The expression “competent authority” refers to the authority which has the power to *legislate* in respect of the matters dealt with by the Convention or Recommendation. The authority competent to legislate is obviously determined by the Constitution or basic laws of each country. This is the reason why the *Memorandum* requests an indication as to what is the legislative body according to the country’s Constitu-

tion or basic law. In most cases this is the Parliament or Legislative Assembly. In this connection the Committee observes that in some countries legislative powers are normally vested in one, or in certain cases two legislative assemblies, but may be exercised by the government (or some other body) during certain limited periods. It would seem that when the grant of legislative powers to a body other than Parliament or the Legislative Assembly is effective only for certain periods, Parliament or the Legislative Assembly remains “the competent authority” for the purposes of article 19 of the Constitution, and Conventions and Recommendations should be submitted to it when it meets to exercise its normal legislative functions.

48. In other cases the competent authority to give effect to Conventions and Recommendations may, in certain fields (or sometimes even in all fields) be the government or a body other than the Legislative Assembly. This is the case, for example, where the national Constitution does not establish a separation of powers or when it provides for a division of legislative competence between the Legislative Assembly and the government (or some other body), or where the government or some other body has been granted the power to legislate on matters dealt with in Conventions or Recommendations by general or special delegation of a permanent nature. In these cases, as is stressed below (paragraph 50), if its full significance is to be given to article 19 of the Constitution of the I.L.O. all Conventions and Recommendations should still be submitted to the most representative legislative body.

*Extent of the Obligation to Submit*

49. The *Memorandum* emphasises 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”. It points out—as the Committee has done on a number of occasions—that a clear distinction must be drawn between “submission” and “ratification”. The obligation laid down by article 19 (submission) does not imply a duty to propose the ratification of a Convention or to give full effect to a Recommendation. Submission in effect tends to lead to the taking of measures on the national level with a view to giving effect as far as possible to Conventions and Recommendations, by bringing these instruments before the competent legislative authorities and consequently also before public opinion. These conditions can only be met if, as required by the Constitution, all Conventions and Recommendations are submitted, whatever the intentions or proposals of the government may be with regard to the ratification of the Conventions or the effect to be given to the Recommendations.

50. As the Conference Committee has stated several times, one of the fundamental aspects of the obligations laid down in article 19 is “to inform public opinion”.<sup>1</sup> In most cases this aim is realised as a result of the fact that the competent legislative authority is a body of a parliamentary nature.<sup>2</sup> On the other hand, the position is not the same in those cases, to which the Committee has referred above, in which in strict law a body other than the representative

<sup>1</sup> I.L.O.: *Record of Proceedings*, International Labour Conference, 39th Session, Geneva, 1956 (Geneva, 1956), Appendix VI: Report of the Committee on the Application of Conventions and Recommendations, p. 651, para. 48.

<sup>2</sup> *Ibid.*, 40th Session, Geneva, 1957 (Geneva, 1957), Appendix VI: Report of the Committee on the Application of Conventions and Recommendations, p. 659, para. 44.

<sup>1</sup> I.L.O.: *Record of Proceedings*, International Labour Conference, 38th Session, Geneva, 1955 (Geneva, 1955), Appendix V: Report of the Committee on the Application of Conventions and Recommendations, p. 588, para. 42.

<sup>2</sup> See para. 47 above.

assembly or assemblies may be regarded as constituting the competent authority.<sup>1</sup> The Committee wishes to emphasise once more that, if a strict interpretation were adhered to, one of the chief objectives which the authors of the Constitution had in mind in drafting article 19 would be ignored, namely, that "all Conventions [and Recommendations] should be made an issue before public opinion by submission to a body of a parliamentary character".<sup>2</sup> It follows that the obligations established by article 19 are only partly met when Conventions and Recommendations are not submitted to the most representative bodies in each State, even if they may have been submitted to other authorities which, in the strict sense, are competent to take measures on the national level for giving effect to these instruments. As the Conference Committee stated at the 40th Session (1957): "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 a Parliament or National Congress."<sup>3</sup> The Committee accordingly hopes that in the above-mentioned cases governments will take the necessary measures to submit Conventions and Recommendations in all cases also to the most representative legislative body.

#### *Form of Submission*

51. As the Committee has reiterated above, submission does not imply an obligation to propose the ratification of a Convention or to give full effect to a Recommendation. However, as the submission tends to encourage the study and preparation of measures to give effect as far as possible to the Conventions and Recommendations and to inform public opinion, the *Memorandum* stresses that the submission of Conventions and Recommendations should always be accompanied or followed by a statement or proposals setting out the government's views as to the action to be taken on these instruments. The Committee notes with interest that a greater number of governments than before has supplied information regarding the indications given in submitting the instruments adopted by the Conference. It also observes with satisfaction that certain States (e.g. Japan) have changed the procedure for submitting Conventions and Recommendations to Parliament so as to take account of the comments which had been made on this point. The Committee hopes that, in the light of the indications now given by the *Memorandum*, it will in future receive full information from governments on this matter. The Committee is aware of the difficulties which some governments may encounter in establishing parliamentary procedures appropriate for the submission of Conventions and Recommendations, particularly in cases where their "proposal" was that no measures be taken for giving effect to a Convention or Recommendation. In some countries, new parliamentary procedures have already been adopted for this purpose. It seems that in these cases recourse to the assistance of the Office, in accordance with the Con-

ference Committee's suggestion<sup>1</sup>, might be particularly useful in bringing to the knowledge of governments which have encountered difficulties the methods employed by other governments to resolve similar difficulties.

52. In accordance with the suggestion made by the Conference Committee in 1957<sup>2</sup>, the *Memorandum* requests governments to "attach the texts or duplicate copies of the document or documents by means of which the Conventions and Recommendations were submitted, and of any proposals which may have been made". The Committee wishes to emphasise the particular importance of the communication of these documents for the purpose of enabling it to ascertain with all due certitude whether the obligations arising out of article 19 have been fulfilled. It observes that a considerable number of States already communicates the parliamentary documents by means of which Conventions and Recommendations have been submitted. It trusts that, in the light of the indications inserted in the *Memorandum* adopted by the Governing Body at its 140th Session, all States will find it possible to supply documents of this kind. The Committee has made a number of requests on this point which will be addressed directly to the governments concerned. It hopes that at its next session it will be able to record that its appeal has not gone unheard.

#### **VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations**

##### *(a) Supply of Reports*

53. This year is the tenth 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 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), the Collective Agreements Recommendation, 1951 (No. 91) and the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94).

54. The total number of reports requested this year on these instruments under article 19 was 260. The total number received by the time the Committee met was 191, i.e. 73.5 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.

55. Although the proportion of the reports received has increased during the past decade from less than half to almost three-quarters of the number requested, it is still considerably less than that of the reports received in regard to ratified Conventions. It is regrettable that 17 governments have failed to supply any of the reports requested under article 19 and that these governments include seven (China, Ethiopia, Lebanon, Liberia, Panama, Peru and Venezuela) which have so far not supplied any such

<sup>1</sup> See para. 48 above.

<sup>2</sup> I.L.O.: *Future Policy, Programme and Status of the International Labour Organisation*, Report I, International Labour Conference, 26th Session, Montreal, 1944 (Montreal, 1944), Appendix: "The Nature of the Competent Authority Contemplated by Article 19 of the Constitution of the I.L.O.", p. 181, para. 18.

<sup>3</sup> Idem: *Record of Proceedings*, International Labour Conference, 40th Session, op. cit., Appendix VI: Report of the Committee on the Application of Conventions and Recommendations, p. 659, para. 44.

<sup>1</sup> See para. 44 above.

<sup>2</sup> I.L.O.: *Record of Proceedings*, International Labour Conference, 40th Session, op. cit. Appendix VI: Report of the Committee on the Application of Conventions and Recommendations, p. 659, para. 44.

reports, as requested, in any year since the procedure for examination of reports on unratified Conventions and on Recommendations was instituted.

(b) *Examination of Reports by the Committee*

56. 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.

57. 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.

58. As a result the total number of countries, metropolitan and non-metropolitan, to which the survey relates is no less than 160: 74 States Members of the I.L.O. and 86 non-metropolitan territories.

\* \* \*

59. As the Governing Body will have gathered from preceding passages in this report the volume of work coming before the Committee has this year reached an unprecedented level. The Committee has always been grateful 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 in the conduct of its annual meeting. It has expressed on past occasions its appreciation of their knowledge and skill which they have placed freely at the disposal of the Committee. This year the Committee owes a special debt of gratitude to them. It was only as a result of their devoted efforts that the Committee was able to complete the task assigned to it.

Geneva, 18 April 1959.

(Signed) P. TSCHOFFEN,  
*Chairman.*

H. S. KIRKALDY,  
*Reporter.*





## **PART TWO**

### **OBSERVATIONS CONCERNING PARTICULAR COUNTRIES**



## OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

### VII. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

#### A. GENERAL OBSERVATIONS

*Albania.* The Committee notes with regret that no reports have been received from this country. As the reports due include first reports on six Conventions and as the Committee had had occasion to make observations on a number of the other reports received in previous years, the Committee trusts that the reports for the period 1958-59 will be supplied by the date requested.

*Australia.* The first report on the Minimum Age (Agriculture) Convention, 1921 (No. 10) was received too late to permit the Committee to examine it at its present session. The Committee decided, therefore, to postpone this examination to its next session.

*Bolivia.* Once again, and for the third year running, the reports due from this country have not been received. The Government's repeated failure to comply with its reporting obligation is particularly regrettable because three of the reports in question are first reports and because the Committee has in the past had to make observations regarding the other three Conventions. Moreover, the first reports have been due ever since 1956.

The Committee noted the statement made by a Government representative to the Conference Committee in 1958 explaining the reasons why his Government had been unable to comply with its obligations under article 22 of the Constitution in previous years. As the position remains, however, entirely unchanged, the Committee must again voice its serious concern at this consistent failure to discharge the fundamental obligation implicit in the ratification of international labour Conventions.

*Burma.* The Committee notes that the first report on the Forced Labour Convention, 1930 (No. 29), which had already been due in 1957, is again outstanding. The Committee trusts that the Government will not fail to supply the report for the 1958-59 period.

The Committee also hopes that the Government's next reports will indicate whether copies have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution of the I.L.O.

*Byelorussia.* Ten of the first reports received from this country arrived too late to permit the Committee to examine them at its present session. The Committee decided, therefore, to postpone this examination to its next session.

*Colombia.* The Committee notes with interest that the Government submitted to the National Congress in August 1958 a "Bill to Adapt Labour Legislation to the International Labour Conventions Ratified by Colombia" and that this Bill is now being examined by the two Houses of Congress.

In these circumstances the Committee decided to postpone its examination of the whole position

affecting the Conventions ratified by Colombia. The Committee trusts that action by Congress will not be long delayed and will make possible the elimination of the various divergencies to which it had had occasion to point in previous years. It trusts that the reports for 1958-59 will indicate in detail the progress made in this connection.

*Ecuador.* The Committee noted from a statement made by a Government representative to the Conference Committee in 1958 that copies of reports had not hitherto been communicated to the representative organisations of employers and workers but that this omission would henceforth be made good.

As the Government's reports fail once again this year to indicate whether such communication has taken place, the Committee can only draw renewed attention to the mandatory character of the obligation laid down in article 23, paragraph 2, of the Constitution of the I.L.O. and express the hope that Ecuador will be able to comply with this obligation in future.

*France.* The Committee notes with interest that, in answer to the general observation made in 1958, a Government representative stated to the Conference Committee that a list of international labour Conventions concerning social security which had been ratified by France would be inserted in an appendix to future editions of the Social Security Code.

Such a measure would, as the Committee pointed out in 1958, avoid the possibility of the persons concerned being uncertain of the extent of their rights, and would certainly be of great practical value.

The Committee further notes that, in certain cases which have been pointed out under the relevant Conventions, judicial decisions do not appear to take the Conventions ratified by France into consideration, although a Government representative stated to the Conference in 1953 that "treaties had priority over internal legislation".

In these circumstances the Committee would be grateful if the Government would consider taking all necessary measures to bring ratified Conventions, which are thus incorporated in the national legislation, to the notice of the tribunals and the competent services, and to ensure that all persons concerned are informed of these Conventions (for example, by means of circulars, references in future editions of the Labour Code, etc.).

Such measures would certainly be within the scope of the provisions of article 19, paragraph 5 (d), of the Constitution of the International Labour Organisation, which requires States ratifying a Convention to take such action as may be necessary "to make effective the provisions of such Convention".

*Indonesia.* The Committee notes with regret that no reports have been received from this country. It trusts that future reports will be supplied by the date requested and will be drawn up in accordance with the form of report.

*Iraq.* In 1958 the Committee had noted with interest that a new Labour Law was in process of adoption and had expressed the hope that a copy of this Law could be supplied so as to ascertain the

extent to which it gives effect to the Conventions ratified by Iraq and in particular to Conventions Nos. 41, 77, 81 and 88.

In the absence of any annual reports this year from Iraq the Committee is unable to evaluate the bearing which this new legislation has on these Conventions. It trusts that the Government will not fail to supply its next reports on time and will include therein full information regarding the effect given to the various provisions of the Conventions by the corresponding sections of the new Labour Law.

*Liberia.* The Committee notes the statement in the report that copies thereof could not be communicated to the representative organisations of employers and workers as such organisations are still in their formative stage. In view of the mandatory nature of the obligation laid down in article 23, paragraph 2, of the Constitution of the I.L.O., the Committee trusts that the Government will find it possible to communicate copies of its report to such organisations of employers and workers as are already in existence.

*Nicaragua.* The Committee hopes that the Government's next reports will indicate whether copies have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution.

*Ukraine.* The Committee hopes that the Government's next reports will indicate whether copies have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the Constitution.

*Uruguay.* The Committee has had occasion in previous years to draw attention to the cursory nature of many of the Government's reports. It noted, on the other hand, the promise made by a Government representative in the Conference Committee in 1958 that future reports would be supplied in conformity with the requirements of article 22 of the Constitution. The Committee regrets all the more, therefore, that once again, this year, many of the Government's reports contain no new information whatever, even in cases where the Committee had made observations or requests in 1958.

The position is particularly unsatisfactory in relation to a number of minimum age, night work and medical examination Conventions which Uruguay had ratified in 1954. The Government had indicated for several years that a committee had been set up to co-ordinate the legislative measures required to give full effect to these Conventions. As the current reports contain no reference whatever to this committee and as no progress appears to have been made in the case of many other Conventions, the Committee must express its serious concern at this unsatisfactory situation. It trusts that the Government's next reports will indicate in respect of each Convention the measures taken or contemplated to ensure full compliance with the obligations undertaken by Uruguay in ratifying these instruments.

The Committee also noted the explanations given by a Government representative in 1958 regarding the communication of reports to the representative organisations of employers and workers. In the absence of any information in the Government's present reports regarding such communication, the Committee can only reiterate the hope that future reports will be communicated to these organisations in compliance with article 23, paragraph 2, of the Constitution.

*Venezuela.* The Committee noted with interest the statement made by a Government representative in the Conference Committee in 1958, promising that

his country would from now on comply with its reporting obligation under article 22 of the Constitution.

As no reports have been received from Venezuela and as the last such reports available to the Committee covered the period 1953-54, the Committee trusts that the Government will make every effort to supply detailed reports on all ratified Conventions for the period 1958-59, so as to enable the Committee to evaluate the position on the basis of full and up-to-date particulars.

*Yugoslavia.* The Committee took note with interest of the information supplied, in response to its general observation of 1958 on the practical application of ratified Conventions. It would be glad if future reports would also indicate, in respect of the various instruments, the total number of workers covered by the relevant legislation, as specified in the forms of report.

## B. INDIVIDUAL OBSERVATIONS

### Convention No. 1 : Hours of Work (Industry), 1919

Reports requested : 24.

Reports received : 23.

Reports not received : 1.

(Venezuela.)

*Dominican Republic* (ratification : 1933). The Committee notes with satisfaction that, following an observation made in 1958, the Labour Code was amended on 6 June 1958 by an Act repealing sections 149 and 150 which authorised the extension of the working day to a maximum of 12 hours daily.

The Committee is also pleased to note that by an Order of 30 April 1958 the Government followed up an observation by the Committee and modified the order of 28 August 1956 so that, as indicated by the Government, drivers and conductors of buses on urban passenger transport services are now subject to the normal limits of eight hours a day and 48 a week.

The Committee notes that the Government states once again that consideration is being given to the modification of section 269 of the Labour Code, which excludes persons employed on transport vehicles operating between two or more municipalities from the scope of the hours of work provisions. It hopes that the Bill in question will shortly be enacted so as to ensure that the average working hours of the road transport workers in question shall not exceed 48 per week.

The Committee notes that the Government is making a careful study of the measures suggested by the Committee in 1958 as regards undertakings which operate continuously. It hopes that the Government will experience no difficulty in this connection and it recalls that the measures in question related to the following points :

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 (a) of the Convention.

Finally, the Committee recalls the following observation, addressed to the Government in 1958 :

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 permitted.

*Greece* (ratification : 1920). It is with regret that the Committee notes once again that no progress has been made as regards the extension of the hours of work provisions to those categories of railway workers which are excluded from their scope.

Although the Government indicates that discussions are taking place on the subject, it makes no mention of the draft decree which was communicated to the Conference in June 1958 and which was to ensure the full application of the Convention. The Committee concludes, therefore, that the position is, if anything, less promising than it was in 1958 and records its serious disappointment at the repeated failure of the Government to carry out assurances given regarding the extension of the legislation to the railway workers in question.<sup>1</sup>

*Haiti* (ratification : 1952). The Committee takes note with satisfaction of the Act adopted on 25 September 1958, which ensures closer conformity between the legislation and the Convention, particularly as regards Articles 2 (first paragraph and subparagraph (b)), 3 and 4, on which the Committee had made observations at previous sessions. It hopes, however, that the Government will follow up the following points :

Article 1 of the Convention. The Committee notes that in virtue of section 8 of the Act of 25 September 1958, undertakings such as land or air transport services, laundries and bakeries are excluded from the scope of section 2, which fixes the maximum daily and weekly hours of work. It wishes to draw attention to the fact that Article 1 of the Convention specifically includes road and rail transport in the undertakings covered by the Convention and that bakeries where bread is manufactured, and laundries, are also normally covered by the Convention (in some cases bakeries and laundries might be considered as commercial undertakings but they would then fall under Convention No. 30, which has also been ratified by Haiti). The Committee hopes therefore that the 8-hour day and 48-hour week will be made applicable as regards land and air transport services, bakeries and laundries. In this connection the Committee points out that if difficulties are experienced in applying these maximum hours to road and rail transport and to other undertakings, recourse may be had to Article 2, paragraph (c), and Article 5, of the Convention which, in certain circumstances, allow the redistribution of working hours within the limits of an average week of 48 hours.

Article 6. The Committee notes that section 10 of the Act provides that regulations shall be made by public authority to determine the temporary and permanent exceptions that may be allowed. The Committee hopes that the regulations in question will soon be made and that they will specify the maximum

number of additional hours allowed in each instance. This last requirement, laid down in paragraph 2 of Article 6, is designed to safeguard workers against abuses which might occur if the only restriction on the number of additional hours worked were that established under section 4 of the Act (i.e. 20 extra hours per week).

*Nicaragua* (ratification : 1934). The Committee thanks the Government for the detailed information supplied on the various points raised by the Committee in 1958 and is pleased to note that a Bill is being prepared which is to ensure full legislative conformity with the Conventions ratified by Nicaragua. It trusts that, in drafting this Bill, the Government will give every consideration to the following points and to the Committee's comments which have been addressed directly to the Government in the form of requests.

Article 5 of the Convention. The Committee points out that, when working hours are calculated as an average over several weeks (for example, under section 168 of the Labour Code), the Convention provides that such redistribution of working hours should be done by agreements between workers' and employers' organisations. If no such agreements exists the Committee considers that provision should be made, by legislation or otherwise, for the consultation of the workers' and employers' organisations concerned.

Article 3 and Article 6, paragraph (1) (b). The Committee is pleased to note that legislative provisions are to be introduced to define the special cases in which overtime may be worked in virtue of section 56 of the Labour Code. It hopes that the measures in question will ensure conformity with these provisions of the Convention ; it is pointed out that, as regards the determination of the exceptions which may be permitted under Article 6, paragraph (1) (b), the Convention provides that employers' and workers' organisations must first be consulted (Article 6, paragraph (2)).

Article 6, paragraph (2). In reply to a question raised by the Government, the Committee indicates that the purpose of this provision of the Convention, which prescribes, *inter alia*, that the maximum of additional hours must be fixed by regulations, is to impose a supplementary restriction on the working of overtime. The maximum in question may be established by fixing the number of weeks in which overtime is authorised when, as in the case of Nicaragua, a specified number of additional hours is permitted in the week ; or by fixing the global number of additional hours authorised in the year. This maximum is applicable only to overtime allowed in order to deal with exceptional cases of pressure of work under Article 6, paragraph (1) (b) of the Convention. Thus, the extension of the hours of work permitted under Article 3 of the Convention in case of accidents, *force majeure*, etc., is not normally covered by the provision fixing the maximum of additional hours. The legislative provisions which the Government intends to introduce with a view to determining the special cases in which overtime may be worked (see above under Article 3 and Article 6, paragraph (1) (b)), should eliminate the difficulties mentioned by the Government in connection with Article 6, paragraph (2). The Committee hopes therefore that the Government will consider restricting the number of weeks in the year in which overtime may be worked or fixing the maximum of additional hours that may be allowed over several months or a year ; the Committee recalls in this connection the fact that

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

the Government has already indicated its intention to reduce the number of additional hours which may be permitted under section 56 of the Labour Code.

Article 8. The Committee notes the information supplied regarding the functions of the labour inspection service, but it considers that the satisfactory application of this Article of the Convention calls for legislative provisions or regulations requiring every employer to notify hours of work and rest periods by means of the posting of notices or in another approved manner (paragraph (1) (a) and (b) of Article 8) and requiring every employer to keep a record in the form prescribed by law or regulation of all additional hours worked (paragraph (1) (c) of Article 8).

*Peru* (ratification : 1945). The Committee notes from the Government's report that, despite the repeated observations made by the Committee, no measures have been taken to establish the safeguards required under the Convention to prevent abuses when additional hours are worked ; it notes also that the information on the exceptions authorised, which is specifically called for under Article 7 of the Convention, is not available.

The Committee therefore urges the Government to take steps without delay to provide that working hours in addition to the eight-hour day and 48-hour week should be permitted only in the cases and within the limits specified in the Convention. It points out, therefore, that the national legislation or regulations should be amended to provide as follows:

Article 3 of the Convention. Longer hours may be worked in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure*, 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 processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts, this should be subject to the condition that the working hours may not exceed 56 in the week on the average. A list of the processes classed as being necessarily continuous should be established and communicated to the I.L.O. (Article 7 of the Convention).

Article 5. In so far as a redistribution of working hours is permitted by agreements, in exceptional cases, provision should be made to ensure that the average number of hours worked per week, over the number of weeks covered by any such agreements, should not exceed 48. Full information on the working of these agreements should be communicated to the I.L.O. (Article 7 of the Convention).

Article 6. Regulations should be made, after consultation with the employers' and workers' organisations concerned, to determine the permanent and temporary exceptions which may be permitted ; the regulations should also fix the maximum number of additional hours and should establish the rate of pay for overtime, whether worked on week days or rest days, at not less than one-and-a-quarter times the regular rate. Full information on these regulations and their application should be supplied by the Government (Article 7 of the Convention).<sup>1</sup>

*Rumania* (ratification : 1921). The Committee takes note of the report for 1956-57, which arrived too late to be examined at the Committee's 1958 Session, as

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

well as of the Report for 1957-58. In particular, the Committee notes that section 111 of the Labour Code, which provided for temporary labour service in the case of labour shortage, was repealed by Decree No. 102 of 28 February 1956.

Article 6, paragraph 2, of the Convention. The Committee notes once again that the overtime worked in virtue of decisions made by the Council of Ministers (see previous paragraph) is not subject to the maximum number of additional hours fixed by the Labour Code. The Committee points out that, in so far as such overtime is in conformity with the Convention, it is necessary for the Government to establish the maximum number of additional hours permitted in such cases also.

The Committee takes note of the information that the payment of overtime is governed solely by the provisions of section 39 of the Labour Code, which prescribes a minimum increase of 50 per cent. of the standard wage. In this connection the Committee recalls that, as already noted in previous observations, sections 28 *et seq.* provide that a worker whose output falls below a given standard will receive only part of the standard wage or no pay whatever ; the Committee would therefore be glad to know how overtime pay is calculated in such cases, that is whether a worker receives a 50 per cent. increase on the standard wage or on the lower pay he has received because of his unsatisfactory output.

As regards the other points raised in observations previously addressed to the Government, the Committee finds that the information supplied on Articles 2, 4, 5 and 6 of the Convention is insufficient. It hopes therefore that the Government will not fail to take the action and supply the information called for in the request addressed directly to it, and that full conformity with the Convention will be shown at an early date.<sup>1</sup>

*Spain* (ratification : 1929). The Committee takes note of the information supplied to the Conference Committee by a Government representative in 1958 in reply to certain observations.

It notes in particular the statement that, according to the interpretation given to the various provisions authorising overtime (e.g. sections 4, 11 and 49 of the Act of 9 September 1931), overtime is permitted only in cases of urgent necessity and does not involve the permanent extension of the working day. The Committee observes, however, that this interpretation does not seem to have been of general application in the country for, in 1956, as indicated by the Government<sup>2</sup>, it was the normal practice in Northern Spain for workers to perform two hours of overtime work daily. In these circumstances there would appear to be serious grounds for the Committee's view that a modification of the legislation on hours of work is called for.

Consequently the Committee welcomes the Government's statement that, in the revision of the labour legislation now in hand, steps will be taken to draft the new provisions so as to avoid any doubts on the matters referred to by the Committee. It hopes that the revised text will soon be enacted and will be such as to rule out any possibility of divergency between the national legislation and practice on the one hand

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>2</sup> I.L.O. : *Official Bulletin*, Vol. XLI, 1958, No. 3, p. 126, para. 108, 27th Report of the Committee on Freedom of Association, communication from the Spanish Government dated 15 Oct. 1957.

and the standards and safeguards established by the Convention on the other.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Bulgaria, Burma, Canada, Czechoslovakia, Haiti, India, Nicaragua, Pakistan, Portugal, Rumania, Uruguay.*

#### Convention No. 2: Unemployment, 1919

Reports requested : 34.  
Reports received : 33.  
Reports not received : 1.  
(*Venezuela.*)

*Austria* (ratification : 1924). The Committee notes from the Government's report that no progress has been made in adopting measures for the co-ordination of public and private employment agencies (Article 2, paragraph 2, of the Convention).

The Committee expresses the hope that the necessary measures to which the Government referred already in the report for 1955-56, will not be long delayed.

*Chile* (ratification : 1933). The Committee notes that the Bill introduced for the purpose of bringing the Chilean legislation into line with the provisions of the Convention has not yet been considered by Congress. It once more expresses the hope that the necessary action will be taken in the near future.<sup>1</sup>

*Poland* (ratification : 1924). The Committee notes from the information supplied in reply to the observation made in 1957, that the Committees on Labour and Social Welfare exercising the functions specified in Article 2, paragraph 1, of the Convention, include workers' representatives as well as directors of nationalised industrial undertakings at the local level who act as employers' representatives.

*Uruguay* (ratification : 1933). The Committee regrets that no progress is reported in establishing an employment service conforming to the provisions of the Convention. It reiterates the hope that the Government will take appropriate measures at an early date, so as to give effect to an instrument ratified over 25 years ago.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Ireland, Nicaragua, Rumania, Sudan, United Arab Republic (Egypt).*

#### Convention No. 3: Maternity Protection, 1919

Reports requested : 17.  
Reports received : 16.  
Reports not received : 1.  
(*Venezuela.*)

*Brazil* (ratification : 1934). The Committee notes that in its report the Government indicates that it is contemplating the denunciation of the Convention. The Committee would regret such a decision all the more since in preceding years (1956-57) the Government had expressed its intention to procure the amendment of existing legislation in order to bring

maternity benefits under a system of insurance, or public funds, in accordance with Article 3 (c) of the Convention. It notes that the Government informed the Conference in 1958 that the basic Social Welfare Bill which was adopted by the Chamber of Deputies had omitted to introduce this amendment. However, in view of the fact that with the exception of this discrepancy—though it is an important one—Brazilian legislation appears to conform to the main provisions of the Convention, the Committee hopes that the Government may wish once more to examine the possibility of bringing its legislation into full conformity with the Convention on this point, rather than denounce the Convention.

*France* (ratification : 1950). In 1956 a workers' organisation (the French Confederation of Christian Workers) pointed out that, under section 29 of Book I of the Labour Code, an employer could not terminate the contract of a woman during her 12 weeks' absence on maternity leave because of the pregnancy or confinement, but that the Code did not prohibit an employer from dismissing a woman during this period on other grounds. The organisation in question pointed out that, as it was always difficult to prove in a court on what grounds an employment contract had been terminated, a woman who was pregnant, or who had recently been confined, might frequently be unable to prove that she has been dismissed because of pregnancy. Following an observation by the Committee, a government representative at the Conference stated that "the Government had tried to act on these observations" and referred to "the Act of 2 September 1941 on Maternity Protection, which provides for penalties in the case of contracts being terminated at the time of pregnancy or confinement". The government representative added that "although this Act was much wider in meaning than the above-mentioned section of the Labour Code, the Government considered it advisable to ask for an investigation to examine whether abuses had occurred; this investigation had been negative.... The Government considered that the period of notice should be extended by a period equal to that of the statutory maternity leave."

In 1957 the Committee took note with satisfaction of this statement.

The attention of the Committee has been drawn to a decision of the Court of Cassation dated 16 May 1958, which refers to section 29 of Book I of the Labour Code but fails to mention the Act of 2 September 1941 on Maternity Protection, to which the Government representative had referred in 1956, and states that "section 29 of Book I of the Labour Code may only be invoked if it is proved that the termination of the contract of employment is due to the stoppage of the work mentioned therein". The Committee notes that this principle, which appears also in other decisions of the Court of Cassation, raises the problem to which the French Confederation of Christian Workers had drawn attention in 1956. The Committee would therefore be grateful if the Government would indicate what measures are contemplated to amend the provisions of the existing legislation so as to provide that, in accordance with Article 4 of the Convention, "it shall not be lawful [for the employer] until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, ... to give [a woman] her notice of dismissal during such absence, nor to give her notice of dismissal at such a time that the notice would expire during such absence", i.e. the period of 12 weeks provided for in Article 3 of the Convention.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Federal Republic of Germany* (ratification : 1927). The Committee notes with interest that the Government is pursuing its efforts to amend the 1952 Act relating to maternity protection, and hopes that the discrepancies existing between national legislation and certain provisions of the Convention (Article 3, paragraphs (c) and (d), and Article 4) will soon be eliminated.

The Committee also takes note of the extracts from judicial decisions annexed to the report.

*Hungary* (ratification : 1928). The Committee took note of the information supplied by the Government to the Conference Committee, as well as in its report, in reply to the observations made in previous years. It noted with interest that the new Labour Code now being prepared provides for the general prohibition of the dismissal of a woman during maternity leave and does not authorise any exception whatever. The Committee hopes that the new Code will take into account the provision of Article 4 of the Convention which makes it illegal for a woman to be dismissed not only during her absence on maternity leave but also "at such a time that the notice would expire during such absence".

*Italy* (ratification : 1952). With reference to the observations made in preceding years concerning the Italian legislative provisions which make employers responsible for the payment of maternity benefits in the case of certain categories of women workers (salaried employees and assimilated categories), the Committee notes the Government's statement confirming its intention to solve this problem in accordance with Article 3 (c) of the Convention (payment of such benefits out of public funds or by means of a system of insurance).

The Committee hopes that the provisions which are envisaged will soon take effect and that measures will be taken to bring national legislation into conformity with the Convention on this point.

*Rumania* (ratification : 1921). The Committee thanks the Government for the information given in the report in reply to the observations of 1957 and takes note with interest that, as regards the application of Article 3 (c) of the Convention, free medical attendance for women during pregnancy and confinement is granted under Decree No. 246 of 29 May 1958 of the Grand National Assembly regulating the granting of medical care.

*Spain* (ratification : 1923). The Committee thanks the Government for the information supplied to the Conference Committee in answer to the observation made in 1958. It notes with interest that, under sections 166 and 168 of the Employment Contract Act of 1944, all women workers, whatever their nationality, are entitled to six weeks' leave before and after confinement.

However, as regards the right of foreign women workers to the benefits provided for in Article 3 of the Convention, section 6 of the Sickness Insurance Act of 14 December 1942 provides for the payment of benefits to these workers only "if reciprocity is provided for in international treaties or conventions" or if they are nationals of Latin American States, Portugal or the Republic of Andorra. The Committee wishes to emphasise that, under Article 2 of the Convention, the term "woman" refers to all persons of the female sex of whatever age "or nationality". It follows that section 6 of the Sickness Insurance Act of 1942 is not in conformity with the Convention, which permits no distinctions based on nationality.

The Committee trusts that the Government will take appropriate measures to eliminate this discrepancy.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Brazil, Bulgaria, Chile, Cuba, France, Greece, Hungary, Italy, Luxembourg, Nicaragua, Rumania.*

#### Convention No. 4 : Night Work (Women), 1919

Reports requested : 22.

Reports received : 21.

Reports not received : 1.

(*Albania.*)

*Albania* (ratification : 1932). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958 that night work by women had been permitted as an exceptional measure in one textile factory and that efforts were being made to replace women workers by men. The Committee wishes to point out that the Convention prohibits night work for all women employed in undertakings specified in Article 1 except in cases of *force majeure* and where the work has to do with materials which are subject to rapid deterioration (Article 4).

The report for 1957-58 not having been received, the Committee can only refer to its previous observations and express the hope that the necessary measures will be taken in the near future to ensure full application of the Convention.

*Austria* (ratification : 1924). See under Convention No. 89.

*Bulgaria* (ratification : 1922). The Committee notes from the Government's report that, apart from the general prohibition of the employment of women on particularly unhealthy work and the prohibition of night work of persons (male and female) under 18 years of age, night work is prohibited only for expectant and nursing mothers (section 114 of the Labour Code and section 1 of the Ordinance of 1953 respecting the utilisation of women's labour). The Committee points out once again that under Article 3 of the Convention night work is prohibited for *all* women employed in any industrial undertaking as defined in Article 1 thereof except in cases of *force majeure* and where the work has to do with materials which are subject to rapid deterioration (Article 4).

The Committee trusts that the Government will take measures without further delay to ensure full application of the Convention.<sup>1</sup>

*Czechoslovakia* (ratification : 1950). See under Convention No. 89.<sup>1</sup>

*Nicaragua* (ratification : 1934). The Committee takes note of a draft legislative amendment at present being studied, which would prohibit all women from "being employed during the night in any industrial establishment" (Article 3 of the Convention).

The Committee accordingly hopes that this legislation will be adopted at an early date in order to give effect to the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Burma, Chile, Peru, Spain, Tunisia.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



**Convention No. 5 : Minimum Age (Industry), 1919**

Reports requested : 33.  
 Reports received : 30.  
 Reports not received : 3.  
 (*Albania, Bolivia, Venezuela.*)

*Haiti* (ratification : 1955). The Committee notes the information supplied in the Government's first report, and regrets to note that existing legislation in Haiti permits the employment of children of 12 years of age, whereas Article 2 of the Convention provides that children under the age of 14 years shall not be employed or work in industrial undertakings. Nor is effect given to Article 4 of the Convention, which requires managers of undertakings to keep registers in which shall be inscribed all young persons under the age of 16 years employed in the undertaking, and the dates of their births.

The Committee hopes that the Government will take the necessary measures to give effect to the Convention.<sup>1</sup>

*Israel* (ratification : 1953). The Committee is glad to note that the regulations concerning registers of young workers have now been amended to include the entry of information on the dates of birth of young workers as required by the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Albania, Bolivia, Bulgaria, Denmark, India, Nicaragua, Rumania, Spain, Switzerland, Viet-Nam, Yugoslavia.*

**Convention No. 6 : Night Work of Young Persons (Industry), 1919**

Reports requested : 27.  
 Reports received : 25.  
 Reports not received : 2.  
 (*Albania, Venezuela.*)

*Albania* (ratification : 1932). The Committee takes note of the statement made by a government representative to the Conference Committee in 1958 that the employment at night of persons under 18 years of age had been permitted as an exceptional and transitional measure in one factory and that such work would be progressively abolished. The Committee hopes that the measures now being taken by the Government will lead in the near future to full application of the Convention, which prohibits any kind of night work by young persons under 18 years of age 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 also notes the explanations given by the government representative to the effect that the prohibition of night work during 11 consecutive hours (Article 3 of the Convention) was ensured, *inter alia*, by section 73 of the Labour Code, under which every worker was entitled to a rest period of at least 8 hours between two working days not including the night period. The Committee ventures to point out, however, that section 73 of the Code does not expressly exclude the night period from the calculation of the above-mentioned 8-hour rest period and that this section cannot therefore be considered as giving effect to Article 3 of the Convention.

The report for 1957-58 not having been received, the Committee can only refer to its previous observa-

tions and trusts that full application of the Convention will be ensured in the near future both in the legislation and in practice.

*Bulgaria* (ratification : 1922). The Committee notes from the Government's reply to a request made in 1958 that there are no provisions specifying the nature of exceptional circumstances under which persons over 16 years of age may be authorised to do night work (section 112 of the Labour Code, as amended).

While noting from the report that in practice such authorisations, which are very limited in number, are given by the labour inspectorate only after thorough medical examination, taking into account the nature of the work and the effect of night work on the persons concerned, the Committee wishes to point out that the Convention permits exceptions from the night work prohibition only in case of emergencies (Article 4).

The Committee hopes that the Government will take the necessary measures to bring its legislation into conformity with the Convention on this point.

*France* (ratification : 1925). In 1958, when referring to observations made by the Committee concerning night work of children in bakeries, a Government representative informed the Conference Committee that in France bakeries were considered as handicrafts or commerce, and invoked Article 1, paragraph 2, of the Convention, which provides that in each country the competent authority shall define the line of division separating industry from commerce and agriculture.

The Committee considers that, as the terms of Article 1, paragraph 1 (b), lay down that "industrial undertakings" are "industries in which articles are manufactured, altered ... finished, adapted for sale, ... or in which materials are transformed", and as, moreover, Article 3, paragraph 3, of the Convention expressly relates to bakeries, a declaration defining the line of division separating industry from commerce and agriculture cannot exclude all bakeries from the scope of the application of the Convention.

Furthermore, even if Article 1, paragraph 2, permits the competent authority to determine the dividing line, this dividing line can only be established as between industry on the one hand and commerce and agriculture on the other. This provision does not authorise the exclusion of handicrafts, as pointed out by the Conference Committee in 1933 in connection with the definition of industrial undertakings contained in this Convention (I.L.O. : *Record of Proceedings*, International Labour Conference, Seventeenth Session, Geneva, 1933 (Geneva, 1933), p. 517, footnote 1).

Thus it appears from the preceding comments that industrial undertakings and handicrafts engaged in baking fall within the scope of the Convention. It also appears that the interpretation given in France to section 21 of Book II of the Labour Code, particularly following an opinion given by the Council of State in 1894, as pointed out by the Government, excludes all bakeries and also minor food industries from the definition of industrial undertakings. Thus children employed in these undertakings are not covered by the prohibition against working by night for 11 consecutive hours as provided by sections 22 and 23 of the Labour Code in conformity with the Convention.

In these circumstances the Committee considers that it would be desirable to extend the scope of section 21 of the Labour Code so as to embrace all industrial undertakings within the meaning of the Convention, especially including the bakeries and

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

such minor food industries as are covered by the definition contained in the Convention.

*Hungary* (ratification : 1928). The Committee notes that according to the information supplied by the Government to the Conference Committee in 1958 the draft of the new Labour Code which is being prepared provides for the general prohibition of night work for young persons between 16 and 18 years of age.

The Committee hopes that the new Labour Code will soon be adopted and that it will bring national legislation into full conformity with the Convention.

*Nicaragua* (ratification : 1934). The Committee notes with regret that the Government's report does not contain any new information and that no progress has thus apparently been made in adopting the legislation to which the Government referred in its report for 1956-57. Since there exists no legislative provision in Nicaragua prohibiting night work of young persons, although the Convention was ratified 25 years ago, the Committee once again urges the Government to take measures at an early date to ensure application of the Convention.<sup>1</sup>

*Rumania* (ratification : 1921). The Committee notes from the Government's report that the question of bringing the legislation into conformity with the Convention as regards section 50 of the Labour Code (definition of the term "night") and as regards section 85 (exceptions from the night work prohibition) is at present being studied by a committee of experts.

The Committee hopes that this will lead in the near future to the removal of the discrepancies existing between the legislation and the provisions of the Convention, which the Committee pointed out in 1957.

*Spain* (ratification : 1932). The Committee notes from the Government's reply to the observations made in 1958 that it intends to adapt the existing legislation to the provisions of the Convention both as regards the age of young persons for whom night work is prohibited, which is at present 16 years instead of 18 years, as provided for in Article 2 of the Convention, and the length of night rest, which is only ten hours, whereas Article 3 of the Convention provides that it must be at least 11 consecutive hours.

The Committee hopes that the legislation giving full effect to the above-mentioned important provisions of the Convention will be adopted at an early date.<sup>1</sup>

*Viet-Nam* (ratification : 1953). The Committee notes with satisfaction that Decree No. 294 LD of 6 June 1958 restricts the exceptions permitted by section 172 of the Labour Code to young persons over the age of 16, as required by Article 4 of the Convention.

The Committee trusts that the proposed order to limit the exemptions permitted by section 171 of the Labour Code in accordance with Article 2, paragraph 2, of the Convention will be issued at an early date.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, Denmark, Yugoslavia.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

#### Convention No. 7 : Minimum Age (Sea), 1920

Reports requested : 30.  
Reports received : 29.  
Reports not received : 1.  
(*Venezuela.*)

*China* (ratification : 1936). The Committee would be glad if the Government would indicate whether any progress has been made with a view to the adoption of the proposed new law on the merchant marine referred to in the Government's reports for 1955-56 and 1956-57, and by a Government representative who stated to the Conference Committee in 1958 that it would be adopted in autumn 1958, and would apply the Convention.<sup>1</sup>

*Nicaragua* (ratification : 1934). As the Government's report does not contain any new information the Committee can only refer to the observations made by it in previous years, and express the hope that the regulations being prepared by the Department of Social Welfare will come into force at an early date and will expressly prohibit the employment on board a vessel of children under the age of 14 years and provide for the obligation to keep a register of persons employed on board a vessel who are under 16 years of age (Articles 2 and 4 of the Convention).<sup>1</sup>

*Rumania* (ratification : 1922). The Committee thanks the Government for the information supplied in its report for 1956-57 on the points raised in 1957, and notes the statement that section 86 of the Labour Code applies to work on board vessels.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *China.*

#### Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

Reports requested : 29.  
Reports received : 29.

*Norway* (ratification : 1936). The Committee notes with satisfaction that an Act of 4 July 1958 has brought section 41 of the Seafarers' Act into conformity with Article 2 of the Convention (payment of indemnity to seamen whatever their nationality or residence).

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Federal Republic of Germany, Mexico, Nicaragua, Rumania, Spain, Sweden.*

#### Convention No. 9 : Placing of Seamen, 1920

Reports requested : 26.  
Reports received : 26.

*Nicaragua* (ratification : 1934). The Committee notes that no information has been received concerning the regulation which, according to the Government's report for 1956-57, was being drafted by the Department of Social Welfare.

The Committee would point out that this Convention was ratified 25 years ago, and must insist that effect be given to it without further delay.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Spain* (ratification : 1931). The Committee acknowledges with thanks the information supplied in answer to an observation made in 1958.

Article 5 of the Convention. The Committee notes that the committees to which section 7 of the order of 31 August 1938 refers also act in an advisory capacity.

Article 7. The Committee notes that under the order of 15 February 1958 a seaman has the right to examine his contract of engagement before signing it.

Article 8. The Committee notes that regulations 55 to 58 of the Merchant Marine Labour Regulation do not distinguish between nationals and foreigners.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Spain*.

**Convention No. 10 : Minimum Age (Agriculture), 1921**

Reports requested : 30.

Reports received : 29.

Reports not received : 1.

(*Albania*.)

*Nicaragua* (ratification : 1934). As the report does not contain any new information, the Committee can only repeat the request made in 1958 asking the Government to communicate the legislation governing the total annual period of school attendance generally and also to indicate the measures taken by the competent authorities to ensure that employment outside school hours of children under the age of 14 years shall not prejudice their attendance at school (Article 1 of the Convention). The Committee stresses the fact that the Convention was ratified 25 years ago.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *France, Federal Republic of Germany, Netherlands, Norway, Spain*.

**Convention No. 11 : Right of Association (Agriculture), 1921**

Reports requested : 46.

Reports received : 44.

Reports not received : 2.

(*Albania, Venezuela*)

*Brazil* (ratification : 1957). The Committee has taken note with interest of the Government's first report. It has observed, however, that, according to Legislative Decree No. 7038 of 10 November 1944, agricultural workers and their occupational organisations do not enjoy the same rights as are conferred on industrial workers by Legislative Decree No. 5452 of 1 May 1943. For example, section 543 of the latter decree contains provisions ensuring the protection of industrial workers, in their capacity as trade union members, against acts of anti-union discrimination, and section 624 prescribes protective measures in respect of collective agreements in force.

Further, the Committee has noted that, according to Legislative Decree No. 9070 of 15 March 1946, agriculture is regarded as an "essential activity" in which strikes are considered to be a reason for terminating contracts of employment, whereas in the majority of industries (but excluding, in particular,

industries serving the needs of national defence, distilleries and chemical factories) the only limitation imposed in this connection is that conciliation and arbitration procedures shall first be exhausted.

The Committee would be grateful if the Government would indicate what measures it intends to take to ensure to all agricultural workers "the same rights of association and combination as to industrial workers" and "to repeal any statutory or other provisions restricting such rights".

Finally, the Committee would be grateful to the Government if it would indicate, in its next report, the legislative provisions which are applicable in respect of the right of association and combination of persons "engaged in agriculture" other than agricultural wage earners.

*Chile* (ratification : 1925). The Committee notes that the adoption of legislative measures designed to give agricultural workers the same rights of association and combination as industrial workers is still being studied. It cannot but hope that at the 43rd Session of the Conference the Government will be in a position to confirm that all the necessary measures have been taken, and that henceforward it will therefore fulfil the international obligations undertaken in 1925.<sup>1</sup>

*Nicaragua* (ratification : 1934). The Committee notes with satisfaction that the Government is examining the Trade Union Regulations of 1951 with a view to repealing or amending certain provisions so as to secure to persons engaged in agriculture the same rights of association and combination as to industrial workers. The Committee hopes that the Government's next report will contain information on the measures taken to ensure the full application of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Austria, Bulgaria, Byelorussia, China, Czechoslovakia, Greece, Peru, Poland, Rumania, Ukraine, U.S.S.R., United Arab Republic (Egypt), Yugoslavia*.

**Convention No. 12 : Workmen's Compensation (Agriculture), 1921**

Reports requested : 30.

Reports received : 30.

*Argentina* (ratification : 1936). See under Convention No. 17.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Brazil, El Salvador*.

**Convention No. 13 : White Lead (Painting), 1921**

Reports requested : 29.

Reports received : 26.

Reports not received : 3.

(*Argentina, Hungary, Venezuela*.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Argentina, Bulgaria, Hungary, Italy, Mexico, Nicaragua, Norway, Poland, Rumania, Spain, Viet-Nam*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

**Convention No. 14: Weekly Rest (Industry), 1921**

Reports requested : 43.  
 Reports received : 41.  
 Reports not received : 2.  
 (Bolivia, Venezuela.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Bolivia, China, Czechoslovakia, Greece, Haiti, Hungary, India, Morocco, Poland, Rumania, Tunisia, Turkey, Viet-Nam, Yugoslavia.*

**Convention No. 15: Minimum Age (Trimmers and Stokers), 1921**

Reports requested : 38.  
 Reports received : 38.

*China* (ratification: 1936). See under Convention No. 7.<sup>1</sup>

*Nicaragua* (ratification: 1934). As the Government's report does not contain any new information the Committee can only refer to the observation made by it in 1958 and recall that the Government stated in its report for 1956-57 that a Bill had been prepared to extend the scope of section 125 of the Labour Code (which prohibits work by persons under 18 years of age in certain types of dangerous work) to trimmers and stokers.

The Committee hopes that this amendment will come into force at an early date.<sup>1</sup>

*Spain* (ratification: 1924). The Committee notes with satisfaction that the Ordinance of 15 February 1958 amending regulation 74 of the National Merchant Shipping Labour Regulations, lays down that when, in a port of call, it is impossible to obtain any workers of the categories referred to who are over 18 years of age, an exception may be made by which two persons under 18 but over 16 years of age may be employed for each stoker or trimmer required, thus giving effect to the Convention on this point (Article 4).

*Uruguay* (ratification: 1933). The Committee has duly noted the Government's explanation, given to the Conference Committee in 1958, to the effect that the provisions of the Children's Code give effect to Conventions Nos. 15 and 16.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Ceylon, China, Cuba, Ghana, Rumania, Ukraine, U.S.S.R.*

**Convention No. 16: Medical Examination of Young Persons (Sea), 1921**

Reports requested : 39.  
 Reports received : 38.  
 Reports not received : 1.  
 (Albania.)

*Brazil* (ratification: 1936). In previous years the Committee pointed out the discrepancy existing between Article 3 of the Convention, which makes the continued employment of persons under the age of 18 years on board ship subject to the repetition of medical examinations at least once a year, and the

relevant provisions of national legislation (section 418 of the Labour Code and section 112 of Decree No. 22872 of 1933), which requires medical examinations to be repeated only every two years.

The Committee notes the statements made by a Government representative to the Conference Committee in 1958 and in the Government's last report, according to which Article 3 of the Convention should be regarded as implemented in practice—

- (a) because section 189 of the Labour Code, which requires persons employed in unhealthy or dangerous occupations to undergo an annual medical examination also applies to work on board ship performed by young persons;
- (b) because "the provisions of the Convention have been incorporated in national law as part of the consolidated legislation".

With respect to section 189 of the Labour Code, the Committee ventures to point out that it applies only to young persons over the age of 18 years, because young persons under that age are prohibited from working in unhealthy or dangerous occupations in virtue of section 405 of the Labour Code. Consequently, young persons under the age of 18 years engaged in work on board ship (who may inscribe themselves with the port authorities as from the age of 16 years, in accordance with section 369, paragraph 4, of Decree No. 220 of 3 July 1935) are not covered by section 189.

With respect to the assertion that the provisions of the Convention "have been incorporated in national law as part of the consolidated legislation", the Committee ventures to recall the statement contained in the Government's report for 1953-54 concerning Convention No. 3, indicating that in Brazil an international Convention becomes part of the laws of the land as soon as it is promulgated, until any other law or Convention duly ratified amends or repeals it. As section 418 of the Labour Code 1943 is of a later date than the ratification of the Convention, it must be concluded that this section amended the provisions of the Convention, in so far as it differs from the Convention.

The Committee notes the Government's statement that when the Labour Code is next revised provision may be made for annual medical examinations of young persons employed on board ship to be repeated annually. As the situation is not entirely satisfactory, the Committee hopes that when this revision takes place the Government will be able to give full effect to the Convention.

*China* (ratification: 1936). See under Convention No. 7.<sup>1</sup>

*Nicaragua* (ratification: 1934). As no progress has been made since the Government gave an assurance that the Department of Social Welfare would issue regulations giving effect to the provisions of the Convention, the Committee can only observe that the Convention is still not applied, seeing that there are no provisions prohibiting young persons under 18 years of age from being employed on board ship without having first produced a medical certificate (Article 2 of the Convention) and making it compulsory to repeat the medical examination at intervals not exceeding one year (Article 3).

The Committee hopes that the Government will not fail to take the necessary measures to give effect to the Convention, which was ratified 25 years ago.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Uruguay* (ratification : 1933). See under Convention No. 15.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, Byelorussia, Ceylon, Ghana, Rumania, Ukraine, U.S.S.R.*

**Convention No. 17 : Workmen's Compensation (Accidents), 1925**

Reports requested : 30.

Reports received : 30.

*Argentina* (ratification : 1950). The Committee acknowledges with thanks the information supplied by the Government representative to the Conference Committee in 1958, in reply to an observation made by the Committee of Experts concerning Article 10 of the Convention, and notes with satisfaction the adoption of Ministerial Resolution No. 493/57 eliminating the discrepancies which existed between national legislation and the above-mentioned Article of the Convention.

*Haiti* (ratification : 1955). The Committee thanks the Government for the information supplied in reply to the observations made in 1957 and 1958. It notes, however, that the position as regards the application of the Convention remains unchanged and that no new measures have been taken to eliminate the discrepancies existing between national legislation and certain provisions of the Convention. In these circumstances the Committee can but repeat its previous observations concerning in particular the following points :

Article 2 of the Convention. 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 scope of the Act, whereas the general terms used in the Convention : "workmen, employees and all apprentices employed by an enterprise, undertaking or establishment" cover all residents, and do not permit such an exception.

Article 7. 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.

Article 10. 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. (Section 3, paragraph (f), of the Act of 1951, to which the Government's report refers, provides for the supply of these appliances but not their renewal.)

The Committee hopes that the Bills to which a Government representative alluded before the Conference Committee in 1958 will be adopted without delay, in order to ensure full application of the Convention.<sup>1</sup>

*Mexico* (ratification : 1934). The Committee notes that the information supplied by the Government to the Conference Committee, and in its report, does not answer the observation made in 1958 concerning the failure to apply Article 7 of the Convention.

In fact the Mexican Social Insurance Law, as revised on 29 December 1956, does not provide for

additional compensation for injured workmen needing the constant help of another person, whereas Article 7 of the Convention relates to persons who are so seriously injured as to be not only incapable of working but also unable to perform life's vital activities without assistance. Thus it follows that section 301 of the Labour Code (to which the Government refers), which provides in general a greater amount of compensation for permanent incapacity than for cases where death results from the injury, is not in conformity with the above-mentioned provision of the Convention. In these circumstances the Committee can but recall its observation made last year, and requests the Government to state what measures it intends to take to apply this provision of the Convention.

*New Zealand* (ratification : 1938). The Committee notes with interest the information supplied by the Government in reply to the observation and direct request made in 1958. It notes, however, that there are discrepancies between existing legislation and the Convention on the following points :

Article 5. The fact that the injured worker may be granted the invalidity benefits provided under the Social Security Act, 1938, when at the end of six years his right to the benefits paid under the Workmen's Compensation Act, 1956, have expired, cannot be considered in conformity with this Article of the Convention ; in fact the Social Security Act requires conditions (as to residence, means, morality) which are not provided for under this Article of the Convention.

Article 9. Under existing legislation, when a worker has exhausted the sums payable to him for medical and surgical attendance under the Workmen's Compensation Act, he may receive medical aid provided by the State within the general scheme of social security. These provisions are not in conformity with this Article of the Convention. In fact on the one hand under section 81 of the Social Security Act the injured worker does not have an absolute right to this medical aid (there being conditions as to residence, means, etc.) ; and on the other hand the worker is required in certain cases to bear part of the cost of the medical aid, whereas this Article of the Convention does not provide that the injured worker should make any contribution to the cost of medical aid.

Article 10. According to existing legislation, when a worker has received artificial limbs and surgical appliances under the Workmen's Compensation Act he may, in order to renew them, apply to the national social security scheme, which contributes up to 80 per cent. of the cost. These provisions are not in conformity with this Article of the Convention, which does not provide that the injured worker should make any contribution to the cost of these appliances.

The Committee would therefore be glad if the Government would state what measures it might take to ensure that full effect is given to the Convention.

*Nicaragua* (ratification : 1934). The Government states that it does not wish to amend the Labour Code and that it deems it more desirable to incorporate the suggested amendments into the Social Security Act. Consequently, the Committee expresses the hope that the part of the Social Security Act relating to industrial accidents will soon come into force for the whole of the country, and that when the Social Security Act is revised—

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

- (a) the scope of this Act will be extended, in conformity with Article 2 of the Convention, to workers who are at present excluded in virtue of section 64 (workers who are less than 14 years of age or who have completed their 60th year before entering for the first time into the service of a third person) and in virtue of section 95 (workers in the service of employers employing less than five permanent workers);
- (b) an express provision will be made, in conformity with Article 7 of the Convention, granting additional compensation for workers whose incapacity is of such a nature that they need the continuous assistance of another person.

The Committee would be grateful to the Government if it would state, in its next report, the progress which has been made in this connection.

In addition the Committee, recalling the observation made in 1948, can but point out the fact that since the Social Security Act is not yet in force, it is the Labour Code which is at present applicable to compensation for industrial accidents, and that this Code is not in conformity with the Convention on many points, particularly in connection with Articles 5, 7, 10 and 11 of the Convention.

*United Kingdom* (ratification : 1949). The Committee notes that the Government admits that victims of industrial accidents are responsible for part of the cost of medical care and that before undertaking the revision of the legislation it wishes to await the opinion of the Committee of Social Security Experts as to the eventual revision of Convention No. 17. The Committee can but emphasise that Articles 9 and 10 of the Convention provide that victims of industrial accidents shall not make any contribution for medical and surgical aid, etc.

Thus the Committee would be grateful to the Government if it would state what measures it intends to take to bring the legislation into full conformity with the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Burma, Chile, Greece, Haiti, Federation of Malaya, New Zealand, Sweden, Tunisia, Uruguay.*

**Convention No. 18 : Workmen's Compensation  
(Occupational Diseases), 1925**

Reports requested : 29.  
Reports received : 28.  
Reports not received : 1.  
(*Iraq.*)

*Chile* (ratification : 1933). The Committee notes with satisfaction that Decree No. 435 of 28 May 1958 completes the list of occupational diseases and corresponding industries and processes, taking into account the observations made in 1958 concerning lead alloys and anthrax infection.

*Hungary* (ratification : 1928). See under Convention No. 42.

*Nicaragua* (ratification : 1934). The Committee thanks the Government for the information supplied on the measures taken with a view to progressively extending the scope of the application of the Social Security Act and the regulation made thereunder. The Committee notes with interest that the Government has, in this connection, called in foreign experts, and hopes that this extension will be made in the near future.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Belgium, Bulgaria, Ceylon, Czechoslovakia, France, Federal Republic of Germany, Hungary, Luxembourg, Morocco, Norway, Poland, Spain, Switzerland, Yugoslavia.*

**Convention No. 19 : Equality of Treatment  
(Accident Compensation), 1925**

Reports requested : 49.  
Reports received : 45.  
Reports not received : 4.

(*Bolivia, Indonesia, Iraq, Venezuela.*)

*Austria* (ratification : 1928). The Committee took note with interest of the information supplied by the Government. It noted that in the Government's opinion advantages regarding accident insurance due to international Conventions or to Austrian reciprocity ordinances, concluded or promulgated under section 89, subsection 3 (1), of the Social Insurance Act of 1955 are only granted to nationals of other States which have ratified Convention No. 19 if the provisions of these agreements or ordinances so provide.

The Committee observes that this interpretation is not in conformity with the principle laid down in Article 1, paragraph 2, of the Convention, under which the nationals of countries which have ratified the Convention shall be guaranteed, without any condition as to residence, the same treatment as that granted to nationals, without any distinction being drawn between cases where this treatment is provided for by the national legislation and cases where it is based on bilateral or multilateral agreements.

The Committee would be grateful if the Government would indicate the measures it intends to take to bring its legislation into conformity with the Convention.<sup>1</sup>

*Bulgaria* (ratification : 1929). The Committee notes with satisfaction that in conformity with Article 1, paragraph 2, of the Convention, regulation 21 (b) of the regulations under the Pensions Act issued on 15 January 1958 provides that foreign nationals who have received a pension following an industrial injury sustained in Bulgaria, and their dependants, have the right to receive this pension "without any condition as to residence".

*Haiti* (ratification : 1955). See under Convention No. 17.<sup>1</sup>

*Italy* (ratification : 1928). The Committee notes the Government's statement in answer to the observation made in 1958 that there are certain practical difficulties regarding the granting to nationals of countries for which the Convention is in force of the same treatment as is given to its own nationals (in so far as this results from bilateral or multilateral agreements). The Committee notes, however, that such equality of treatment is already ensured with respect to many countries for which the Convention is in force, and that these countries have already, where necessary, taken measures to this end.

Therefore, the Committee cannot but urge the Government to take all necessary measures (in conformity with Article 1, paragraph 1, of the Convention) to ensure that nationals of all countries for which this Convention is in force should enjoy,

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

without delay, "the same treatment in respect of workmen's compensation as it grants to its own nationals", and that this treatment be defined by national legislation or in bilateral or multilateral agreements.<sup>1</sup>

*Spain* (ratification : 1929). The Committee notes that the Government continues to refer, in reply to the observation made in 1958, to regulation 11 of the regulations of 22 June 1956 respecting industrial accidents.

The Committee once more draws the Government's attention to the fact that these regulations are not in conformity with the Convention as regards the dependants of a foreign worker who cease to reside on Spanish territory after having resided there at the time of the accident.

Under section 11 of the above regulations these dependants continue to receive compensation payments only if they satisfy two conditions. First, the legislation requires other countries to grant a similar advantage to Spanish nationals. This condition would only appear to be compatible with Article 1 of the Convention if it is considered to be automatically fulfilled in respect of nationals of countries for which the Convention is in force and without there being any need to examine the national legislation of the countries in question. The Committee would therefore be grateful if the Government would indicate whether this is in fact the case.

The second condition requires that the new country of residence shall have ratified Convention No. 19. As this condition is not imposed in respect of Spanish nationals it is not in conformity with Article 1 of the Convention, which provides that each State which ratifies this Convention shall grant to the nationals of other ratifying States the same treatment as it grants to its own nationals. In these circumstances the Committee would be grateful if the Government would indicate the measures it intends to take to bring its legislation into conformity with the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bolivia, Brazil, Burma, Chile, China, Czechoslovakia, Dominican Republic, Ghana, Indonesia, Luxembourg, Federation of Malaya, Nicaragua, Norway, Sudan, Tunisia, United Arab Republic (Egypt), Uruguay.*

#### Convention No. 20 : Night Work (Bakeries), 1925

Reports requested : 12.  
Reports received : 11.  
Reports not received : 1.  
(*Argentina.*)

*Bulgaria* (ratification : 1929). With reference to the observation made in 1958, the Committee regrets to note that the Government's report does not contain any new information on the measures taken to give effect to the Convention, which has not been applied in Bulgaria since the adoption of the Labour Code in 1951.

As the Government referred in its report for 1956-57 to section 115 of the Labour Code, as amended in 1957, which provides that the industries or occupations in which night work shall be prohibited may be determined by order, the Committee hopes that the Government will soon make an order giving effect to the Convention.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Spain* (ratification : 1932). The Committee notes with interest the information supplied in answer to the observation made in 1958, to the effect that the regulations of 12 July 1946 will be amended so as to provide for the express prohibition of night work for a period of seven hours in bakeries in accordance with Article 2 of the Convention.

Article 3 (a) of the Convention. The Committee notes that section 172 of the Employment Contracts Act only covers night work by young persons under 16 years of age, whereas the Convention prohibits night work by young persons under 18 years. In this connection the Committee notes the information supplied by the Government on Convention No. 6, indicating that the prohibition will be raised to 18 years of age when existing legislation is revised.

The Committee hopes that the proposed amendments will soon be made in order to ensure the full application of the basic provisions of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Spain.*

#### Convention No. 21 : Inspection of Emigrants, 1926

Reports requested : 26.  
Reports received : 24.  
Reports not received : 2.  
(*Albania, Venezuela.*)

No observations.

#### Convention No. 22 : Seamen's Articles of Agreement, 1926

Reports requested : 30.  
Reports received : 29.  
Reports not received : 1.  
(*Venezuela.*)

*Australia* (ratification : 1935). Further to its observations of 1956 and 1957, the Committee notes with satisfaction that section 33 of the Navigation Act, 1958, ensures the application of the Convention to seamen serving on Australian ships but engaged outside Australia, as provided for in Article 1 of the Convention.

*Belgium* (ratification : 1927). The Committee notes from the information supplied by the Government to the Conference Committee in 1958 as well as in the report that the Bill to amend the Act of 1928 in order to ensure full legislative conformity with Article 9 of the Convention, to which reference has been made by the Government since 1954, has not yet been submitted to Parliament.

The Committee therefore reiterates the hope that this amending legislation will be enacted in the near future.

*China* (ratification : 1936). The Committee has taken note of the new information supplied concerning Articles 3, 4, 9, 10 and 14 of the Convention and finds, as it did in regard to the particulars examined in 1958, that the provisions mentioned are too general to ensure application of the Convention.

As a Government representative had informed the Conference Committee in 1958 that a Bill to revise the Commercial Shipping Act, then pending before the Legislature, took into account the principles of



Convention No. 22, the Committee hopes that this legislation has been or will soon be adopted and that it will give full effect to this instrument.

*Finland* (ratification : 1947). The Committee notes from the information furnished in reply to the request made in 1958 that, according to section 15 of the Seamen's Act, 1955, any seafarer who has served on board a vessel for 12 months may, although it has been agreed otherwise, terminate the agreement in the port of any country where the vessel calls.

*Federal Republic of Germany* (ratification : 1930). The Committee learned with interest of the entry into force during the period under review of the Seamen's Act of 1957. Sections 62 and 63 of this Act are referred to in the report as giving effect to Article 9, paragraph 1, of the Convention, under which an agreement for an indefinite period may be terminated by either party "in any port where the vessel loads or unloads", provided the notice specified in the agreement is given.

The Committee finds, however, that under section 63 (3) of the above Act an agreement for an indefinite period is extended beyond the expiration of the period of notice until the ship reaches a port in the Federal Republic of Germany, but by a period of six months at the most, i.e. it is subject to restrictions which are contrary to the above-mentioned Article 9 of the Convention, according to which it should be possible to terminate such an agreement in any port in which the vessel loads or unloads wherever the port is located, the only condition being that the period of notice shall have been given.

The Committee regrets this divergency all the more because the legislation previously in force, the Seamen's Code of 1902, was fully in conformity with Article 9. The Committee trusts therefore that conformity will soon be re-established between the national legislation and this provision of the Convention.

*Mexico* (ratification : 1934). The Committee notes from the additional information supplied in the report, in reply to the request made in 1958 as regards Article 9 of the Convention, that under section 145 of the Labour Act a seaman's agreement shall not be cancelled within 24 hours before departure of the vessel from a port. The Committee considers that this prohibition does not by itself and in all cases ensure that a period of notice of at least 24 hours must be given in the case of termination of an agreement for an indefinite period, as required by Article 9, paragraph 1, of the Convention. The Committee hopes that the Government will find it possible to bring its legislation fully into conformity with the Convention on this point.

As regards paragraph 3 of Article 9, the Government also states that section 146 of the Labour Act defines the exceptional circumstances in which an agreement for an indefinite period may *not* be terminated by either party in any port where the vessel loads or unloads. The Committee would be glad if the Government would describe these exceptional circumstances and would confirm that the mere presence of the vessel in a foreign port does not in itself constitute sufficient grounds, under section 146, for prohibiting the termination of a contract for an indefinite period.

*Nicaragua* (ratification : 1934). The Committee notes the Government's statement that the amendments to be made to the present labour legislation will apply the provisions of the Convention. The Committee trusts that these amendments will be

adopted at an early date and will give effect to the various provisions of the Convention which it enumerated in 1958 (Articles 3, 4, 5, 9, 13 and 14).

*Poland* (ratification : 1931). The Committee notes with satisfaction that under the Act of 5 November 1958 an agreement for an indefinite period may be terminated in a port where the vessel loads or unloads, in accordance with Article 9, paragraph 1, of the Convention, thus taking the Committee's observations into account.

*Uruguay* (ratification : 1933). The Committee can only repeat the following observation, which was already made in 1958, and concerning which the Government has supplied no information :

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.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Canada, Federal Republic of Germany, India, Mexico, New Zealand, Pakistan, Spain, Yugoslavia*.

#### Convention No. 23 : Repatriation of Seamen, 1926

Reports requested : 18.  
Reports received : 18.

*Nicaragua* (ratification : 1934). The Committee regrets to note that the Government has not supplied any information in reply to the observation made in 1958. It can therefore only repeat that apart from its Article 3, paragraph 1, it seems that the Convention receives no application in Nicaragua.

The Committee once more urges the Government to take the necessary measures to give effect to the Convention.<sup>1</sup>

*Spain* (ratification : 1931). The Committee notes with satisfaction that regulation 191 of the regulations of 23 December 1952 has been amended by order of 15 February 1958, so as to provide for repatriation of Spanish and foreign seamen to their port of embarkation, to their home country or to any other agreed port (Article 3 of the Convention).

*Uruguay* (ratification : 1933). See under Convention No. 22.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, China.*

**Convention No. 24 : Sickness Insurance (Industry), 1927**

Reports requested : 18.

Reports received : 18.

*Haiti* (ratification : 1955). The Committee notes with regret that the Government's report does not reply to the observations made in 1957 and 1958. It observes that sickness insurance, instituted by the Act of 12 September 1951, has still not been put into application in Haiti. Consequently, the Committee expresses the hope that the Government will spare no effort to hasten the establishment of compulsory sickness insurance, as it undertook to do when it ratified the Convention.

Furthermore, recalling the observations made in preceding years, the Committee draws the Government's attention to the discrepancies which exist between national legislation and the following Articles of the Convention :

Article 2. Under section 6 of the Act of 12 September 1951, foreign technicians whose stay in Haiti does not exceed 12 months are excluded from the scope of the Act. This exception which applies 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 exceptions authorised under Article 2.

Article 3. Section 66 of the Act of 12 September 1951 makes the claim to benefit subject to a waiting period of seven days, whereas the Convention provides for a "waiting period of not more than three days".

Furthermore, section 69 of the Act provides that the insured person will be deprived of cash benefits 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 entitlement to medical treatment conditional on a person's having been insured a certain length of time, whereas no such condition is laid down in Article 3 of the Convention except with respect to the payment of cash benefits; the insured person being, under Article 4, paragraph 1, "entitled free of charge, as from the commencement of his illness... to medical treatment by a fully qualified medical man, etc...".

The Committee would be grateful to the Government if it would state what measures it intends to take to bring legislation into conformity with the Convention.<sup>1</sup>

*Spain* (ratification : 1932). The Committee took note of the information supplied by the Government. It finds however that the following discrepancies exist between the legislation and the Convention :

Article 2 of the Convention. The Government indicates—

(a) that under the Act of 19 July 1944 certain categories of domestic servants are covered by sickness insurance.

The Committee notes that such a provision is not in agreement with this Article of the Con-

vention, which provides that sickness insurance should be applicable to *all* domestic servants ;  
(b) that under section 6 of the Act of 1942 respecting sickness insurance, sickness insurance coverage is granted, in addition to the nationals of Latin American countries, of Portugal, of the Philippines and of Andorra, to all the nationals of countries which have ratified the Convention.

Such a provision cannot be considered to be in conformity with this Article of the Convention, which provides that sickness insurance shall apply to all workers regardless of their nationality and regardless of whether the State of which they are nationals has or has not ratified the Convention.

Article 3. Section 18 of the Act of 14 December 1942 and section 13 of the Decree of 7 June 1949, which provide that cash benefits are only paid when the sickness lasts longer than seven days, are not in conformity with this Article of the Convention, which lays down in paragraph 1 an entitlement to cash benefit from the first day of sickness subject to the possibility of a waiting period of three days.

The waiting period of four days provided for by the same sections of the Act of 14 December 1942 and of the decree of 7 June 1948 is longer than the waiting period of three days authorised by paragraph 2 of this Article of the Convention. The fact that the employer is under an obligation to pay 50 per cent. of the wages during the first four days of sickness does not have any effect upon the rules laid down in the Convention *as regards insurance.*

The Committee trusts that the Government will take the necessary measures to eliminate these discrepancies.<sup>1</sup>

*Uruguay* (ratification : 1933). The Committee notes that the sickness insurance Bill, to which reference has been made for several years, is now being examined by Parliament. The Committee expresses the hope that this draft will be adopted at an early date and that the Government will spare no effort to ensure that this Convention, ratified in 1933, will finally be applied in Uruguay.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Bulgaria, Chile, Czechoslovakia, France, Haiti, Nicaragua, Peru, Rumania, Spain.*

**Convention No. 25 : Sickness Insurance (Agriculture), 1927**

Reports requested : 14.

Reports received : 14.

*Haiti* (ratification : 1955). See under Convention No. 24.<sup>1</sup>

*Spain* (ratification : 1932). See under Convention No. 24.<sup>1</sup>

*Uruguay* (ratification : 1933). See under Convention No. 24.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Bulgaria, Chile, Czechoslovakia, Haiti, Nicaragua, Spain.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928**

Reports requested : 32.  
 Reports received : 29.  
 Reports not received : 3.  
 (*Argentina, Bolivia, Venezuela.*)

*Argentina* (ratification : 1950). The report for 1957-58 not having been received and despite the statement of the Government at the Conference in 1958, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to supply the information referred to above.<sup>1</sup>

*Italy* (ratification : 1930). The Committee thanks the Government for the information supplied in answer to the observations made in 1958. It notes with interest the provisions of Act No. 264 of 1958, under which the remuneration of homeworkers is to be fixed either by collective agreements or, in the absence of such agreements, by individual contracts approved by provincial home work committees comprising representatives of employers and workers.

The Committee notes further that, with a view to guaranteeing minimum remuneration, a new Bill to empower the Government to make collective agreements generally binding has been prepared. It trusts that this legislation, which would be of general scope (in contrast to existing provisions, which apply only to particular categories of workers, namely homeworkers and caretakers, cleaners and watchmen of urban buildings) will be enacted at an early date.

*Uruguay* (ratification : 1933). The Committee regrets to note that, notwithstanding the request made by the Committee in 1957 and repeated in 1958, the Government has failed to indicate the changes which have been made in the minimum wage rates mentioned in the report for 1952-53 and to give particulars of any minimum wages fixed for the first time since then. The Committee trusts that the Government will supply this information with its next report.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, China, Czechoslovakia, Dominican Republic, Ecuador, India, Mexico, Nicaragua, Spain, Union of South Africa, United Kingdom, Viet-Nam.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

**Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929**

Reports requested : 38.  
 Reports received : 36.  
 Reports not received : 2.  
 (*Indonesia, Venezuela.*)

*Federal Republic of Germany* (ratification : 1933). The Committee notes with satisfaction that the exemption clause with respect to the marking of the weight of heavy packages transported by vessels, contained in section 2 of the Act of 28 June 1933, has been repealed by the legislature of the Federal Republic and that the law has been promulgated.

*Nicaragua* (ratification : 1934). The Committee notes that a Bill concerning the marking of weight on heavy packages transported by vessels, in conformity with the Convention, will be submitted to the legislature. It earnestly trusts that the Government will be able to record in its next report the adoption of legislation giving effect to the Convention, which was ratified by Nicaragua as long ago as 1934.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Cuba, Hungary, India, Indonesia, Mexico, Rumania, Uruguay.*

**Convention No. 28 : Protection against Accidents (Dockers), 1929**

Reports requested : 3.  
 Reports received : 3.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *Nicaragua*.

**Convention No. 29 : Forced Labour, 1930**

Reports requested : 42.  
 Reports received : 38.  
 Reports not received : 4.

(*Burma, Hungary, Indonesia, Venezuela.*)

*Greece* (ratification : 1952). The Committee notes the information supplied by the Government in reply to the request made in 1958. It finds that under the legislation in force (Presidential Order of 14-27 March 1928, section 1) military units may be called upon, and, according to available information, are in fact called upon to a considerable extent to perform work which is not of "a purely military character", such as land development work (irrigation, drainage, etc.) and the construction of roads. It observes, in addition, that under Article 2, paragraph 2 (a), of the Convention only work or services exacted in virtue of compulsory military service laws for work "of a purely military character" are excluded from the provisions of Article 1, paragraph 1, of the Convention under which a ratifying State "undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". The Committee must therefore ask the Government to take all necessary measures within the shortest possible period to repeal or modify the above-mentioned legislative provisions and to discontinue the current practice, in order to ensure full compliance with its international obligations.

The report indicates that sections 66 and 67 of the Royal Decree of 7 April 1937, which permit the hiring of convicts to private persons, are to be re-

pealed shortly. As the Government has repeatedly indicated that these provisions have in fact fallen into disuse, the Committee—which has drawn the Government's attention to this matter since 1955—urges that the provisions in question be finally repealed.<sup>1</sup>

*Liberia* (ratification : 1931). The Committee notes the Government's report and once more observes that there are still important and serious discrepancies between existing legislation and the provisions of the Convention.

Article 4 of the Convention. The report once more states that the obligation undertaken by the Government to provide holders of concessions with adequate labour has lost its *raison d'être*. This time the Government brings forward a new reason, and refers to the ample supply of manpower. The Committee would be glad if the Government would indicate whether the provisions of this agreement, which are contrary to this Article of the Convention, are still in force. Furthermore, the Committee hopes that there will be no further delay in adopting the draft Labour Code, sections 2 and 3 of which will, according to the Government's report, contain detailed provisions regulating the recruitment of labour.

Article 10. The Government has stated on several occasions that section 1416 (4) of the Revised Statutes, Vol. II, of the Republic of Liberia, as amended by the Act of 20 January 1932, should be considered to have been repealed by implication. The Committee has urged on several occasions, and cannot but urge once more, that measures be taken to repeal this section expressly, as it constitutes a serious infringement of Article 10 of the Convention. The Committee also notes that under section 34 of the Revised Laws and Regulations, 1949, which were adopted 18 years after the ratification of the Convention, it is still permissible to exact forced labour for public works, whereas under the terms of this Article of the Convention—which was ratified 28 years ago—such work should have been “progressively abolished”.

Article 11, paragraph 1. The Government's report states that in practice forced labour may not be exacted from any person of under 18 or of more than 45 years of age. However, section 34 of the Revised Laws and Regulations, 1949, still provides that “all male citizens are liable for compulsory labour on public works projects”. In these circumstances the Committee trusts that the Government will take the necessary measures to give statutory effect to the practice which it states it is following and thus finally bring the legislation into conformity with the Convention on this point.

Article 11, paragraph 2. Contrary to this paragraph of the Convention, the legislation does not fix the proportion of able-bodied males who may be taken at any one time, “provided always that this proportion shall in no case exceed 25 per cent.” of the population.

Article 12. Contrary to this Article of the Convention, there is no legislative provision ensuring that every person from whom forced labour is exacted shall be furnished with a certificate indicating the periods of such labour which have been completed. The Committee stresses the importance of the draft regulations to which the Government refers in its last report, and trusts that they will be adopted at an early date.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

Article 18. According to the Government's report section 35 of the Revised Regulations, 1949, which permits portage for private travellers, will be amended so as to permit portage only for officials of the administration. The Committee cannot but note that there has been no progress in giving effect to the obligations arising out of the ratification of the Convention, and urges that this amendment be made shortly. It trusts that at the same time, in accordance with paragraphs 1 (d) and (e) of this Article, the maximum number of days per month during which such work may be exacted from workers liable to portage, and the maximum distances they may be taken, will be fixed. Section 34 (f), to which the Government refers in its report, applies only to public works, but not to portage.

Article 25. With respect to this Article of the Convention, which provides for the imposition of penalties for the illegal exaction of forced labour, the Government refers in its report to sections 34 (e) and (k) and 35 (h) of the Revised Regulations, 1949. The Committee notes that only section 34 (e) provides a penalty for the exaction of forced labour, and that this penalty covers only cases where it has been exacted in connection with public works, whereas the Convention applies to all cases of the illegal exaction of forced labour.

The Committee notes that the Convention was ratified 28 years ago. It is greatly to be regretted that the legislation should not, by this time, have been brought into conformity with the Convention.<sup>1</sup>

*Federation of Malaya* (ratification : 1957). The Committee notes with satisfaction that the Employment Ordinance, 1955 has repealed the provisions of the Labour Code which permitted forced labour to be exacted from industrial workers.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Denmark, Dominican Republic, Ecuador, Federal Republic of Germany, Ghana, India, Israel, Liberia, Nicaragua, Portugal, Spain, Sweden, Ukraine, U.S.S.R., United Arab Republic (Egypt), Viet-Nam.*

#### Convention No. 30 : Hours of Work (Commerce and Offices), 1930

Reports requested : 13.

Reports received : 13.

*Bulgaria* (ratification : 1932). The Committee notes with interest from the information supplied by the Government in reply to the observation of 1958 that the ordinance of 15 March 1952 has been repealed by the ordinance respecting hours of work and rest periods, approved on 5 March 1958, and that the Instructions of 23 January 1953 have been repealed in part, thus eliminating certain cases in which longer hours were authorised.

*Haiti* (ratification : 1952). The Committee takes note with interest of the Act of 25 February 1958, which contains new provisions governing hours of work in commerce and offices.

The Committee finds, however, that further information or action is necessary on some provisions of the Convention and it hopes that the Government will follow up the various points raised in the request addressed to it directly by the Committee.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Nicaragua* (ratification : 1934). The Committee thanks the Government for the detailed information supplied on the various points raised by the Committee in 1958 and notes with interest that a Bill is being prepared which is to ensure full legislative conformity with the Conventions ratified by Nicaragua. It trusts that, in drafting this Bill, the Government will give every consideration to the following points and to the Committee's comments which have been addressed directly to the Government in the form of requests.

Article 7, paragraph 2, of the Convention. See the observation on Convention No. 1, Articles 3 and 6, paragraph (1) (b) (definition of temporary exceptions). Since section 56 of the Labour Code covers temporary exceptions in both Conventions, the Government's attention is drawn to the more detailed definition in Article 7, paragraph 2, of Convention No. 30, which would need to be taken into account in the proposed amending legislation.

Article 7, paragraph 3. The Committee regrets to note that the report makes no mention of the amendment of section 56 which the Government stated in 1958 would be made to reduce to ten the maximum number of hours which could be worked in one day. The Committee trusts that the suggestions it has made in its direct request under Article 6, paragraph 2, of Convention No. 1 will be adopted in order to put section 56 into conformity not only with Convention No. 1 but also with Article 7, paragraph 3, of Convention No. 30, which provides that the maximum number of additional hours permitted in the year, in respect of temporary exceptions must be fixed.

Article 11. See observation on Convention No. 1, Article 8.

The Committee notes that although section 63 of the Labour Code provides that the weekly rest periods in the postal, telephone and telegraph services should be governed by special regulations, the Government states that no such regulations have been made and that these services are covered by the general provisions of the Labour Code. The Committee suggests, therefore, that the appropriate modifications should be made to section 63 and that the scope of the Labour Code should be so defined as to show clearly that its provisions apply equally in both public and private establishments.

*Norway* (ratification : 1953). The Committee notes, from the statement made to the Conference by a Government representative and reiterated in the report, that due attention has been given to the observations made by the Committee, which related to the following points :

*Article 7 of the Convention.* The Committee notes that section 25 (1) (d) of the Act of 7 December 1956 reproduces section 19 (d) of the Act of 1936, in virtue of which overtime may be permitted when it is "warranted by the public or general interests or other consideration". 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 (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 (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 the requirement of the Convention.

The Committee hopes that the Government will soon be able to take the necessary measures.

*Spain* (ratification : 1932). The Committee notes the statement by the Government in reply to the observation made in 1958, indicating that the only national labour regulations applicable in commerce are those approved by Order of 10 February 1948. It notes, however, that there are a large number of other national regulations whose provisions are directly relevant to the Convention (for instance, the national regulations respecting offices, various categories of banks, chemists, etc.) and that there are therefore a large number of texts by which working hours in commerce and offices are regulated in Spain.

Moreover, the Committee notes that the Government again states that the Act of 9 September 1931 ensures the application of the Convention. It refers, therefore, to its observation on Convention No. 1, as regards the widespread exceptions which appear to be permissible in practice, and hopes that the revised text of the legislation mentioned by the Government will be such as to rule out any possibility of divergence between national legislation and practice on the one hand, and the standards and safeguards established by Convention No. 30 on the other.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Haiti, Nicaragua, Norway, Uruguay.*

#### Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932

Reports requested : 19.

Reports received : 18.

Reports not received : 1.

(*China.*)

*China* (ratification : 1935). The report for 1957-58 not having been received, the Committee can only repeat its previous observation, which was as follows:

The Committee finds 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.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

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.<sup>1</sup>

*Italy* (ratification : 1933). Following the request made in 1958, the Government has provided a list of the regulations in force in ten of the major Italian ports ; it adds that regulations regarding the port of La Spezia are under preparation and that the regulations for the ports of Genoa, Naples and Venice are being revised ; it further states that it has been found advisable for the moment not to impose an obligation on the other ports, of minor commercial importance, to draw up local regulations for the protection of dockworkers against accidents.

The Committee observes that the legislation in force gives effect to the general provisions of the Convention, and leaves the implementation of its concrete and more detailed requirements to regulations issued for each port. It further observes from its examination of the regulations in force in the various ports that, in very many respects, effect is not given to the provisions of the Convention. Moreover, the Government itself states that in many ports of lesser importance (which cannot, however, be regarded as unloading places within the meaning of Article 15 of the Convention) the Government does not consider it appropriate for the moment to require the preparation of local regulations.

It appears clear from the above that the Convention is given very incomplete effect in most of the major ports and has hardly begun to be applied in ports of lesser importance.

In these circumstances, the Committee can only urge the Government, with a view to discharging the international obligations it assumed in ratifying this Convention, to take all necessary measures to ensure the full application of the Convention in every port regardless of its importance, unless such a port is covered by the exceptions provided for in Article 15. This result could be achieved either by requiring the adoption of special regulations for each of the ports in question or by adopting general regulations which would be applicable in all cases where no local regulations existed or where such regulations were insufficient.<sup>1</sup>

*Mexico* (ratification : 1934). The Committee notes with regret that, in spite of the repeated observations made concerning the lack of legislation in Mexico giving effect to the provisions of the Convention which require the adoption of specific laws or regulations (particularly Articles 4, 6, 9, 11, 12 and 13), and despite the wish expressed in this connection by the Conference Committee in 1958, the Government's report contains no information concerning the legislation which gives effect to these Articles. Thus, the Committee cannot but once more urge the Government to decide to take all necessary measures with a view to the adoption at an early date of legislation in conformity with the provisions of this Convention, which Mexico ratified in 1934.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Cuba, Finland, France, Mexico, Norway, Pakistan, Spain, Uruguay.*

#### Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932

Reports requested : 6.  
Reports received : 5.  
Reports not received : 1.  
(*Argentina.*)

*Austria* (ratification : 1936). The Committee notes the Government's statement to the Conference Committee in 1958, that the consultations undertaken with workers' and employers' organisations with a view to amending the Act of 1948 on the employment of children and young persons have made possible some progress but have not yet led to any final results.

The Committee also notes that the Congress of Austrian Chambers of Labour has expressed regret that it has not as yet been possible to bring national legislation into full conformity with Article 3 of the Convention.

As this discrepancy has been pointed out since 1949, the Committee hopes that the relevant amendment will be adopted shortly so as to give full effect to the provisions of the Convention dealing with the employment of children on light work.<sup>1</sup>

*Spain* (ratification : 1934). The Committee notes the statement made by the Government to the Conference Committee in 1958, that the Certificate of Primary Education cannot be issued before a child reaches 12 years of age. The Committee cannot but observe that this does not ensure the application of the Convention—

- (a) with respect to children of under 12 years of age employed in domestic service (for whom the Convention does not permit any exceptions from the general prohibition contained in Article 2) ;
- (b) with respect to children between 12 and 14 years of age, who, under the Convention, may be employed only on light work for not more than two hours a day and outside the hours fixed for school attendance (Article 3).

The Convention excludes from its scope only "domestic work in the family performed by members of that family" (Article 1, paragraph 3 (b)), whereas Spanish legislation excludes all domestic service. The Committee therefore trusts that the Government will not fail to take the necessary measures, in the near future, to prohibit expressly the employment of children under 12 years of age in domestic service and to regulate such employment (in accordance with Article 3 of the Convention) as far as children between the ages of 12 and 14 are concerned.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Netherlands, Spain.*

#### Convention No. 34 : Fee-Charging Employment Agencies, 1933

Reports requested : 6.  
Reports received : 6.

*Chile* (ratification : 1935). The Committee notes that the Bill intended to bring Chilean legislation into conformity with the provisions of the Convention has not yet been considered by Congress. The Committee once more expresses the hope that the proposed

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

legislation will be adopted in the near future, so that this Convention, which was ratified 24 years ago, may be applied without further delay.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Mexico, Spain.*

**Convention No. 35 : Old-Age Insurance  
(Industry, etc.), 1933**

Reports requested : 9.

Reports received : 9.

*Czechoslovakia* (ratification : 1949). The Committee takes note with interest of the information supplied to the Conference by a government representative.

It notes that even if national legislation to which the Government refers does not give entire effect to all the provisions of the Convention in certain marginal cases falling in particular within the scope of Article 3 of the Convention, in most cases the legislative provisions referred to by the Government tend to fulfil its object.

*Peru* (ratification : 1945). The Committee takes note with interest of the Government's report. It notes that the committee which was set up by the Government with a view to revising the sickness insurance legislation is examining the possibility of establishing, in connection with the coming revision of the legislation, the special courts prescribed by Article 11 (2) of the Convention to deal with disputes respecting benefits.

The Committee hopes that, in connection with the said revision, the Government will make every effort to eliminate the other divergencies which have existed for many years between the national legislation and the Convention, and to which the Committee wishes to draw the Government's attention once again.

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 provides that the compulsory insurance scheme shall apply both to manual and non-manual workers (Article 2, paragraph 1, of the Convention).

2. Similarly, compulsory old-age insurance applies in Peru only to persons employed in commercial and industrial undertakings, whereas the Convention provides that the personnel of the liberal professions should also be covered by the insurance scheme (Article 2, paragraph 1, of the Convention).

3. Moreover, old-age insurance for domestic servants is merely voluntary, whereas the Convention provides that insurance for this category of workers must be compulsory (Article 2, paragraph 1, of the Convention).

The Committee hopes that it will be possible to take the necessary measures to bring the legislation into conformity with the Convention.<sup>1</sup>

*Poland* (ratification : 1948). The Committee notes with interest the information supplied by the Government to the Conference.

It notes that even if national legislation to which the Government refers does not give full effect to all the provisions of the Convention in certain mar-

ginal cases covered particularly by Article 3, most of the legislative provisions mentioned by the Government tend to achieve this.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Chile, France.*

**Convention No. 36 : Old-Age Insurance (Agriculture), 1933**

Reports requested : 8.

Reports received : 7.

Reports not received : 1.

(*Argentina.*)

*Czechoslovakia* (ratification : 1949). See under Convention No. 35.

*Poland* (ratification : 1948). See under Convention No. 35.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Chile, France.*

**Convention No. 37 : Invalidity Insurance  
(Industry, etc.), 1933**

Reports requested : 8.

Reports received : 8.

*Czechoslovakia* (ratification : 1949). See under Convention No. 35.

*Peru* (ratification : 1945). See under Convention No. 35 as regards the right to appeal for insured persons and the scope of the insurance scheme.<sup>1</sup>

*Poland* (ratification : 1948). See under Convention No. 35.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Chile, France.*

**Convention No. 38 : Invalidity Insurance  
(Agriculture), 1933**

Reports requested : 7.

Reports received : 7.

*Czechoslovakia* (ratification : 1949). See under Convention No. 35.

*Poland* (ratification : 1948). See under Convention No. 35.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Chile, France.*

**Convention No. 39 : Survivors' Insurance  
(Industry, etc.), 1933**

Reports requested : 6.

Reports received : 6.

*Czechoslovakia* (ratification : 1949). See under Convention No. 35.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Peru* (ratification : 1945). The Committee notes the Government's report and observes with regret that it does not contain a reply to the observations made by the Committee in previous years. Thus the Committee can only repeat its previous observations made in 1957, which were 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.<sup>1</sup>

*Poland* (ratification : 1948). See under Convention No. 35.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Bulgaria*.

**Convention No. 40 : Survivors' Insurance  
(Agriculture), 1933**

Reports requested : 5.

Reports received : 5.

*Czechoslovakia* (ratification : 1949). See under Convention No. 35.

*Poland* (ratification : 1948). See under Convention No. 35.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Bulgaria*.

**Convention No. 41 : Night Work (Women) (Revised), 1934**

Reports requested : 12.

Reports received : 10.

Reports not received : 2.

(*Iraq, Venezuela.*)

*Hungary* (ratification : 1936). The Committee notes that, according to the information supplied by the Government to the Conference Committee in 1958, it is intended to bring existing legislation into conformity with the Convention when drafting the new Labour Code.

The Committee hopes that the new Labour Code will soon be adopted and that it will bring national legislation into full conformity with the Convention, particularly by prohibiting in the manner laid down in the Convention the employment at night of all women in industry and not only those who are pregnant or nursing.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Ceylon, Peru.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

**Convention No. 42 : Workmen's Compensation  
(Occupational Diseases) (Revised), 1934**

Reports requested : 29.

Reports received : 27.

Reports not received : 2.

(*Bolivia, Iraq.*)

*Hungary* (ratification : 1935). The Committee notes the provisions of Decree No. 67 of 1958 which contains a new schedule of occupational diseases, and notes with satisfaction that the terms of this new schedule concerning zoonoses, and in particular anthrax infection, correspond to the provisions of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Austria, Belgium, Bulgaria, Czechoslovakia, France, Federal Republic of Germany, Greece, Haiti, Hungary, Mexico, New Zealand, Norway, Poland, Sweden, Union of South Africa, Uruguay.*

**Convention No. 43 : Sheet-Glass Works, 1934**

Reports requested : 9.

Reports received : 9.

*Czechoslovakia* (ratification : 1938). The Committee notes the statement made by a Government representative to the Conference Committee in 1958, that the provisions of the Convention were now applied in practice.

However, the Committee regrets to note that, contrary to the assurances given in the above-mentioned statement, the Government's report does not supply any further information in answer to the requests made by the Conference Committee in 1958, and refers only to Act No. 126 of 1938, by which the Convention was promulgated in Czechoslovakia. In view of the fact that, despite the existence of this Act, the Government has admitted in preceding years that the Convention was not fully applied, the Committee hopes that the Government will—

(1) indicate the collective agreements or regulations in virtue of which the 42-hour week has been introduced in sheet-glass works ;

(2) supply detailed information on the precise provisions enacted to give effect to the Convention in connection with—

- (a) the length of spells of work and the intervals between them (Article 2 of the Convention) ;
- (b) the prohibition of additional hours of work except in unforeseen circumstances of a well-defined kind (Article 3) ;
- (c) the notification of hours of work, and the keeping of records of additional hours worked and the compensation granted in respect thereof.<sup>1</sup>

*United Kingdom* (ratification : 1937). Further to the observations made in previous years, the Committee notes that the Government of the United Kingdom has denounced this Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, France, Mexico, Uruguay.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



**Convention No. 44 : Unemployment Provision, 1934**

Reports requested : 8.

Reports received : 8.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Bulgaria, Czechoslovakia, France.*

**Convention No. 45 : Underground Work (Women), 1935**

Reports requested : 42.

Reports received : 39.

Reports not received : 3.

*(Ecuador, Indonesia, Venezuela.)*

*Bulgaria* (ratification : 1949). The Committee notes from the statement made by a Government representative to the Conference Committee in 1958, and from the annual report which has recently been received, that amendments of the provisions concerning the employment of women on underground work in mines are being prepared, with a view to ensuring compliance with the provisions of the Convention. The Committee hopes that this new legislation will soon enter into force.

*China* (ratification : 1936). The Committee took note of the provisions of the Regulations for the Security of Mines, dated 1950, as amended in 1958, and draws attention to the following discrepancy :

Article 2 of the Convention. Regulation 187 of the Regulations provides that women may with special permission undertake light work connected with transport in mine pits, whereas the Convention does not authorise any such exceptions to the prohibition of underground work by women. The Committee would be grateful if the Government would take the necessary measures to amend the Regulations on this point so as to bring them into conformity with the Convention.

The Committee noted, on the other hand, the steps taken in order to ensure that women are no longer employed in practice in mine pits. It would be grateful if the Government would indicate whether these steps are intended to lead to the elimination of all employment of women on underground work of any kind and would indicate the results of these measures.

*Hungary* (ratification : 1938). The Committee notes that, according to the information supplied by the Government to the Conference Committee in 1958 and in its report, the employment of women underground has in practice entirely ceased, and that the new Labour Code will contain provisions prohibiting such employment in conformity with the Convention.

The Committee once more trusts that national legislation will soon be brought into conformity with the Convention, as forecast by the Government.<sup>1</sup>

*Yugoslavia* (ratification : 1952). The Committee notes the provisions of the Act respecting employment relationships of 12 December 1957 with respect to the employment of women underground.

In virtue of section 76 of the said Act the labour inspectorate may grant exemptions from the prohibition of the employment of women on such work where the work process involved has been mechanised or rendered automatic or hermetic, thereby eliminat-

ing any danger to the lives or health of women or where measures of personal protective equipment can provide effective safeguards against industrial poisons or dust.

The Committee notes that in practice such cases have not arisen. However, as recourse to section 76 would result in permitting exceptions which are not authorised by the Convention, the Committee considers that the legislation should be amended in order to bring it into full conformity with the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *China, Federal Republic of Germany, Federation of Malaya.*

**Convention No. 47 : Forty-Hour Week, 1935**

Reports requested : 4.

Reports received : 4.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Byelorussia, New Zealand, Ukraine, U.S.S.R.*

**Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935**

Reports requested : 7.

Reports received : 7.

*Hungary* (ratification : 1937). The Government states in its report that it has signed bilateral agreements with Yugoslavia, Poland and Czechoslovakia in order to give effect to the obligations of the Convention. The Committee must emphasise once again, as it has done in the observations made in previous years, that it should be possible to apply the Convention without the conclusion of bilateral agreements between the Members bound by it. The Committee therefore urges the Government to take all necessary measures, in accordance with the obligations assumed in ratifying the Convention, to ensure the maintenance of pension rights of nationals of all the States bound by the Convention.<sup>1</sup>

*Netherlands* (ratification : 1938). The Committee notes with satisfaction that an Act of 11 July 1957 has repealed section 168 of the Invalidity Act, which was not in conformity with Article 10 of the Convention.

*Spain* (ratification : 1937). The Committee notes the Government's statement that the Convention is applied to all Italian nationals by means of a bilateral agreement on social security, and that the problem does not arise in respect of other States which have ratified the Convention, as migration to and from these countries is either negligible or non-existent.

The Committee draws the Government's attention to the fact that it should be possible to apply the Convention without bilateral agreements being concluded by the Members bound by the Convention. The Committee would be glad if the Government would indicate what measures it intends to take in order to grant the maintenance of pension rights to the subjects of all States Members bound by the Convention, irrespective of the present volume of migration between Spain and these States.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



**Convention No. 49 : Reduction of Hours of Work  
(Glass-Bottle Works), 1935**

Reports requested : 7.  
Reports received : 7.

*Czechoslovakia* (ratification : 1938). See under Convention No. 43.<sup>1</sup>

\* \* \*

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**

Reports requested : 8.  
Reports received : 7.  
Reports not received : 1.  
(*Argentina*.)

No observations.<sup>2</sup>

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Argentina, Ghana, Federation of Malaya*.

**Convention No. 52 : Holidays with Pay, 1936**

Reports requested : 24.  
Reports received : 23.  
Reports not received : 1.  
(*Argentina*.)

*Bulgaria* (ratification : 1949). The Committee notes with interest that section 9 of Resolution No. 36 of 8 March 1958, respecting holidays with pay, prohibits the granting of cash compensation in lieu of holidays.

However, the Committee notes that under section 11 of the resolution holidays may be postponed in a considerable number of cases, such as in the event of sick leave, urgent production or service requirements, at the request of the wage earner, etc. It also notes that, under section 12 of the Resolution, two years' leave may be accumulated. The Committee points out that the minimum holiday prescribed by the Convention must in all cases be taken annually and it hopes therefore that the Government will take steps to make the necessary modifications in sections 11 and 12 of the Resolution.

*Burma* (ratification : 1954). The Committee notes with interest that some progress has been made in the extension of the Factories Act—which entails a simultaneous extension of the Leave and Holidays Act—and that legislation is being drawn up to regulate conditions of employment of motor transport workers ; it also notes that, as indicated to the Conference Committee by a Government representative, due consideration is being given to the need to amend the legislation on the lines suggested by the Committee in 1958. The Committee trusts that this progress in the application of the Convention will continue, full account being taken of the detailed comments made by the Committee in the request addressed directly to the Government.

*Cuba* (ratification : 1953). The Committee is pleased to note that, following observations made by it at previous sessions regarding the postponement or reduction of holidays, a decree was adopted on

27 May 1958 which modifies section 9 of Decree No. 1435 of 1953 and section 10 of Act No. 40 of 1935, with a view to ensuring closer conformity with the Convention.

*Finland* (ratification : 1949). The Committee notes with regret that the submission to Parliament of the Bill amending the Annual Holidays with Pay Act has again been deferred. It recalls that the Bill in question, by which effect was to be given to observations made by the Committee, was first mentioned by the Government in 1955.

The Committee sincerely hopes that the Government will take steps, without further delay, to ensure the full implementation of the following provisions of the Convention : the exclusion from holidays with pay of interruption of attendance at work due to sickness (Article 2 (3) (b) of the Convention) ; the payment to persons on holiday of the cash equivalent of remuneration in kind, which should normally include the cash equivalent of free lodging where this is given (Article 3) ; and the approval of the form of records to be kept by employers with regard to holidays with pay (Article 7).

*France* (ratification : 1939). The Committee notes the statement made to the Conference Committee by a Government representative, indicating that section 54 (m) of Book II of the Labour Code, in virtue of which the annual paid holiday may be suspended in certain undertakings, is never applied and could be repealed.

However, the Committee finds that in a judgment handed down by the Supreme Court of Appeals<sup>1</sup> on 7 February 1958, repeated reference is made to section 54 (m) and to compensation which may be granted in lieu of holidays. It notes therefore that this provision of the Labour Code cannot be considered as obsolete. Consequently the Committee welcomes the above-mentioned statement by the Government representative regarding the possible repeal of this provision, and it hopes that the necessary steps in this connection will be taken at an early date so as to ensure that the minimum duration of the holiday prescribed by the Convention should in no case be replaced by compensation.

*Greece* (ratification : 1952). The Committee notes that a Government representative informed the Conference Committee in 1958 that, although bakery workers had again been exempted from the right to annual holidays in 1957, both the Federation of Bakery Workers and the Ministry of Labour had decided that this exemption should cease in future. The Committee welcomes this decision and the statement that the possibility of repealing section 5 (3) of Act No. 539 of 1945—in virtue of which such exemptions may be authorised—was shortly to be examined ; it hopes that progress has been made in this proposed revision of the Act and that the necessary modification will soon be enacted.

In connection with this proposed amendment of Act No. 539, the Committee recalls that the Government had indicated some time ago that, in the event of an amendment of the legislation, steps would be taken to eliminate a small discrepancy noted with regard to the payment of the cash equivalent of remuneration in kind : section 3 (3) of Act No. 539 provides explicitly that the remuneration paid to persons on holiday shall not include the cash equivalent of housing accommodation, whereas Article 3 of the Convention specifies that holiday remuneration shall include the cash equivalent of payments in kind.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>2</sup> See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

<sup>1</sup> *Recueil Dalloz*, 1958, Jurisprudence, p. 338 (19<sup>me</sup> cahier).

*Italy* (ratification : 1952). The Committee takes note of the reply to its observations made by a Government representative before the Conference Committee in 1958 and reproduced in the Government's report. It notes once again that the situation in Italy regarding the right to holidays in the case of wage earners is particularly complex in view of the fact that there is no provision requiring the parties to collective agreements to include therein provisions regarding annual leave which are at least as favourable as those prescribed by the Convention, that these collective agreements do not extend to all workers so that persons not legally covered by them benefit from annual holidays in accordance with custom or equity, and that the Government considers the adoption of further legislation to be unnecessary.

However, the Committee also notes from the Government's reply that a Bill has been submitted to the National Economic and Labour Council by which the Government will be empowered to give force of law to collective agreements. It notes that when this Bill is enacted the Government will thus be in a position to ensure that a collective agreement relating *inter alia* to holidays with pay is made legally applicable throughout the country or a given region, as regards a certain branch of industry or occupation.

The Committee hopes that, either in connection with the above-mentioned Bill or independently, the Government will consider taking the necessary steps to ensure that the minimum standards laid down in the Convention are applied without fail, both as regards the duration of the holiday and as regards the manner in which it is granted, for in the present circumstances the Committee finds that it is unable to form a precise opinion regarding the degree to which the various provisions of the Convention are applied, and whether these provisions are applied to all the workers falling within the scope of the Convention.<sup>1</sup>

*Ukraine* (ratification : 1956). The Committee takes note with interest of the first report supplied by the Government on this Convention.

The Committee notes that under sections 91, 116 and 120 of the Labour Code, provision is made for the replacement of the holiday by compensation in cash or for the postponement of the holiday. The Committee points out that the Convention authorises no exceptions whatever to the granting of annual leave with pay, and that, in virtue of Article 4 of the Convention, any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void. It hopes therefore that the Government will take the necessary measures to ensure that the legislation is brought into conformity with the Convention.

*United Arab Republic (Egypt)* (ratification : 1954). The Committee notes from the information supplied by a Government representative to the Conference Committee in connection with Convention No. 11 that the three conditions prescribed under section 1 (c) of Legislative Decree No. 317 (exemption of employees of establishments where no machinery is used, where less than five workers 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) should be read together and that consequently in practice such exemptions rarely occurred.

The Committee hopes nevertheless that the modification of this provision of the Legislative Decree, which the Government appears to be considering, will shortly be ensured so that all the workers covered by Convention No. 52 should be entitled by law to an annual holiday with pay.

*Uruguay* (ratification : 1954). The Committee notes that no information is supplied by the Government as regards the postponement of leave, and it recalls therefore the observation made in this connection in 1958.

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.<sup>1</sup>

*U.S.S.R.* (ratification : 1956). The Committee takes note with interest of the detailed report supplied by the Government on this Convention.

It notes that, under sections 91, 116 and 120 of the Labour Code of the R.S.F.S.R., provision is made for the replacement of holidays by compensation in cash or for the postponement of the holiday. The Committee points out that the Convention authorises no exceptions whatever to the granting of annual leave with pay, and that in virtue of Article 4 of the Convention any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday, shall be void. It hopes therefore that the Government will take the necessary measures to ensure that the legislation is brought into conformity with the Convention.

*Viet-Nam* (ratification : 1953). The Committee notes with satisfaction that, following the observations made by the Committee, provisions have now been enacted by a decree of 6 June 1958 to restrict the right to postpone annual holidays.

*Yugoslavia* (ratification : 1953). The Committee notes with satisfaction that the new Act respecting employment relationships, dated 12 December 1957, abrogates the decree of 4 July 1946 respecting exceptions in the granting of annual holidays to which the Committee has had occasion to refer in previous years.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Burma, Cuba, Czechoslovakia, Dominican Republic, Greece, Hungary, Mexico, Morocco, Ukraine, U.S.S.R., United Arab Republic (Egypt), Uruguay, Viet-Nam, Yugoslavia.*

#### Convention No. 53 : Officers' Competency Certificates, 1936

Reports requested : 13.  
Reports received : 12.  
Reports not received : 1.  
(*Argentina.*)

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Bulgaria* (ratification : 1949). The Committee notes with interest that a new regulation will be drafted to apply the Convention.

The Committee hopes that the above-mentioned regulation will soon enter into force.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Belgium*.

**Convention No. 55 : Shipowners' Liability  
(Sick and Injured Seamen), 1936**

Reports requested : 6.

Reports received : 6.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *Italy*.

**Convention No. 56 : Sickness Insurance (Sea), 1936**

Reports requested : 5.

Reports received : 5.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *Belgium*.

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936**

Reports requested : 23.

Reports received : 22.

Reports not received : 1.

(*Iraq*.)

*Belgium* (ratification : 1938). The Committee notes that the Bill which was to be submitted to Parliament in 1957-58 has not yet come before the Council of Ministers. As the Committee has made observations on this question ever since 1948, it urges that the Bill be adopted without further delay.<sup>1</sup>

*Cuba* (ratification : 1953). The Committee takes note with satisfaction of Decree No. 1684 of 27 May 1958, raising to 15 years the minimum age for admission to all types of employment.

*Uruguay* (ratification : 1954). The Committee notes that, according to the Government's report, the Council for Children does not grant permits for heavy work to persons under 18 years of age. However, section 223 of the Children's Code fixes the minimum age for employment in industrial establishments at 14 years of age. No provision is made expressly laying down a minimum age with respect to employment at sea, and section 225 of the Children's Code fixes at 12 years the minimum age at which the Council for Children may authorise work to be done by minors, if they certify that they have attended an elementary course of primary education, and providing that such work is necessary for their maintenance, or that of their parents or brothers and sisters.

However, Article 2 of Convention No. 58 fixes the minimum age for employment on board vessels at 15 years of age, even for work which is not dangerous. Likewise, Article 2 of Convention No. 59 fixes the minimum age for employment in industrial

establishments at 15 years of age. Finally, Convention No. 60 fixes the minimum age for entry into non-industrial employment in general at 15 years of age, while permitting children over 13 years of age to carry out light work outside the hours fixed for school attendance, provided that such work is not harmful to their health or prejudicial to their attendance at school.

The Committee hopes that the Government will take the necessary measures to ensure that effect is given to the provisions of Conventions Nos. 58, 59 and 60, which were ratified in 1954.<sup>1</sup>

See also general observations.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Japan*.

**Convention No. 59 : Minimum Age (Industry)  
(Revised), 1937**

Reports requested : 11.

Reports received : 11.

*China* (ratification : 1940). As the Committee has previously observed, the national legislation fixes the minimum age of admission to work in mines at 14 years for underground work, whereas paragraph 3 of Article 8 of the Convention establishes a minimum age of 15 years for admission to every kind of work in mines, and not only underground work. The Committee trusts that the Government will take the necessary measures to eliminate this discrepancy.<sup>1</sup>

*Cuba* (ratification : 1953). See under Convention No. 58.

*Italy* (ratification : 1952). The Committee notes the information supplied by the Government to the Conference Committee in 1958, to the effect that it had not yet been possible, in spite of all the efforts made, to overcome the obstacles preventing the adoption of legislation to raise the age of admission to employment from 14 to 15 years, in accordance with the Convention. The Committee also notes that the Italian Parliament had been dissolved and that a number of Bills which had already been tabled and which were to ensure conformity between the Italian legislation and the provisions of Conventions Nos. 59 and 60 have consequently lapsed.

The Committee also notes that a Bill to raise the minimum age of employment to the age laid down in Conventions Nos. 59 and 60 has not been proceeded with because it has not been possible, owing to financial difficulties, to raise the school-leaving age from 14 to 15. In the Government's opinion the problem is not very important from a practical point of view, because apprentices are the only children between 14 and 15 years of age who are admitted to employment.

The Committee is not unaware of the fact that there are legislative provisions that fix a minimum age of 15, 16 or 18 years for admission for certain of types of work which are dangerous to the health or morals of young persons, but such provisions, which give effect to Article 5 of the Convention (fixing of ages higher than 15 for admission to dangerous employments) are clearly not sufficient to give effect to Article 2 of Conventions Nos. 59 and 60, which fix a general age of admission to employment of 15 years.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee is therefore bound to draw attention once more to the need for the Government to take appropriate steps to ensure the full application of these Conventions.<sup>1</sup>

*Uruguay* (ratification : 1954). See under Convention No. 58<sup>1</sup> and the general observations.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *China, Ghana, Pakistan, Ukraine, U.S.S.R.*

**Convention No. 60 : Minimum Age (Non-Industrial Employment) (Revised), 1937**

Reports requested : 8.

Reports received : 8.

*Bulgaria* (ratification : 1949). The Committee notes with satisfaction that the Ordinance of 19 December 1958 lays down conditions for the appearance of children under 15 years of age in public entertainment which are in conformity with the provisions of Article 4 of the Convention.

*Cuba* (ratification : 1953). See under Convention No. 58.

*Italy* (ratification : 1952). See under Convention No. 59.<sup>1</sup>

*New Zealand* (ratification : 1947). The Committee notes with interest that section 60 (1) (e) of the Education Act, 1914, has been amended by the Education Amendment Act, 1957, so that certificates exempting children under the age of 13 years from compulsory school attendance can no longer be granted, with the result that the possibility of their engaging in full-time work is excluded.

Nevertheless, the Committee cannot but point out that some of the discrepancies referred to in 1953 still exist.

Article 3 of the Convention. This Article permits certain exceptions to be made with respect to children over the age of 13 years, whereas under national legislation there is no age-limit for work done outside the hours fixed for school attendance.

Furthermore, although the above-mentioned exception prohibits children under the age of 13 years from being employed during the hours of school attendance, there are no provisions (a) limiting the employment of children under the age of 14 years to two hours per day (Article 3, paragraph 2 (a), of the Convention); (b) requiring that the time spent at school and on light work shall not exceed a total of seven hours per day (Article 3, paragraph 2 (b)); and (c) prohibiting light work to be done by children under the age of 15 years on Sundays and legal public holidays, and during the night.

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 seven and ten 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 in itinerant occupations, whereas the *Infants' Act* fixes this age at ten years.

Article 7 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 hopes the Government will take the necessary measures to eliminate the above-mentioned discrepancies between national legislation and the Convention.<sup>1</sup>

*Uruguay* (ratification : 1954). See under Convention No. 58<sup>1</sup> and the general observations.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Cuba, Ukraine, U.S.S.R.*

**Convention No. 62 : Safety Provisions (Building), 1937**

Reports requested : 11.

Reports received : 11.

*General Observation*

Under Article 1, paragraph 2, of the Convention, member States having ratified it undertake to "communicate every third year to the International Labour Office a report indicating the extent to which effect has been given to the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937". Observing that a number of States having ratified the Convention appear to have overlooked this obligation, the Committee expresses the hope that these States will not fail to communicate the report in question with their next report.

*France* (ratification : 1950). The Committee notes with regret that the revision of the decree of 9 August 1925 which has been in progress since 1956 has not been completed, and hopes that the Government will take the necessary measures to ensure the adoption at an early date of a draft giving full effect to the following Articles of the Convention : Article 7, paragraphs 1, 2, 3 (c) and 5 to 8 ; Article 8, paragraph 1 (a) and (b) ; Article 9, paragraph 2 ; Article 10, paragraphs 1 and 5 ; Article 13, paragraph 2 ; Article 16, paragraph 1.<sup>1</sup>

*Uruguay* (ratification : 1954). The Committee notes with regret that, despite the Government's statement in its report for 1956-57—in reply to observations made by the Committee in 1957 concerning the absence of provisions in national legislation giving effect to Articles 3 (a) ; 10 (2) ; 11 (1) and (2) ; 12 (1) and (2) ; 14 (1), (3) and (4) ; and 15 (2) and (3) of the Convention—that new legislation was on the point of completion, and that all the Committee's observations had been taken into account, the report for 1957-58 makes no reference whatever to this legislation.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee hopes that the Government will not fail to take all necessary measures to ensure that the above-mentioned legislation is promulgated as soon as possible and that a copy is forwarded with the next report.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Finland, Federal Republic of Germany, Hungary, Mexico, Poland.*

**Convention No. 63 : Statistics of Wages and Hours of Work, 1938**

Reports requested : 21.

Reports received : 21.

*Burma* (ratification : 1955). The Committee took note of the information supplied in response to the observation made in 1958.

Article 5, paragraph 1, of the Convention. The Committee notes with interest that statistics of average earnings in mining and manufacturing industries have been compiled for 1955 and that data for 1956 and 1957 are in process of compilation and will be collected yearly as from September 1958. The Committee observes that Article 5 also requires the compilation of statistics (a) of hours actually worked and (b) regarding building and construction.

Article 13. The Committee notes the statement in the report as regards Part III of the Convention that statistics of wage rates in all industries will be compiled starting from September 1958, and observes that Article 13 also requires the compilation of statistics of normal hours of work and that the statistics should cover also building and construction.

Article 22. The Committee notes the statement in the report that "the problem of Part IV (Agriculture) will need to be considered in the light of the Committee's recent observations", and expresses the hope that measures will soon be taken to give effect to this part of the Convention.

While noting that some progress has been made in the application of this Convention, the Committee notes that many of the provisions are not yet applied and hopes that the necessary action will be taken for giving full effect to the Convention.

*Ceylon* (ratification : 1952). The Committee took note with satisfaction from the information supplied in reply to the request of 1958 that statistics of average earnings and of hours actually worked are being compiled separately by sex and for adults and juveniles, wherever practicable, and are to be published in the Report of the Commissioner of Labour for 1958.

*Cuba* (ratification : 1954). The Committee regrets to note, from the report and from the statement of the Government representative before the Conference Committee in 1958, that statistics complying with the requirements of the Convention are not available in either the Ministry of Labour or the Ministry of Economics.

As the obligations flowing from the ratification of the Convention are thus not being fulfilled, the Committee must urge the Government to take all necessary measures for compiling, publishing and transmitting the statistics required by the Convention.<sup>1</sup>

*Czechoslovakia* (ratification : 1950). The Committee regrets to note that in spite of the promise made by a Government representative before the Conference Committee in 1958, the report once more fails to reply to the observations concerning the application of the Convention and does not 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.

In the absence of other information the Committee has to conclude that, except for the summary statistics of earnings and hours of work given in the report, the Convention is not being applied eight years after ratification. The Committee urges the Government to take the necessary measures for the application of the Convention.<sup>1</sup>

*Finland* (ratification : 1947). The Committee took note with interest from the information supplied in reply to the request of 1958 that statistics of hours actually worked in mining are to be published in 1959, but that similar statistics for building and construction cannot be compiled at present. The Committee trusts that the Government will find it possible to give full effect to Article 5 by compiling and publishing these statistics at an early date.

*France* (ratification : 1951). The Committee notes with interest the Government's intention to extend time rates of wages to industries other than mining and metallurgy (Article 15, paragraph 1, of the Convention), and trusts that future reports will indicate the progress made in this direction.

*Mexico* (ratification : 1942). The Committee wishes to thank the Government for the detailed information supplied in reply to the observation of 1958, and notes with satisfaction that statistics are compiled and published in accordance with the requirements of the Convention.

The Committee would be glad if the Government would take appropriate measures to reduce delays in the publication of the statistics and their communication to the I.L.O. (Article 1 of the Convention).

*Norway* (ratification : 1940). The Committee notes with satisfaction from the report that the publication of quarterly statistics of hours of work in the principal mining and manufacturing industries and building and construction, has been resumed, and that the relevant series has been transmitted to the I.L.O. (Part II of the Convention).

*Sweden* (ratification : 1939). The Committee notes with interest from the information supplied in reply to the observation of 1958, that statistics of hours actually worked in manufacturing and mining are compiled and published. On the other hand statistics of hours actually worked in building and construction are not available, but a pilot inquiry in this field was authorised in 1958. The Committee trusts that the Government will find it possible at an early date to compile and publish such statistics on a regular basis as provided for in Articles 1 (b) and 5, paragraph 1, of the Convention.

*United Arab Republic (Egypt)* (ratification : 1940). Article 10 of the Convention. The Committee notes with satisfaction that since January 1956 data of average earnings have been compiled by age and sex.

Article 12. The report states once again that index numbers showing the general movement of earnings are not yet compiled. As a Government represen-

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

tative informed the Conference Committee in 1958 that there would be further delay in the preparation of these statistics, the Committee would be glad to learn when their compilation and publication may be expected.

*Uruguay* (ratification : 1954). Part II of the Convention. The Committee notes that statistics of wages in the period 1952-57 have been compiled and communicated to the I.L.O. The Committee observes that this Part of the Convention requires also the compilation of statistics of average hours actually worked.

Parts III and IV. In the absence of any other information the Committee can only conclude that effect is not given to the provisions of these Parts of the Convention.

According to the Government's reports for 1956 and 1957 a committee had been set up to study the application of the Convention, but such application had been delayed by material and staff difficulties. In these circumstances the Government may wish to consider the possibility of availing itself of technical assistance, with a view to ensuring in due course the compilation and publication of statistics fully conforming to the requirements of the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Denmark, Uruguay*.

**Convention No. 64 : Contracts of Employment  
(Indigenous Workers), 1939**

Reports requested : 5.

Reports received : 5.

No observations.<sup>2</sup>

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Ghana, Federation of Malaya*.

**Convention No. 65 : Penal Sanctions  
(Indigenous Workers), 1939**

Reports requested : 4.

Reports received : 4.

*Federation of Malaya* (ratification : 1957). The Committee notes with satisfaction that the new Employment Ordinance, 1955, has repealed the provisions permitting penal sanctions to be imposed on domestic workers leaving their employment without good reason.

**Convention No. 67 : Hours of Work and Rest Periods  
(Road Transport), 1939**

Reports requested : 2.

Reports received : 2.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Cuba, Uruguay*.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>2</sup> See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

**Convention No. 68 : Food and Catering  
(Ships' Crews), 1946**

Reports requested : 11.

Reports received : 10.

Reports not received : 1.

(*Argentina*.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Belgium, Bulgaria, Canada, France, Iceland, Italy, Norway, Poland, Portugal, United Kingdom*.

**Convention No. 69 : Certification of Ships' Cooks, 1946**

Reports requested : 11.

Reports received : 11.

*Bulgaria* (ratification : 1949). The Committee notes with satisfaction that the Regulations respecting the Certification of Ships' Cooks, of 10 November 1958, give effect to the Convention.

*France* (ratification : 1948). The Committee notes the information supplied in answer to the requests made in 1957 and 1958, to the effect that all the certificates and diplomas governed by section 4 of the Order of 29 July 1953 as amended by the Order of 26 March 1957, are granted only on the basis of an examination. (Article 4, paragraph 2 (c) of the Convention.)

*Portugal* (ratification : 1952). The Committee notes with satisfaction that Legislative Decree No. 41643 of 23 May 1958 lays down fuller requirements for the granting of ships cooks' certificates (Article 4 of the Convention).

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Poland*.

**Convention No. 73 : Medical Examination  
(Seafarers), 1946**

Reports requested : 12.

Reports received : 11.

Reports not received : 1.

(*Argentina*.)

*Belgium* (ratification : 1951). The Committee notes with satisfaction that Appendix XVIII to the Royal Order of 12 December 1957 contains provisions giving full effect to the Convention.

*Bulgaria* (ratification : 1949). The Committee notes with satisfaction that the new regulations concerning medical examination of seafarers issued by the Ministry of Transport and Communications on 18 January 1958 take account of the observations formulated by the Committee in 1957 and 1958.

*Poland* (ratification : 1954). The Committee notes with satisfaction that the Order of the Minister of Health of 20 November 1957 defines the health conditions required for persons working on board Polish vessels.

*Portugal* (ratification : 1952). The Committee notes with interest that Legislative Decree No. 41643 of 23 May 1958 has been issued in order to give almost full effect to the Convention.

*Uruguay* (ratification : 1954). The Committee notes with regret that no information whatever is

supplied in reply to its observation of 1958. As the Government had already indicated in its first report (for 1955-56) that it was taking steps to give effect to this and other Conventions ratified in 1954 and as no such steps appear to have been taken thus far, the Committee urges the Government to do so without further delay.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Finland, France, Italy, Poland, Portugal*.

**Convention No. 74 : Certification of Able Seamen, 1946**

Reports requested : 8.

Reports received : 8.

*Poland* (ratification : 1954). The Committee notes with satisfaction the adoption of the Ordinance of 4 June 1958 relating to seamen's certificates of proficiency, which gives effect to the Convention.

*Portugal* (ratification : 1952). The Committee notes with interest that Decree No. 41643 of 23 May 1958, amending Decree No. 23764 of 13 April 1934, has been adopted to apply the Convention.

The Committee notes that whereas Article 2, paragraph 4 (a), of the Convention provides that the competent authority may reduce the compulsory period of 36 months' service required for the granting of an able seaman's certificate to a period of not less than 24 months for persons who have passed through a course of training, section 41 (1) of the Act reduces the required period of service at sea to 18 months for persons holding a diploma, or who pass through the merchant marine seamen's or mechanics' schools.

Furthermore, the Committee notes that persons who have completed 24 months' service in the Navy may obtain an able seaman's certificate; this exceptional procedure is not permitted by Article 2, paragraph 4, of the Convention.

The Committee notes from the Government's report that the general revision of Decree 23764 is to be completed shortly, and hopes that on this occasion it will be possible to bring the exceptions contained in Decree No. 23764 into conformity with Article 4 of the Convention.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Poland*.

**Convention No. 77 : Medical Examination of Young Persons (Industry), 1946**

Reports requested : 14.

Reports received : 11.

Reports not received : 3.

(*Argentina, Hungary, Iraq*.)

*Argentina* (ratification : 1955). The report for 1957-58 not having been received, the Committee can only repeat its previous observation, which was as follows :

The Committee... 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.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee shares the hope expressed by the Argentine Government representative before the Conference Committee in 1958 that the legislature will approve the necessary amendments of the legislation.<sup>1</sup>

*Cuba* (ratification : 1954). The Committee notes with interest that the Government has adopted a resolution (No. 85 of 2 May 1958) indicating the measures to be taken by the National Bureau for Women's and Children's Work for the vocational guidance and physical and vocational rehabilitation of children who have been found by medical examination to be unsuited to certain types of work or to have physical handicaps or limitations (Article 6, paragraphs 1 and 2, of the Convention).

The Committee also takes note of the legislation forwarded in answer to a direct request made in 1958.

*France* (ratification : 1951). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958, that an Act relating to the organisation of medical services in mines would shortly be promulgated (Article 1, paragraph 2 (a), of the Convention).

The Committee hopes that this Act will be adopted at an early date.

*Italy* (ratification : 1952). The Committee notes from the statements made by the Government, in reply to its observation of 1958, both to the Conference Committee and in the report, that it is now intended to adopt special legislation to provide for the medical examination of young persons, in conformity with the Convention.

As the Committee has had occasion since 1955 to refer to the need for legislative and practical measures implementing this Convention, it can only express the hope that the above-mentioned legislation will be enacted in the near future and that it will give full effect to all the provisions of the Convention.<sup>1</sup>

*Uruguay* (ratification : 1954). The Committee regrets to note from the report that there are no new developments; in these circumstances the Committee refers to the observations made in 1957 and 1958 and can only note that these did not result in any action being taken. See also the general observations.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, France, Guatemala, Israel, Poland, Ukraine, U.S.S.R.*

**Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946**

Reports requested : 13.

Reports received : 11.

Reports not received : 2.

(*Argentina, Hungary*.)

*Argentina* (ratification : 1955). See under Convention No. 77.<sup>1</sup>

*Cuba* (ratification : 1954). See under Convention No. 77.<sup>1</sup>

*France* (ratification : 1951). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958 to the effect that legislation and practice were not in con-

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



formity with the Convention as regards young persons employed as domestic servants and that the Government was considering the adoption of appropriate measures in this respect.

As the report contains no new information, the Committee expresses the wish that the necessary measures be taken without delay in this respect, as well as for the application of Article 7, paragraph 2 (a), of the Convention (measures of identification ensuring the application of the Convention to persons engaged in itinerant trading etc.).<sup>1</sup>

*Italy* (ratification : 1952). See under Convention No. 77.<sup>1</sup>

*Uruguay* (ratification : 1954). See under Convention No. 77.<sup>1</sup>

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Cuba, Guatemala, Israel, Poland, Ukraine, U.S.S.R.*

**Convention No. 79 : Night Work of Young Persons  
(Non-Industrial Occupations), 1946**

Reports requested : 12.

Reports received : 11.

Reports not received : 1.

(*Argentina*.)

*Argentina* (ratification : 1955). The report for 1957-58 not having been received, the Committee can only repeat its previous observation, which was as follows :

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 full conformity with the above-mentioned provisions of the Convention.

The Committee hopes that the Government will not fail to take the measures referred to above.

*Bulgaria* (ratification : 1949). The Committee takes note of the Government's reply to the observation of 1958, stating that day work in Bulgaria never starts before 6 a.m. and that the discrepancy between the legislation (section 5 of the Ordinance of 5 March 1958 defining "night" as a period from 10 p.m. to 5 a.m. in summer) and Article 3 of the Convention which the Committee pointed out in 1958 does not therefore exist in practice.

The Committee hopes that since the provisions of the Convention on this point are observed in practice the Government will have no difficulties in bringing the legislation into full conformity with Article 3, paragraph 1, of the Convention, prohibiting the employment of young persons during a period of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m.

As regards exceptions from the night work prohibition for young persons over 16 years of age, see observation under Convention No. 6.

*Dominican Republic* (ratification : 1953). The Committee notes with satisfaction that Act No. 4933 of 6 June 1958 amends section 224 of the Labour

Code with a view to bringing it into conformity with Article 3, paragraph 1, of the Convention (night rest of at least 12 consecutive hours).

*Israel* (ratification : 1953). The Committee notes with satisfaction that Regulations of 26 May 1958 require the register of juveniles to show the dates of birth of young workers (Article 6, paragraph 1 (b) of the Convention).

The Committee also notes that a Bill amending the Youth Labour Law with a view to bringing it into full conformity with the provisions of Article 3, paragraph 1, of the Convention is now under active consideration. The Committee hopes that this Bill will be adopted at an early date.

*Italy* (ratification : 1952). The Committee notes with interest from the Government's report that it is now intended to adopt separate legislation on night work of young persons.

The Committee refers to the observations made since 1955 concerning the absence of specific legislation in Italy on night work of young persons in non-industrial undertakings, and trusts that the Government will, in drafting a separate Bill, take full account of the provisions of the Convention, and that the new legislation will be adopted without further delay.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Cuba, Dominican Republic, Guatemala, Ukraine, U.S.S.R.*

**Convention No. 81 : Labour Inspection, 1947**

Reports requested : 27.

Reports received : 26.

Reports not received : 1.

(*Iraq*.)

*Bulgaria* (ratification : 1949). The Committee notes with satisfaction that section 33 of the Regulations concerning the Labour Protection Organs, dated 9 September 1958, requires labour inspectors to treat as absolutely confidential the source of any complaint. (Article 15 (c) of the Convention.)

The Committee ventures, on the other hand, to draw attention once again to its repeated observations regarding the publication, and communication to the I.L.O., of an annual general report on the working of the inspection services (Articles 20 and 21). The Committee noted the statement made in this connection by a Government representative to the Conference Committee in 1958 that such reports had always been prepared but their texts had not been sent to the I.L.O. The Government representative had added that this situation would be remedied in the near future.

The Committee regrets all the more that the Government's report contains no information whatever on the effect given to these important provisions of the Convention and that the above-mentioned documents have not been received by the International Labour Office. The Committee urges the Government to comply with these requirements of the Convention without further delay.<sup>1</sup>

*France* (ratification : 1950). The Committee notes with satisfaction that the General Report on the work of the Inspection Services during 1955 and

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



1956 appeared in the May 1958 issue of *Labour and Social Security Statistics*, a publication of the Ministry of Labour and Social Security (Article 20 of the Convention).

The Committee trusts that future Inspection Reports will also include statistics of occupational diseases (Article 21 (g) of the Convention).

*Guatemala* (ratification : 1952). The Committee notes from the Government's reply to its requests of 1957 and 1958 that there exists no legislation requiring industrial accidents and cases of occupational diseases to be notified to the labour inspectorate (Article 14 of the Convention), but that the Ministry of Labour and Social Welfare is examining measures with a view to giving effect to this requirement.

The Committee notes on the other hand that no information is supplied in regard to the following questions already raised in previous years.

Article 3 of the Convention. Is the labour inspection service under an obligation to bring to the notice of the competent authority defects or abuses not specifically covered by existing legislation?

Article 12. What legislative provisions empower labour inspectors to take samples of materials and substances, as specified in paragraph 1 (c) (iv)?

Article 15. What legislative provisions prohibit labour inspectors from having any interest in the undertakings under their supervision and from revealing the source of any complaint (clauses (a) and (c))?

Articles 20 and 21. When is the Annual General Report on the work of the inspection services to be published?

The Committee trusts that effect will be given to the above provisions of the Convention in the near future.<sup>1</sup>

*Haiti* (ratification : 1952). The Committee notes with regret that despite the promise made by a Government representative in the Conference Committee in 1958 no action appears to have been taken to ensure notification to the labour inspectorate of accidents and occupational diseases (Article 14 of the Convention), and to insert in the annual report of the Labour Department a chapter on labour inspection (Articles 20 and 21 of the Convention).

The Committee trusts that the Government will adopt early measures to give full effect to the above-mentioned provisions of the Convention.<sup>1</sup>

*Netherlands* (ratification : 1951). The Committee notes with satisfaction that the annual inspection report for 1956 and 1957 includes statistics of workplaces liable to inspection and the number of workers employed therein (Article 21 (c) of the Convention).

*Pakistan* (ratification : 1953). The Committee took note with interest of the list of the inspection staff of East Pakistan supplied by the Government and of the promise that similar information would be supplied for West Pakistan as soon as possible. The Committee further noted that the proposed Factories Bill includes provisions to give effect to Article 12 of the Convention, and that action has been initiated to ensure timely publication of annual inspection reports.

The great importance of this Convention in connection with the enforcement of national and international labour standards alike makes it highly desirable to consider all possible measures which would facilitate full compliance with the requirements of this

instrument. As the Committee has had occasion since 1956 to draw attention to various difficulties which appear to stand in the way of full implementation of the Convention, both as regards the legislation concerning the powers and conduct of factory and mines inspectors, and as regards the publication of the results of inspection activities, it wonders whether the elimination of these difficulties and consequently the implementation of the Convention might not be facilitated by technical assistance in the field of labour inspection.<sup>1</sup>

*Turkey* (ratification : 1951). The Committee took note with satisfaction of the annual general inspection report covering the year 1956. The Committee hopes that future issues of this report will also include statistics of the violations and penalties imposed as provided for in Article 21 (e) of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Ceylon, Cuba, Dominican Republic, Federal Republic of Germany, Greece, Israel, Italy, United Arab Republic (Egypt), Yugoslavia.*

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947**

Reports requested : 4.

Reports received : 4.

No observations.<sup>2</sup>

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947**

Reports requested : 4.

Reports received : 4.

See Chapter VIII, B.

**Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

Reports requested : 4.

Reports received : 4.

See Chapter VIII, B.

\* \* \*

Requests regarding certain points are being addressed directly to the following States, which declared in their letters applying for membership of the I.L.O. that they would continue to apply the provisions of this Convention pending formal ratification of the Labour Inspection Convention, 1947 (No. 81) : *Ghana, Federation of Malaya.*

**Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

Reports requested : 2.

Reports received : 2.

No observations.<sup>2</sup>

**Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948**

Reports requested : 30.

Reports received : 28.

Reports not received : 2.

(*Albania, Hungary.*)

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>2</sup> See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Byelorussia* (ratification : 1956). The Committee has taken note with interest of the Government's first report. It has noted that according to the terms of sections 152 and 153 of the Labour Code trade unions shall be registered with a federation of unions "in accordance with the conditions prescribed by the All-Union Central Council of Trade Unions" and that associations which are not registered with a federation of unions "shall not be entitled to style themselves trade unions nor to claim the rights of such unions". It appears to the Committee that these provisions are not in conformity with Article 2 of the Convention, under which workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation". As the Committee emphasised in 1957, "the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation". It would seem that the requirement, imposed by law, to obtain previous authorisation from a body or bodies—whether of a public or private character—is not compatible with the provisions of Article 2 of the Convention.

The conclusion that the provisions of the Labour Code referred to above do impose a requirement of previous authorisation is confirmed by the fact that, *by virtue of the legislation*, it would be impossible for a primary trade union organisation to disaffiliate from the federation of unions with which it has been registered without losing, *ipso facto*, its legal existence (section 153 of the Labour Code).

As the Committee emphasised in 1958, there is a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise "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" and, especially, intervention by the State by means of legislation.

Further, the sections of the Labour Code referred to are not in conformity with the provision of Article 2 of the Convention that workers shall have the right to establish freely organisations "for their own choosing".

The Committee has also noted that according to sections 156, 157 and 158 of the Labour Code "the principal body representing the trade union in undertakings . . . is the committee . . .", that there can be only one committee in an undertaking, and that only this committee "can represent and safeguard the interests of the wage-earning and salaried employees". This provision, which must be distinguished from the rules laid down in the legislation of certain countries for determining the manner in which the most representative organisation shall be chosen, for a particular period, for the purposes of collective bargaining, does not appear to be compatible with the Convention. In fact, it means that, once a trade union organisation exists in an undertaking, the formation of any other trade union organisation is prohibited. Here again it appears that the right of workers to establish organisations "of their own choosing" is restricted by legislation.

It ensues from the fact that trade union organisations are obliged to register with an existing federation of unions that, contrary to paragraph 1 of Article 3 of the Convention, the primary trade union organisations do not have the right "to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes". Indeed, the obligation imposed on primary organisations, *by legislation*, of adhering to one of the existing federations of unions does not permit such primary organisations, *inter alia*, to have a programme independent of that of the federation of unions by which they have been registered.

The aforesaid provisions of the Labour Code appear to be incompatible also with Articles 5 and 6 of the Convention, according to which primary trade union organisations shall have the right freely "to establish and join federations and confederations" without any previous authorisation. It would appear that it would be impossible for existing primary trade union organisations to establish a new federation or confederation without the previous authorisation, *prescribed by legislation*, of the federation of unions which registered them.

Finally, the Committee has observed that it would also be impossible to establish a trade union federation directly or to hold federal congresses for the purpose of setting up federations without the previous authorisation of the Government. This is in particular the consequence of the provisions of the Order of the Council of People's Commissars dated 15 May 1935, which provides that the convocation of any meeting, conference or congress shall require the previous authorisation of the competent federal minister, or, in the case of a meeting at the level of a federated Republic, of the Minister of the Republic within whose competence the matter lies.

The Committee expresses the hope that the Government will take the necessary measures to repeal or amend the above-mentioned provisions of the Labour Code and, so far as it is concerned, the said Order of 15 May 1935.<sup>1</sup>

*Cuba* (ratification : 1952). The Committee has taken note of the information furnished by the Government both to the Committee of the Conference in 1958 and in its report.

1. According to the information furnished in respect of public officials, the Committee understands that, although public officials cannot establish "trade unions" within the meaning of Decree No. 2605 of 7 November 1933, they may establish associations in freedom in accordance with the Associations Act of 1888. The Committee feels bound to emphasise that, in order to satisfy the definition in Article 10 of the Convention, the associations in question should be able "to further and defend the interests" of their members. It would therefore be grateful if the Government would furnish, in respect of public officials, a detailed report indicating, Article by Article, how the provisions of the Convention are applied in the case of this particular category of workers.

2. With respect to the provisions of article XV of the same Decree, No. 2605 of 1933, which provides in general terms that "trade unions may not carry on political activities", the Government states once again that it cannot see how such a provision can infringe the right of organisations to formulate their

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

programmes in freedom and refers to the danger that would arise from combining political and trade union activities.

As the Committee has already emphasised on several occasions, any prohibition prescribed in terms as general as those which are used in the legislation in force in Cuba may "impair or be so applied as to impair the guarantees" provided for in the Convention (Article 8 of the Convention). It is, in fact, often difficult to establish *a priori* a clear distinction between what should be regarded as strictly political activity, on the one hand, and trade union activities, certain aspects of which may be described as political, on the other, particularly when organisations associate their activities with those of a particular political party. The Committee observes: (a) that it was stated in the report of the competent Committee of the Conference which adopted the Convention in 1948 that "workers and employers, and their organisations, have the right within the limits of legality provided . . . to join any political or other organisation"<sup>1</sup>; (b) that this right is confirmed by the resolution on this subject adopted by the International Labour Conference in 1952, which emphasised that such action should "not be of such a nature as to compromise the continuance of the trade union movement or its social and economic functions irrespective of political changes in the country". In consequence, the Committee can only observe, as it has already done in 1957 and 1958, that the provisions of Decree No. 2605 of 1933 in question might be interpreted and applied in a manner incompatible with Article 3 of the Convention, according to which workers' and employers' organisations shall have the right to organise their activities and to formulate their programmes in freedom and "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof", as well as with Article 8, which provides that, while organisations are bound to respect the law of the land, "the law of the land shall not be such as to impair, nor shall it be so applied as to impair the guarantees provided for". Once again, therefore, the Committee can only urge that the Government take the necessary measures to repeal or to amend the provisions referred to above.

3. With respect to the presence of a representative of the Ministry of Labour at trade union meetings, the Committee has noted the terms of Decree No. 1683 of 27 May 1958, which confirm—

- (a) that the Ministry of Labour has the right to appoint a delegate to attend trade union meetings;
- (b) that the nomination of this delegate will always be made at the request of the occupational organisation of workers or employers concerned;
- (c) that the functions of this delegate will be limited to ensuring the accuracy of the minutes which it is his function to draw up and to ensuring that all the legal provisions in force are observed.

The Committee observes that the terms of the new decree are not fully in conformity with Article 3, paragraph 2, of the Convention. In fact, the practice to which the Government referred in an earlier report, according to which the appointment of a delegate of the Ministry to attend a trade union meeting could be made only if a request therefor

had been made by the organisation concerned is not sanctioned by this decree, which does not specifically provide that the delegate of the Ministry of Labour cannot be appointed except where a specific request is made by the organisation. The decree appears to provide simply that the Ministry of Labour has the right, when it so wishes, to appoint a delegate to attend meetings and that, if an organisation requests that a delegate be sent, the appointment of such a delegate must necessarily be made; the decree does not prevent the appointment being made even when the organisation does not so request. Accordingly, the presence of this delegate may constitute an "interference" from which, under the provisions of Article 3, paragraph 2, of the Convention, "the public authorities shall refrain". Once again, therefore, the Committee can only urge that the Government make the necessary amendments to the legislation in force.<sup>1</sup>

*Guatemala* (ratification: 1952). The Committee has noted with interest the statement made by a Government representative to the Conference that, in general, respect for freedom of association is effectively ensured and that, in so far as public officials are concerned, the temporary legislation will soon be repealed.

On the other hand, the Committee has observed with regret that the Government's report purely and simply reproduces the report furnished in the previous year. In these circumstances, the Committee can only repeat the observation which it made in 1957, and again in 1958, which was in the following terms:

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

<sup>1</sup> I.L.O.: *Record of Proceedings*, International Labour Conference, 31st Session, San Francisco, 1948 (Geneva, 1950), p. 476.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

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 all the measures necessary to bring the national legislation into full conformity with the provisions of the Convention.<sup>1</sup>

*Mexico* (ratification : 1950). The Committee has noted with interest the information furnished by the Government, from which it appears—

- (a) that the new "Regulations for Workers in the Service of Authorities of the Union" are not applicable to workers in nationalised undertakings or decentralised bodies;
- (b) that the competent authorities are examining the legislative provisions with a view to bringing them into complete conformity with the Convention.

The Committee expresses the hope that this examination will make it possible to repeal or amend as soon as possible the provisions of the new Regulations for Workers in the Service of Authorities of the Union, which do not appear to be compatible with the Convention and, especially, regulations 47, 49, 50, 53, 56 and 60.

*Netherlands* (ratification : 1950). The Committee has noted the information furnished by the Government in reply to the request made during preceding years. It would appear from this information that a trade union organisation which wishes to acquire legal personality (which, according to the Act of 24 December 1927, is indispensable for the conclusion of collective agreements) must obtain recognition by decree pursuant to section 1 of the Act of 22 April 1855; further, according to section 7 of the same Act, legal personality may be refused for reasons of public interest, the interpretation of which, according to the Government's report, is reserved to the Crown. Further, it appears from the explanations furnished by the Government that among the grounds justifying refusal is the fact that the association is considered "not likely to endure" or the fact that "the composition of its committee of management does not offer sufficient guarantees that it will manage the association with due respect for the laws and its constitution and rules". The Government adds, however, that in the event of a refusal to accord legal personality to a trade union being submitted for discussion in Parliament, it would be ready to bring the official minutes of the discussions

on the matter to the notice of the Committee of Experts.

The Committee observes that the legislation in force allows the Government very considerable discretion in assessing the desirability of according or refusing legal personality to a trade union. It notes also that, in view of the fact that under the legislation a trade union must be endowed with legal personality in order to be able, pursuant to Article 10 of the Convention, to "further and defend the interests" of its members, especially by means of collective agreements, in accordance with Article 7 of the Convention "the acquisition of legal personality by workers' and employers' organisations, federations and confederations" should not be "made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4" of the Convention. In consequence, the provisions of sections 1 and 7 of the Act of 22 April 1855 do not appear to be in conformity with Article 2, which provides, in particular, that the establishment of trade union organisations shall be made "without previous authorisation", nor with Article 3, which provides that organisations shall have "the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes" without interference on the part of the public authorities.

The Committee notes that, from the information available, it appears that, in fact, the legislative provisions referred to above, especially sections 1 and 7 of the Act of 1855, seem never to have been utilised in order to prohibit the establishment of any trade union organisation. Nevertheless, as the Committee has already had occasion to emphasise on several occasions, it is not sufficient that the application in practice of legislative provisions shall be in accordance with the guarantees prescribed by the Convention in view of the fact that such practice may always be modified; further, it would appear that in order to comply fully with its international obligations a government should not find it difficult to repeal or amend legislative provisions in order to sanction an established practice.

The Committee would therefore be grateful if the Government would indicate what measures it intends to take to amend or repeal, in so far as trade union organisations are concerned, the provisions of sections 1 and 7 of the Act of 22 April 1855 in order to bring its legislation into full conformity with the Convention.

*Pakistan* (ratification : 1951). The Committee has noted that the Bill to amend the legislation on trade unions is now being re-examined by the Cabinet Secretariat, which has been informed of the Committee's views on the position of public officials in relation to Article 2 of the Convention. As the Committee has already pointed out on several occasions, it considers that the existing provisions, under which a separate association must be set up for each main class of officials, are not in accordance with the Convention. The Committee expresses the hope that the Bill, which has now been under consideration for some time, will be enacted at an early date and that its adoption will enable all workers "without distinction whatsoever", and, in particular, public officials, to establish and to join in freedom organisations "of their own choosing".<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Poland* (ratification : 1957). The Committee has taken note with interest of the first report by the Government. It has noted that, according to the provisions contained in sections 5, 6 and 9 of the Act of 1 July 1949, all trade union organisations must be registered by the "Central Council of Trade Unions", which constitutes one of the supreme authorities of the "Federation of Trade Unions in Poland" (section 6), which is itself the "principal body representing the trade union movement" (section 5).

The obligation for trade unions, especially in order to acquire legal personality, to be registered with a confederation specifically named in the legislation does not appear to be compatible with the Convention. According to Article 2 of the Convention, workers shall have the right "to establish organisations of their own choosing without previous authorisation". As the Committee emphasised in 1957, "the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation". It would appear that the fact that the previous authorisation must, by virtue of legislation, be obtained from a body—whether of a public or private character—is not compatible with the provisions of Article 2 of the Convention.

As the Committee emphasised in 1958, there exists a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise, "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" and, in particular, intervention by the State through legislative means.

Further, the provisions of the Act of 1 July 1949 referred to above are not in conformity with the provision contained in Article 2 of the Convention, according to which workers shall have the right to establish in freedom organisations "of their own choosing".

The fact that trade union organisations are obliged to register with a confederation which is designated specifically means that, contrary to paragraph 1 of Article 3 of the Convention, primary trade union organisations do not have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. In fact, the requirement imposed by legislation that primary organisations shall adhere to a higher organisation designated by name does not permit a primary trade union organisation to have any programme independent of that of the inter-union organisation by which it has been registered.

The Committee expresses the hope that the Government will take all necessary measures to repeal or amend the aforesaid provisions of the Act of 1 July 1949.<sup>1</sup>

*Ukraine* (ratification : 1956). The Committee has taken note with interest of the Government's first report. It has noted that according to the terms of sections 152 and 153 of the Labour Code trade unions shall be registered with central federations of unions "in accordance with the conditions prescribed by the Union Congresses of Trade Unions" and that associations which are not registered with a central federation "shall not be entitled to style themselves trade unions nor to claim the rights of such unions". It appears to the Committee that these provisions are not in conformity with Article 2 of the Convention under which workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation". As the Committee emphasised in 1957, "the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation". It would seem that the requirement, imposed by law, to obtain previous authorisation from a body or bodies—whether of a public or private character—is not compatible with the provisions of Article 2 of the Convention.

The conclusion that the provisions of the Labour Code referred to above do impose a requirement of previous authorisation is confirmed by the fact that, by virtue of the legislation, it would be impossible for a primary trade union organisation to disaffiliate from the central federation with which it has been registered without losing, *ipso facto*, its legal existence (section 153 of the Labour Code).

As the Committee emphasised in 1958, there is a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise, "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" and, especially, intervention by the State by means of legislation.

Further, the sections of the Labour Code referred to are not in conformity with the provision of Article 2 of the Convention that workers shall have the right to establish freely organisations "of their own choosing".

The Committee has also noted that according to sections 156, 157 and 158 of the Labour Code, "the principal body representing the trade union in undertakings . . . is the committee . . .", that there can be only one committee in an undertaking, and that only this committee "can represent and safeguard the interests of the wage-earning and salaried employees". This provision, which must be distinguished from the rules laid down in the legislation of certain countries for determining the manner in which the most representative organisation shall be chosen, for a particular period, for the purposes of collective bargaining, does not appear to be compatible with the Convention. In fact, it means that, once a trade union organisation exists in an undertaking, the formation of any other trade union organisation is prohibited. Here again it appears that the right of workers to establish organisations "of their own choosing" is restricted by legislation.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

It ensues from the fact that trade union organisations are obliged to register with an existing central federation that, contrary to paragraph 1 of Article 3 of the Convention, the primary trade union organisations do not have the right "to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes". Indeed, the obligation imposed on primary organisations *by legislation*, of adhering to one of the existing central federations does not permit such primary organisations, *inter alia*, to have a programme independent of that of the central federations by which they have been registered.

The aforesaid provisions of the Labour Code appear to be incompatible also with Articles 5 and 6 of the Convention according to which primary trade union organisations shall have the right freely "to establish and join federations and confederations" without any previous authorisation. It would appear that it would be impossible for existing primary trade union organisations to establish a new federation or confederation without the previous authorisation, *prescribed by legislation*, of the central federation which registered them.

Finally, the Committee has observed that it would also be impossible to establish a trade union federation directly or to hold federal congresses for the purpose of setting up federations without the previous authorisation of the Government. This is in particular the consequence of the provisions of the Order of the Council of People's Commissars dated 15 May 1935, which provides that the convocation of any meeting, conference or congress shall require the previous authorisation of the competent federal Minister or, in the case of a meeting at the level of a federated Republic, of the Minister of the Republic within whose competence the matter lies.

The Committee expresses the hope that the Government will take the necessary measures to repeal or amend the above-mentioned provisions of the Labour Code and, so far as it is concerned, the said Order of 15 May 1935.<sup>1</sup>

*U.S.S.R.* (ratification: 1956). The Committee has taken note with interest of the Government's first report. In the absence of documentation concerning legislation, and especially the labour codes of most of the other constituent states of the U.S.S.R., the Committee has been able to examine only the situation in the Russian S.F.S.R.

*Russian S.F.S.R.* The Committee has noted that according to the terms of sections 152 and 153 of the Labour Code trade unions shall be registered with central federations of unions "in accordance with the conditions prescribed by the Union Congresses of Trade Unions" and that associations which are not registered with a central federation "shall not be entitled to style themselves trade unions or to claim the rights of such unions". It appears to the Committee that these provisions are not in conformity with Article 2 of the Convention, under which workers shall have the right "to establish ... organisations of their own choosing without previous authorisation". As the Committee emphasised in 1957, "the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation". It would seem that the requirement, imposed by law,

to obtain previous authorisation from a body or bodies—whether of a public or private character—is not compatible with the provisions of Article 2 of the Convention.

The conclusion that the provisions of the Labour Code referred to above do impose a requirement of previous authorisation is confirmed by the fact that, *by virtue of the legislation*, it would be impossible for a primary trade union organisation to disaffiliate from the central federation with which it has been registered without losing, *ipso facto*, its legal existence (section 153 of the Labour Code).

As the Committee emphasised in 1958, there is a fundamental difference, with respect to the guarantees of freedom of association and protection of the right to organise, "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" and, especially, intervention by the State by means of legislation.

Further, the sections of the Labour Code referred to are not in conformity with the provision of Article 2 of the Convention that workers shall have the right to establish freely organisations "of their own choosing".

The Committee has also noted that according to sections 156, 157 and 158 of the Labour Code, "the principal body representing the trade union in undertakings ... is the committee ...", that there can be only one committee in an undertaking, and that only this committee "can represent and safeguard the interests of the wage-earning and salaried employees". This provision, which must be distinguished from the rules laid down in the legislation of certain countries for determining the manner in which the most representative organisation shall be chosen, for a particular period, for the purposes of collective bargaining, does not appear to be compatible with the Convention. In fact, it means that, once a trade union organisation exists in an undertaking, the formation of any other trade union organisation is prohibited. Here again it appears that the right of workers to establish organisations "of their own choosing" is restricted by legislation.

It ensues from the fact that trade union organisations are obliged to register with an existing central federation that, contrary to paragraph 1 of Article 3 of the Convention, the primary trade union organisations do not have the right "to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes". Indeed, the obligation imposed on primary organisations, *by legislation*, of adhering to one of the existing central federations does not permit such primary organisation, *inter alia*, to have a programme independent of that of the central federation by which they have been registered.

The aforesaid provisions of the Labour Code appear to be incompatible also with Articles 5 and 6 of the Convention according to which primary trade union organisations shall have the right freely "to establish and join federations and confederations" without any previous authorisation. It would appear

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



that it would be impossible for existing primary trade union organisations to establish a new federation or confederation without the previous authorisation, *prescribed by legislation*, of the central federations which registered them.

Finally, the Committee has observed that it would also be impossible to establish a trade union federation directly or to hold federal congresses for the purpose of setting up federations without the previous authorisation of the Government. This is in particular the consequence of the provisions of the Order of the Council of People's Commissars dated 15 May 1935, which provides that the convocation of any meeting, conference or congress shall require the previous authorisation of the competent federal Minister or, in the case of a meeting at the level of a federated Republic, of the Minister of the Republic within whose competence the matter lies.

The Committee expresses the hope that the Government will take the necessary measures to repeal or amend the above-mentioned provisions of the Labour Code and of the said Order of 15 May 1935.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Burma, Byelorussia, Denmark, Dominican Republic, Federal Republic of Germany, Honduras, Ireland, Israel, Mexico, Philippines, Poland, Rumania, Sweden, Tunisia, Ukraine, U.S.S.R.*

#### Convention No. 88 : Employment Service, 1948

Reports requested : 24.

Reports received : 22.

Reports not received : 2.

(*Argentina, Iraq.*)

*Cuba* (ratification : 1952). The Committee notes from the Government's report that the only labour exchanges in existence function under municipal authority rather than under a national authority, and that financial and other reasons hamper the adoption of measures to remedy the situation.

The Committee trusts that it will be possible, through technical assistance and the other measures mentioned in the report, to bring the existing service into conformity with the various requirements of the Convention.

*Guatemala* (ratification : 1952). The Committee notes with interest that the decree of 23 December 1957 appended to the Government's report is designed to set up a National Employment Service conforming to the provisions of the Convention.

On the other hand, it appears from the report that this Service is still in the initial stages of operation and that a network of regional and local offices is to be set up in due course. The Government indicates that technical assistance has been requested from the I.L.O. for this purpose as well as for training the employment service staff.

The Committee trusts that it will be possible, through technical aid and other measures, to set up a public employment service conforming fully in its organisation and operation to the various requirements of the Convention.

*Italy* (ratification : 1952). The Committee notes from the Government's report that the question of the composition of the employment service advisory committees has been referred by the Ministry of

Labour to its own competent services and expresses the hope that a solution will be found, in agreement with the parties concerned, which will make it possible to give effect to the spirit as well as the letter of Articles 4 and 5 of the Convention.

*Philippines* (ratification : 1953). The Committee notes with interest from the Government's report that a project is being undertaken for the establishment of ten regional employment information offices, in addition to the main employment office existing in Manila, but regrets that these will not function as full employment offices. The Committee also voices its concern that financial provision for these offices is assured only for a period of one year, and hopes that the Government will find it possible in the near future both to extend the functions of the offices to accord with Articles 1 and 6 of the Convention and to ensure the financing of the offices on a permanent basis.

Unless these measures are taken, the Convention will continue to be implemented to a very limited extent only.

*United Arab Republic (Egypt)* (ratification : 1954). The Committee takes note of the statement made by the Government representative to the Conference Committee in 1958 that in practice every person seeking employment could register his name in an employment office but that nevertheless a Bill before the Higher Labour Advisory Council dealt with this matter in so far as it was not fully covered by Act No. 244, which, as the Committee pointed out in 1958, considerably limits the scope of the employment service.

The Committee hopes that the measures contemplated by the Government in this respect will lead to extending the scope of the existing employment service so as to bring it into conformity with the Convention in the near future.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Bulgaria, Czechoslovakia, Dominican Republic, Greece, Philippines, United Arab Republic (Egypt).*

#### Convention No. 89 : Night Work (Women) (Revised), 1948

Reports requested : 19.

Reports received : 19.

*Austria* (ratification : 1950). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958, indicating that a draft Bill respecting hours of work, designed to eliminate the discrepancies existing between national legislation and the Convention, was being examined by the representative organisations. The Committee sincerely hopes that the efforts undertaken by the Government for several years now in order to give full effect to the Convention will soon achieve positive results, especially considering that, according to the Government's report, the Austrian Congress of Chambers of Labour has cited attempts to contravene the provisions of this Convention in several industries.

*Czechoslovakia* (ratification : 1950). The Committee notes with regret from the information supplied to the Conference Committee in 1958 and from the report for 1957-58 that no progress whatever has been made to bring the legislation into conformity with the Convention. The Committee must therefore

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

repeat the observations made since 1955, indicating that a night rest of at least 11 consecutive hours is not expressly provided for in the existing legislation, as required by Article 2 of the Convention, and that the exceptions permitted under Government Ordinance No. 19 of 1951, are not provided for in the Convention.

The Committee trusts that the Government will not fail to bring the legislation into conformity with the Convention in the near future.<sup>1</sup>

*Dominican Republic* (ratification : 1953). The Committee notes with satisfaction that Act No. 4933 of 6 June 1958 amends section 219 of the Labour Code with a view to bringing it into conformity with Article 2 of the Convention (night rest of at least 11 consecutive hours).

*France* (ratification : 1953). In answer to an observation made in 1958 concerning night work of women in bakeries, a Government representative informed the Conference Committee that, even if French legislation only prohibits night work in bakeries between 10 p.m. and 4 a.m., that is for six consecutive hours, the Convention is nevertheless not violated, since bakeries are handicrafts or commercial undertakings and not industries, and that in any case women are not employed in the production of bread.

Regarding the classification of bakeries as non-industrial undertakings, the Committee refers to its statements as to the scope of Convention No. 6. In effect, the provisions of Article 1, paragraph 1 (b), of Conventions Nos. 6 and 89 are identical, and in the light of the definition of industrial occupations contained therein, a declaration in virtue of Article 1, paragraph 2, of the Convention, concerning the line of division separating industry from commerce and agriculture cannot exclude bakeries from the scope of these Conventions whatever the nature of the work carried out in them. In particular, handicrafts may not be excluded, as pointed out by the Conference Committee in 1933 in connection with the definition of industrial undertakings contained in Convention No. 6 (*Record of Proceedings*, International Labour Conference, Seventeenth Session, Geneva, 1933, p. 517, footnote 1).

The Committee also wishes to stress that even if women are not at present employed in the production of bread the need to eliminate the discrepancy existing between national legislation and the Convention still remains. In fact, the elimination of this discrepancy would prevent women from ever being employed in the future under conditions contrary to the Convention.

In these circumstances the Committee cannot but express the wish—as it did for Convention No. 6—that the scope of section 21 of Book II of the Labour Code should be extended so as to include all industrial undertakings covered by the Convention, including especially bakeries and the minor food industries which fall within the definition contained in the Convention.

*Pakistan* (ratification : 1951). The Committee reiterates the observation made in 1954 to the effect that section 46 (1) of the Mines Act appears to give the Central Government general powers to grant exemptions from the provisions of the Act, whereas Article 5 of the Convention authorises the suspension of the prohibition of night work of women only when in case of serious emergency the national interest demands it. The Committee notes from the Govern-

ment's report that the Mines Act has not been amended to remove this discrepancy, and trusts that the Government will do all in its power to bring the legislation into full conformity with the above-mentioned provision of the Convention.

*Philippines* (ratification : 1955). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958, confirming the information previously supplied, that the Executive Branch had submitted for the consideration of Congress a number of texts to modify the provisions relating to night work of women and young persons in industry, in accordance with the suggestions made by the Committee of Experts.

Since the Government's report does not indicate any progress made in this connection, the Committee reiterates the observations made since 1956 and hopes that the necessary legislation will be adopted in the near future to give full effect to Article 2 of the Convention (a night rest period of at least 11 consecutive hours) and to Article 5, paragraph 1 (consultation with employers' and workers' organisations before suspension of the night work prohibition).<sup>1</sup>

*Rumania* (ratification : 1957). The Committee notes the Government's first report, indicating that measures designed to bring existing legislation into conformity with the Convention regarding the definition of the term "night" are at present being studied by a committee of experts. The Committee ventures to point out in this connection that, whereas section 50 of the Labour Code defines "night" as the period between 10 p.m. and 6 a.m., or between 11 p.m. and 7 a.m., ensuring a rest period of 8 consecutive hours, Article 2 of the Convention defines this term as a period of 11 consecutive hours including an interval of 7 consecutive hours falling between 10 p.m. and 7 a.m. The Committee hopes that national legislation will soon be brought into conformity with Article 2 of the Convention.

*Uruguay* (ratification : 1954). The Committee notes with regret that the Government's report contains no new information and must therefore reiterate its observations of 1957 and 1958, when it noted that no legislation had yet been enacted in Uruguay to implement the Convention.

The Committee urges the Government once again to take the necessary action to give effect to the Convention in the near future.<sup>1</sup>

See also general observation.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Dominican Republic, Guatemala, Netherlands, New Zealand, Rumania, Union of South Africa, Yugoslavia*.

#### Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948

Reports requested : 15.  
Reports received : 14.  
Reports not received : 1.  
(*Argentina*.)

*Czechoslovakia* (ratification : 1950). The Committee notes from the Government's reply to the observations made since 1955 that no exceptions have been authorised to the general night work prohibition

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



for young persons under 16 years of age contained in Act No. 91 of 1918 (except as regards bakers' apprentices, as noted under (b) below). The Committee assumes, therefore, that pupils of the State Labour Reserve Training Centres for whom night work is authorised must be over 16 years of age.

As the Government indicated to the Conference Committee in 1958 that the revision bringing the existing legislation into full conformity with the Convention had not yet been completed and as the annual report contains no mention of this revision, the Committee must repeat its previous observations that—

- (a) a night rest of at least 12 consecutive hours (Articles 2, paragraph 1, and 3, paragraph 3, of the Convention) is not expressly provided for in the existing legislation;
- (b) apprentices under 18 years of age (including those under 16 years of age, as indicated in the Government's report for 1955-56) may start work on preparatory operations in bakeries from 3 a.m., whereas the Convention does not permit any exceptions in respect of young persons under 16 years of age and, in countries where night work in the baking industry is prohibited, young persons who have attained the age of 16 years may not commence work in bakeries before 4 a.m. (Article 3, paragraph 4);
- (c) Ordinance No. 19 of 1951 permits the employment at night of young persons between 16 and 18 years of age in circumstances which are not in conformity with Article 5 of the Convention (suspension of the night work prohibition in cases of serious emergency). The Government referred already in 1955 to the possible repeal of this Ordinance.

The Committee trusts that the Government will not fail to bring its legislation into full conformity with the Convention in the near future.<sup>1</sup>

*Israel* (ratification: 1953). See under Convention No. 5.

*Italy* (ratification: 1952). The Committee notes from the report that it is now intended to adopt separate legislation on night work of young persons with a view to removing the discrepancies between the existing legislation and the provisions of the relevant Conventions. The Committee trusts that in drafting new legislation the Government will take full account of the following provisions of the Convention in respect of which, as the Committee first pointed out in 1955, discrepancies appear to exist:

Article 2, paragraph 1. The "night" period should consist of at least 12 consecutive hours.

Article 2, paragraph 2. For young persons under 16 this period shall include the interval between 10 p.m. and 6 a.m.

Article 3, paragraph 2. Exceptions to the prohibition of night work for young persons over 16 years of age in continuous industries may be granted only for purposes of apprenticeship or vocational training after consultation of the employers' and workers' organisations concerned.

Article 3, paragraph 3. Young persons employed in virtue of the provisions of paragraph 2 of this Article should be granted a rest period of at least 13 consecutive hours between two working periods.

Article 3, paragraph 4. The exception provided for by the Convention is authorised in the baking industry only for purposes of apprenticeship or vocational training of young persons who have attained the age of 16 years.

Article 6, paragraph 1 (a). There should be an appropriate provision for ensuring that the laws or regulations giving effect to the provisions of the Convention are made known to the persons concerned.

Article 6, paragraph 1 (e). Every employer should be required to keep a register or to keep available official records showing the names and dates of birth of all employed persons under 18 years of age.

The Committee hopes that legislation giving full effect to the provisions of the Convention will be adopted without further delay.<sup>1</sup>

*Mexico* (ratification: 1956). In 1958 the Committee drew attention in its observation to the fact that, whereas Article 2, paragraph 1, of the Convention provides for a night rest period of 12 consecutive hours, the Federal Labour Act (sections 68 and 77) prohibits work by young persons during a night period of only ten consecutive hours. The Government replied that this discrepancy did not exist in fact as, by virtue of article 133 of the Mexican Constitution, the Convention acquired force of law on ratification and therefore automatically amended section 68 of the Federal Labour Act.

The Committee notes, on the other hand, the Government's statement that compliance with Article 6, paragraph 1 (a), of the Convention (measures to ensure that legislation giving effect to the Convention is known to the persons concerned) is guaranteed by the fact that employers and workers refer as a matter of course to the Federal Labour Act to ascertain their rights and obligations.

In these circumstances the Committee would be glad to know what measures have been taken, in accordance with Article 6, paragraph 1 (a), of the Convention, to ensure that the automatic amendment of the Federal Labour Act, as a consequence of the ratification of this Convention, is known to all the persons concerned (e.g. to employers, workers, the labour inspection service and the courts).

The Committee considers that this purpose could best be achieved by the publication of a revised edition of the Federal Labour Act incorporating the amendment in question.

*Pakistan* (ratification: 1951). The Committee notes with regret that the Factories Act, 1934, has not yet been amended, although the first report covering the period 1952-53 already referred to a draft Bill designed, *inter alia* —

- (a) to extend the night work prohibition to all adolescents (sections 53 and 54 of the Act);
- (b) to repeal the provision authorising the local government to vary the limits of night rest (section 54 (3));
- (c) to provide that registers should be kept in all undertakings in respect of all young persons and should show, *inter alia*, their dates of birth —

with a view to ensuring full conformity with Article 2, paragraph 2, Article 3, paragraph 1 and Article 6, paragraph 1 (e), of the Convention, respectively.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee further notes that no progress is reported in amending section 46 (1) of the Mines Act, which gives the Central Government general powers to grant exceptions from the provisions of this Act, whereas Article 5 of the Convention authorises the suspension of the prohibition of the night work of young persons only when in case of serious emergency the public interest demands it.

The Committee trusts that the Government will not fail to eliminate the existing discrepancies between the national legislation and the provisions of the Convention at an early date.

*Uruguay* (ratification: 1954). The Committee notes with regret that the Government's report does not contain any new information. As the Government has not supplied full reports since the Convention was ratified, the Committee is unable to make any general assessment of the extent to which it is applied. The Committee wishes, however, to draw the attention of the Government to the fact that, by virtue of section 1 of the decree of 28 May 1954, the night period during which work of young persons is prohibited is 11 hours, whereas Article 2, paragraph 1, of the Convention defines "night" as a period of at least 12 consecutive hours.

The Committee hopes that the Government will indicate the progress made in bringing the legislation into conformity with the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Guatemala, India, Mexico, Netherlands, Pakistan, Philippines, Ukraine, U.S.S.R.*

**Convention No. 92: Accommodation of Crews  
(Revised), 1949**

Reports requested: 11.

Reports received: 11.

*Brazil* (ratification: 1954). Already in its report for 1956-57 the Government indicated that administrative regulations giving effect to the Convention were in the final stages of preparation. In the absence of any new information in the report for 1957-58 the Committee can only express the hope that the Government will do all in its power to ensure the adoption of these regulations in the near future.

*Cuba* (ratification: 1952). The Committee notes the information supplied regarding the inspection of vessels flying the Cuban flag entering the port of Havana.

On the other hand the Committee notes that no information has been supplied as to the laws or regulations which ensure the application of Parts II, III and IV of the Convention. Resolution No. 74 of Hygiene and Social Welfare of the Ministry of Labour 24 May 1956 renders the Directorate-General for responsible for the *application* of the Convention, but this resolution is not sufficient to give effect to the numerous technical provisions of the said Convention.

In these circumstances the Committee hopes that the necessary legislation will be adopted at an early date.

*Portugal* (ratification: 1952). The Committee notes that the information supplied by the Government

merely repeats the terms of the report originally made in 1955. As a Government representative had stated to the Conference Committee in 1958 that legislation intended to give effect to the Convention had been prepared and would soon be promulgated, the Committee once more expresses the hope that this legislation will soon be adopted to ensure full conformity with all the provisions of the Convention.<sup>1</sup>

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *Poland*.

**Convention No. 94: Labour Clauses  
(Public Contracts), 1949**

Reports requested: 15.

Reports received: 15.

*Uruguay* (ratification: 1954). The Committee notes that, in spite of its observations in 1957 and 1958, and notwithstanding the statement made by a Government representative to the Conference Committee in 1958 that information on the application of the Convention would be supplied in the near future, the Government's report merely states that methods of obtaining the necessary information are to be studied.

In these circumstances the Committee can only voice its regret that, more than four years after ratifying the Convention, the Government should not be in a position to indicate whether and to what extent labour clauses are included in public contracts. It trusts that the Government will supply full information, in accordance with the report form approved by the Governing Body, on the measures taken to give effect to the Convention.

The Committee, noting the statement in the Government's report for 1955-56 that legislation relating to public works guaranteed the same conditions to the workers concerned as to workers engaged on similar work in private industry, also wishes to reiterate the point made in its general observations on this Convention in 1956 and 1957 that, even where legislation or collective agreements apply to all workers, a government is not freed from the obligation to insert labour clauses in public contracts in accordance with the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Bulgaria, Cuba, Denmark, Finland, Guatemala, Israel, Morocco, Philippines.*

**Convention No. 95: Protection of Wages, 1949**

Reports requested: 17.

Reports received: 16.

Reports not received: 1.

(*Argentina.*)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Ecuador, Greece, Guatemala, Hungary, Mexico, Philippines, Poland, Uruguay.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

**Convention No. 96 : Fee-Charging Employment Agencies  
(Revised), 1949**

Reports requested : 14.  
 Reports received : 13.  
 Reports not received : 1.  
 (Bolivia.)

*France* (ratification : 1953). The Committee notes from the Government's report that no progress has been made towards the abolition of the existing fee-charging employment agencies. Since the terms of the Ordinance of 24 May 1945 fixing a time limit of one year for the abolition of these agencies have not been implemented, the Committee trusts that the competent authority will, in accordance with Article 3, paragraph 1, of the Convention, determine "a limited period of time" within which abolition of the said agencies shall take effect. The Committee would be glad if the Government would indicate the decision taken on this point.<sup>1</sup>

*Italy* (ratification : 1953). The Committee takes note with satisfaction of the provisions of the Act of 2 April 1958 providing for the abolition of the last remaining fee-charging employment agencies in Italy (Article 3 of the Convention) and adequate supervision of the operation of non-fee-charging employment agencies (Articles 7 and 8).

*Pakistan* (ratification : 1952). The Committee notes the Government's statement that no fee-charging employment agencies exist in Pakistan. However, as the Committee already pointed out in 1955, the definition of "fee-charging employment agency" in Article 1, paragraph 1 (a), of the Convention covers also labour contractors, who, according to the statement made by a Government representative to the Conference Committee in 1957, were acting as intermediaries for the purposes of procuring employment and received fees for their services.

The Committee notes from the Government's report that legislation on the matter (first referred to in the report for 1956-57) is under way, and hopes that appropriate provisions will be adopted at an early date, thus implementing the Government's obligation to abolish fee-charging employment agencies when conducted with a view to profit (Part II of the Convention).<sup>1</sup>

*Turkey* (ratification : 1952). The Committee notes that the Bill to regulate the activities of persons acting as intermediaries in agriculture, which is intended to bring national legislation into full conformity with the Convention and which was first mentioned by the Government in its report for 1953-54, has been submitted to the Grand National Assembly. The Committee hopes that the Bill will be enacted in the near future.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Cuba, France, Guatemala, Japan, Netherlands, Sweden.*

**Convention No. 97 : Migration for Employment  
(Revised, 1949)**

Reports requested : 11.  
 Reports received : 11.

*France* (ratification : 1954). The Government states that maternity allowances under the Social Security

Code are granted to all persons, whether of French or foreign nationality, the only conditions being, for French or foreign nationals alike, that they be resident in France and that their children be French by birth or acquire French nationality within three months of birth.

The Committee notes that under French legislation (sections 17 and 19 of the Nationality Code, 1945) any child born in France at least one of whose parents is French has French nationality on birth. Thus it is clear that, although the condition prescribed by law with regard to the granting of allowances applies equally to foreigners and to French nationals, it is necessarily complied with by the latter by reason of their citizenship and only foreigners could fail to satisfy the condition ; therefore this condition constitutes a discrimination incompatible with Article 6, paragraph 1 (b), of the Convention.

The Committee hopes that the Government will not fail to take all necessary measures to ensure that full effect is given to the Convention in this respect. It trusts that the adoption of these measures will not encounter any major difficulties since, as stated by a French Government representative to the Conference in 1953, a ratified Convention has "priority over internal legislation".<sup>1</sup>

*Guatemala* (ratification : 1952). It appears from the Government's report that as migration to and from Guatemala is not considerable, there are no regulations giving effect to Article 8 of the Convention, which provides that no migrant who has been admitted on a permanent basis shall be returned to his territory of origin because he is unable to follow his occupation by reason of injuries sustained in the course of employment or any occupational disease contracted. The Committee considers that this Article of the Convention, which provides important safeguards for migrant workers, should be applied under any circumstances irrespective of the extent to which migration exists.

Consequently, the Committee would be glad if the Government would take the necessary measures to bring the legislation into conformity with the Convention on this point.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *France, Guatemala, Israel, Norway, Uruguay.*

**Convention No. 98 : Right to Organise and Collective  
Bargaining, 1949.**

Reports requested : 36.  
 Reports received : 31.  
 Reports not received : 5.

(*Albania, Argentina, Hungary, Indonesia, United Arab Republic (Syria).*)

*Brazil* (ratification : 1952). In reply to the requests made by the Committee in 1957 and 1958, the Government states that, by virtue of section 566 of the Labour Code, employees of the State and para-state institutions can neither establish nor join occupational associations. It adds, however, that exceptions are prescribed by Legislative Decree No. 7889 of 21 August 1945, in respect of persons employed in the national merchant marine and in maritime transport undertakings belonging to or subsidised by the State.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee observes that, while according to Article 6 of the Convention, it "does not deal with the position of public servants engaged in the administration of the State" and cannot therefore "be construed as prejudicing their rights or status in any way", the Convention is applicable to all workers employed in state undertakings who are not public officials acting as organs of the public power. In consequence, section 566 of the Labour Code, which prohibits all these workers (with the exception of those covered by Legislative Decree No. 7889) from establishing and joining occupational organisations, is not compatible with Article 1 of the Convention, which provides that "workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment" and, in particular, "acts calculated to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership" or "to cause the dismissal of ... a worker by reason of union membership".

The Committee would therefore be grateful if the Government would indicate what measures it intends to take in order to repeal or amend the provisions in question in so far as they apply to workers employed in public undertakings (other than public officials).<sup>1</sup>

*Guatemala* (ratification : 1952). The Committee has observed with regrets that the Government's report does not contain any information in response to the observation made by the Committee of the Conference in 1958. It can, therefore, in respect of workers (other than public officials) employed in public undertakings, only refer to the observation made in respect of Convention No. 87, as it would appear that these workers are deprived of all right to organise.<sup>1</sup>

*Japan* (ratification : 1953). The Committee has noted that, under section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law and section 5 (3) of the Local Public Enterprise Labour Relations Law, officers of a trade union must be employed in the undertaking in which the trade union recruits its members. Consequently, in the event of the dismissal of a trade union officer, the trade union must appoint a successor to him. It has appeared to the Committee that this provision may facilitate acts of interference on the part of the managements of such undertakings and that, in order to ensure fuller application of Article 2 of the Convention, which provides that, in particular, workers' organisations shall enjoy adequate protection against any acts of interference, it would be desirable for the provisions in question to be repealed or amended. The Committee would be grateful if the Government would indicate in its next report the measures that it intends to take in this connection.<sup>1</sup>

*Pakistan* (ratification : 1952). The Committee has noted the Government's statement that the proposed Bill to amend the Trade Unions Act, which is still being examined, will deal with the matters covered by Articles 1 and 2 of the Convention, and expresses the hope that the Bill will be enacted at an early date so that the protection guaranteed by those two Articles may be effectively ensured.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States :

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

*Austria, Byelorussia, Denmark, Dominican Republic, Guatemala, Haiti, Honduras, Morocco, Poland, Sudan, Tunisia, Turkey, Ukraine, U.S.S.R.*

**Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951**

Reports requested : 11.

Reports received : 11.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Federal Republic of Germany, Netherlands, Philippines, Uruguay.*

**Convention No. 100 : Equal Remuneration, 1951**

Reports requested : 18.

Reports received : 17.

Reports not received : 1.

(*Argentina.*)

*Italy* (ratification : 1956). The Committee notes with interest the information given in the Government's first report, including the text of a circular which the Ministry of Labour sent to employers' and workers' organisations in 1957, drawing their attention to the Convention and inviting them to take its provisions into account in collective negotiations.

The Committee observes that in industry it is the practice to prescribe different wage rates for men and women workers in collective agreements, on the assumption that such workers are assigned to different kinds of work.

The Committee has been able to refer to the texts of collective agreements in the tobacco industry (dated 25 May 1955), the dairy industry (2 and 12 December 1956) and the flour milling and paste industry (28 June 1956). It notes that the first of these agreements establishes separate wage categories for men and women (which, however, in a number of cases refer to the same type of work), lays down wage rates for women, and provides that the rates for the corresponding men's grades shall be 30 per cent. above the women's rates. The other two agreements contain separate wage tables for men and women wage earners and salaried employees and also fix separate men's and women's rates in respect of the "special allowance" payable to all workers. Both of the latter agreements contain the standard clause, mentioned in the Government's report, that where women perform work traditionally done by men, they shall be paid the wages prescribed for men, provided the conditions of work and the quality and quantity of their output are the same.

The Committee also notes from the Government's report that the collective agreements in the textile industry, in addition to the above-mentioned standard clause, contain a provision to the effect that men assigned to jobs for which only women's rates have been laid down are to be paid the wages prescribed for the corresponding male grade.

In the light of the above-mentioned information it appears to the Committee that the collective agreements in industry do establish a distinction between men and women workers as regards their remuneration which is based on their sex, whereas the principle of equal remuneration enunciated in the Convention (Articles 1 (b), 2 and 3, paragraph 3) requires that rates of remuneration shall be established without any such discrimination.

Moreover, the Committee considers that the standard clause regarding the remuneration of

women doing work traditionally done by men is not in conformity with the principle of equal remuneration for work of equal value because it makes the remuneration payable to a woman worker subject to output conditions which do not apply to male workers doing the same work, although these conditions are equally capable of application to men.

The conclusion that the existing system of grading of jobs and of separate men's and women's wage rates entails a discrimination based on sex is reinforced by the provisions operative in the textile industry that men doing women's work shall not be paid the rate prescribed for such work but the rate fixed for the corresponding male grade. In effect, if the existing differences in men's and women's rates were due solely to differences in the nature of their work, there could be no justification for such a provision.

In these circumstances the Committee trusts that the Government will take appropriate further measures to promote and, so far as lies within its power, to ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value, in accordance with Articles 2 and 3 of the Convention, taking into account that article 37 of the Italian Constitution (which provides that working women have the same rights as men and are entitled to equal pay for equal work) has been held to be binding law.<sup>1</sup>

*Philippines* (ratification : 1953). In its report for 1956-57 the Government stated that, as Republic Act 679 expressly provided for equal remuneration for work of equal value, it was not deemed necessary to include such a provision in collective agreements. The Committee in 1958 accordingly requested the Government to confirm that all collective agreements did in fact prescribe equal rates of remuneration for men and women workers. As the Government's report does not refer to this point, the Committee renews its request.

The Committee notes the findings of an investigation into the application of the statutory equal pay provisions in cigar and cigarette factories, which are appended to the Government's report. It observes that, while this investigation seems to indicate the absence of discrimination based on sex in the remuneration paid in the factories surveyed, the Government once more expresses the view that in women-employing industries generally women's earnings are far below those of men, due to the arbitrary fixing of piece rates, which results in the existence from factory to factory of a variety of rates for almost the same kind of work. The Committee recalls that the Government's report for 1956-57 indicated that the payment of lower rates of remuneration was particularly marked among homeworkers.

In the light of the above information the Committee renews the request made to the Government in 1958 (to which no answer has been supplied) to 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).<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Belgium, Cuba, Dominican Republic, France, Federal Republic of Germany, Honduras, Italy, Philippines, Ukraine, Yugoslavia.*

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

#### Convention No. 101 : Holidays with Pay (Agriculture), 1952

Reports requested : 16.

Reports received : 16.

*Cuba* (ratification : 1953). See under Convention No. 52.

*France* (ratification : 1954). The Committee notes from the Government's reply to the request made in 1958 that the decree of 26 September 1936, which was maintained in force by the decree of 31 July 1942, has been repealed by the decree of 27 March 1956 but that, in view of the fact that the holidays with pay legislation is of a public order, any agreement to relinquish the right to a holiday would be considered as null and void. Nevertheless, the Committee refers to its observation under Convention No. 52 and hopes that measures will be taken to modify section 54 (m) of Book II of the Labour Code, which authorises the suspension of the annual holiday in certain cases.

*Yugoslavia* (ratification : 1955). See under Convention No. 52.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Federal Republic of Germany, Hungary, Italy, Poland, United Arab Republic (Egypt), United Kingdom, Uruguay, Yugoslavia.*

#### Convention No. 102 : Social Security (Minimum Standards), 1952

Reports requested : 8.

Reports received : 7.

Reports not received : 1.

(Italy.)

*Denmark* (ratification : 1955). The Committee notes with interest the information supplied by the Government to the Conference Committee in 1958, regarding the power of funds to extend the waiting period in the case of unemployment insurance beyond the period permitted by Article 24, paragraphs 3 and 4, of the Convention.

The Committee notes the Government's intention to propose that the provisions of the national legislation or the regulations of the funds in question be changed with a view to ensuring the full application of the Convention on this point. It trusts that the Government will indicate in its next report the measures which have been taken on the matter.

*Greece* (ratification : 1955). The Committee has noted with interest the information contained in the Government's first report, for 1956-57, which was received too late to be examined by it in 1958. The report for 1957-58 was received only during the Committee's present session, and it has not been possible to take into account the information contained therein. The Committee trusts that the Government will not fail to communicate its future reports by the date requested.

The Committee observes that the Convention appears not to be applied in the following respects :

Part IV of the Convention : Unemployment Benefit. Article 21. It appears from the statistics supplied in the report that the minimum number of persons protected laid down in Article 21 (a) of the Convention (50 per cent. of all employees) is not attained in Greece. The Committee would be glad if the Government would indicate the measures which it

proposes to take to ensure the application of Article 21 of the Convention.

Part IX : Invalidity Benefit. Article 58. The Committee observes that section 29 (7) (c) of Act No. 1846, which provides for the suspension of an invalidity pension when the earnings of a beneficiary exceed a specified amount, does not fall within any of the exceptions mentioned in Article 69 of the Convention, read in conjunction with Article 58. This provision of the national legislation takes into account, for pension purposes, the other resources of the beneficiary. It would accordingly be in conformity with the Convention only if the Government, in accordance with Article 55 (c), covered against invalidity "all residents whose means during the contingency do not exceed the limits prescribed...". The Committee would be glad if the Government would indicate the measures which it proposes to take either to extend protection to all residents or to delete all reference to a beneficiary's other resources in the case of invalidity.

Sweden (ratification : 1953). The Committee notes with interest the information supplied by the Government to the Conference Committee in reply to the observations made in 1958.

Part IV of the Convention : Unemployment Benefit. Article 24. The Committee notes the Government's view that the waiting period of 12 days imposed by the Commercial Travellers' Unemployment Fund is justified by the fact that, under the existing agreement, no canvassing is to be carried out between 15 December and 15 January, and that there is also an off-season in summer when commercial travellers take their holidays. The Committee considers (a) that the fact that certain workers take their holiday in summer cannot be regarded as justification for treating them as "seasonal workers"; (b) that the fact that all work is suspended during a relatively short contractually determined period also does not justify regarding the workers concerned as seasonal workers, particularly when, as stated by the Government, some of these workers continue to receive their fixed remuneration; and (c) that only those workers whose employment depends on fluctuations due to factors independent of their and their employers' volition (climate, etc.) should be regarded as seasonal workers.

Consequently, and having regard to the fact that the minimum percentage of protected persons laid down in Article 21 is only just reached, the Committee would be glad if the Government would take appropriate measures to ensure the full application of Article 24 of the Convention, which permits a waiting period in excess of seven days only in the case of seasonal workers. In this connection it would appear necessary to amend the Unemployment Funds Ordinance (No. 629-1956) which permits funds to prescribe a waiting period of more than six days "for special reasons", so as to ensure that, in accordance with the Convention, the funds could extend the waiting period only in the limited cases permitted by Article 24, paragraph 4.

Part VI : Employment Injury Benefit. Article 34. The Committee notes that two committees have been set up to examine respectively the material co-ordination of various insurance schemes and the administration of social insurance, and that these committees will take into account the observations made by the Committee concerning the liability of insured persons for a part of the cost of medical aid. The Committee trusts that appropriate measures to give full effect to Article 34 will shortly be taken.

Part XIII : Common Provisions. Article 71. The Committee notes the explanations given by the Government as to why it has not been considered necessary to fix a minimum rate of benefit to be paid by unemployment insurance funds. In particular, it has been surprised to note the view quoted by the Government before the Conference Committee, that the standards laid down in national legislation constitute not a minimum but a maximum, and that "even without express provision to that effect, it appears to be open to the funds to prescribe... such further restrictions as may be found appropriate...". In these circumstances, it seems clear to the Committee that there exists no guarantee of the application of Part IV of the Convention (Unemployment Benefit), and that the Government has not, as required by Article 71, paragraph 3, of the Convention, accepted "general responsibility for the due provision of the benefits" provided for in the Convention and has not taken "all measures required for this purpose". The Committee therefore once more expresses the hope that appropriate amendments to the legislation will be made to ensure the application of the *minimum* standards laid down in the Convention.

Yugoslavia (ratification : 1954). The Committee takes note of the additional information supplied by the Government in reply to its previous observations and requests. It notes that the standards fixed by the Convention are not applied as regards the following points :

Part IV of the Convention : Unemployment Benefit. Articles 21 and 22. In virtue of section 1 of the decree of 29 March 1952 all wage and salary earners are protected against unemployment; however, in virtue of section 9 (6) of this same decree, all persons whose annual income tax exceeds 250 dinars per person living in the household are excluded. Moreover, according to sections 89 (2) and 100 (6) of the Act of 12 December 1957 respecting employment relationships, the right to unemployment benefit is subject to the condition that the income of the beneficiary and of his near relations or dependants does not exceed a specified amount. The Committee observes that under Articles 21 and 22 of the Convention a reduction in the benefits by reason of the beneficiary's means or those of his family during the contingency is authorised only in cases where the protection extends to *all residents*. On the other hand, when the protection covers only *prescribed classes of employees* (Article 21, paragraph (a)), the benefit must, in virtue of Article 22, paragraph 1, be granted in conformity with the provisions either of Article 65 or of Article 66, neither of which provides for the reduction of benefit by reason of the other means of the beneficiary or of his family during the contingency. The Committee would therefore be grateful if the Government would indicate what measures it intends to take with a view to ensuring the application of the above-mentioned provisions of the Convention either—

- (a) by extending the protection against unemployment to all residents (whose means during the contingency do not exceed the prescribed limits); or
- (b) by fixing the amount of the benefit so as to satisfy the standards established by Article 65 or by Article 66.

The Committee hopes, in this connection, that the Government will not fail to supply in its next report all the statistical information requested under



Article 76 of the Convention as regards the standard beneficiary and his earnings.

Part VI : Unemployment Injury Benefit. Article 33. As regards the number of persons protected against occupational diseases, the Government indicates on the one hand that the scope of the legislation regarding employment injury benefit covers all wage or salary earners and on the other that the list of occupational diseases does not, as a rule, relate to specific occupations or undertakings but rather to specific processes. The Committee notes that no proof is given that, in conformity with Article 33 (a) of the Convention, not less than 50 per cent. of all employees are protected. Thus it appears that although the general legislation respecting employment injury benefit relates to all employees, compensation for occupational diseases is restricted to persons employed in undertakings which utilise the processes enumerated in the second part of the list. Moreover, it should be noted that, contrary to the other international labour Conventions concerning occupational diseases, the present Convention does not require the establishment of a system of presumption that certain diseases arose out of employment. Consequently it appears that the minimum number of persons to be protected may be attained in several manners, such as for example—

- (a) by extending the list of occupational diseases and the corresponding processes or occupations so that the total number of employees who may benefit from the presumption that such diseases arose out of employment should amount at least to the minimum of 50 per cent. prescribed by the Convention ; or
- (b) by providing that all diseases or certain diseases which are proved to have been contracted in the course of and arising out of the employment, will give rise to compensation in the case of prescribed categories of employees representing at least 50 per cent. of all employees.

The Committee hopes that the Government will take the necessary steps to ensure the full application of the Convention in this connection.

Part XIII : Common Provisions. Article 69. In virtue of sections 151 to 153 of the Act respecting insurance pensions of 6 December 1957 the beneficiary

or his dependants are deprived of the right to a pension (a) if the insured person has been sentenced to death ; (b) if he has been deprived of Yugoslav nationality following a final decision under the nationality laws ; (c) if the period of employment counting for qualification has been reduced by reason of certain periods of imprisonment or because of collaboration with the enemy.

The Committee takes note of the explanations supplied in this connection by the Government to the Conference Committee in 1958, and in its report, according to which the above-mentioned provisions relate to the conditions for the acquisition of pension rights and not to possibilities of suspending a benefit, such as are provided for by Article 69 of the Convention. It observes however that, according to the legislation, these are cases of disqualification from pension rights which are in the nature of penalties and are based on considerations unconnected with the conditions for the acquisition of rights which form part of the terms of the insurance scheme as such. In these circumstances, and in view of the fact that these cases of suspension are not provided for under Article 69 (which enumerates restrictively the different cases in which a benefit may be suspended either temporarily or permanently), the Committee would be grateful if the Government would take the necessary measures to bring the legislation into conformity with the Convention on this point.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Denmark, Greece, Israel, Norway, Sweden, United Kingdom, Yugoslavia.*

**Convention No. 103 : Maternity Protection  
(Revised), 1952**

Reports requested : 7.  
Reports received : 7.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Cuba, Hungary, Ukraine, U.S.S.R., Uruguay, Yugoslavia.*

## Appendix I. Reports Received and Reports Not Received by 18 April 1959

Reports received: 1,484. Reports not received: 74. Total: 1,558

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan . . . . .	5	4, 13, 14, 41, 45	0	—	5
Albania . . . . .	0	—	9	4, 5, 6, 10, 11, 16, 21, 87, 98	9
Argentina . . . . .	32	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 27, 29, 30, 32, 34, 35, 41, 42, 45, 58, 81	18	13, 20, 26, 33, 36, 50, 52, 53, 68, 73, 77, 78, 79, 88, 90, 95, 98, 100	50
Australia . . . . .	16	7, 8, 9, 10 <sup>1</sup> , 11 <sup>1</sup> , 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	16
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 . . . . .	50	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29, 32, 33, 42, 43, 45, 50, 53, 55, 56, 58, 62, 64, 68, 69, 73, 74, 82, 84, 85, 87, 88, 89, 94, 97, 98, 100, 101	0	—	50
Bolivia . . . . .	0	—	6	5, 14, 19, 26, 42, 96	6
Brazil . . . . .	17	3, 5, 6, 7, 11, 12, 14, 16, 19, 41, 42, 45, 52, 53, 58, 92, 98	0	—	17
Bulgaria <sup>1</sup> . . . . .	60	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, 68, 69, 73, 77, 78, 79, 81, 88, 94, 95, 100	0	—	60
Burma . . . . .	19	1, 2, 4, 6, 11, 14, 15, 16, 17, 18, 19, 21, 22, 26, 27, 41, 52, 63, 87	1	29	20
Byelorussia . . . . .	18	10, 11, 15, 16, 29 <sup>1</sup> , 47, 52 <sup>1</sup> , 58, 59 <sup>1</sup> , 60 <sup>1</sup> , 77 <sup>1</sup> , 78 <sup>1</sup> , 79 <sup>1</sup> , 87, 90 <sup>1</sup> , 98, 100 <sup>1</sup> , 103 <sup>1</sup>	0	—	18
Canada . . . . .	17	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 58, 63, 68, 69, 73, 74, 88	0	—	17
Ceylon . . . . .	13	5, 7, 8, 11, 15, 16, 18, 29, 41, 45, 63, 81, 99	0	—	13
Chile . . . . .	34	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38, 45	0	—	34
China . . . . .	12	7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 45, 59	1	32	13
Colombia . . . . .	24	1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26	0	—	24
Cuba . . . . .	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

<sup>1</sup> 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.	
Czechoslovakia . . . . .	34	1, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19, 21, 24, 25, 26, 27, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 48, 49, 52, 63, 88, 89, 90	0	—	34
Denmark . . . . .	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
Dominican Republic . . . . .	15	1, 5, 7, 10, 19, 26, 29, 52, 79, 81, 87, 88, 89, 98, 100	0	—	15
Ecuador . . . . .	3	26, 29, 95	1	45	4
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 . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	62
Germany (Federal Republic) . . . . .	33	2, 3, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 29, 42, 45, 56, 62, 63, 81, 87, 88, 96, 98, 99, 100, 101	0	—	33
Ghana . . . . .	10	15, 16, 19, 29, 45, 50, 58, 59, 64, 65	0	—	10
Greece . . . . .	25	1, 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 29 <sup>1</sup> , 41, 42, 45, 52, 81, 88, 95, 102	0	—	25
Guatemala . . . . .	14	77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98	0	—	14
Haiti . . . . .	12	1, 5, 12, 14, 17, 19, 24, 25, 30, 42, 81, 98	0	—	12
Honduras . . . . .	3	87, 98, 100	0	—	3
Hungary <sup>1</sup> . . . . .	26	2, 3, 6, 7, 10, 12, 14, 15, 16, 17, 18, 19, 21, 24, 26, 27, 41, 42, 45, 48, 52, 62, 95, 100, 101, 103	6	13, 29, 77, 78, 87, 98	32
Iceland . . . . .	5	11, 15, 58, 87, 98	0	—	5
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 . . . . .	0	—	5	19, 27, 29, 45, 98	5
Iraq . . . . .	0	—	8	18, 19, 41, 42, 58, 77, 81, 88	8
Ireland . . . . .	33	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, 68, 69, 81, 87, 89, 92, 98	0	—	33
Israel . . . . .	19	1, 5, 10, 14, 20, 29, 30, 52, 77, 78, 79, 81, 87, 90, 94, 97, 98, 101, 102	0	—	19
Italy . . . . .	54	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 <sup>1</sup> , 58, 59, 60, 68, 69, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 97, 100, 101	1	102	55

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

## REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Japan . . . . .	23	2, 5, 7, 8, 9, 10, 15, 16, 18, 19, 21, 22, 27, 29, 42, 45, 50, 58, 73, 81, 88, 96, 98	0	—	23
Liberia . . . . .	1	29	0	—	1
Luxembourg . . . . .	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28	0	—	27
Federation of Malaya . . .	7	17, 19, 29, 45, 50, 64, 65	0	—	7
Mexico . . . . .	33	8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 58, 62, 63, 87, 90, 95, 99, 100	0	—	33
Morocco . . . . .	14	4, 11, 12, 13, 14, 17, 18, 19, 27, 41, 45, 52, 94, 98	0	—	14
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 . . . . .	35	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 60, 63, 64, 65, 82, 84, 88, 89, 97, 99, 101	0	—	35
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 . . . . .	40	2, 5, 7, 8, 9, 10, 11, 13, 14, 15, 18, 19, 21, 22, 26, 27, 29, 30, 32, 42, 43, 49, 50, 53, 58, 59, 63, 68, 69, 73, 81, 87, 88, 92, 95, 96, 97, 98, 101, 102	0	—	40
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 . . . . .	11	1, 4, 11, 14, 19, 24 <sup>1</sup> , 35 <sup>1</sup> , 37 <sup>1</sup> , 39 <sup>1</sup> , 41, 45	0	—	11
Philippines . . . . .	9	87, 88, 89, 90, 94, 95, 98, 99, 100	0	—	9
Poland . . . . .	44	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, 68, 69, 73, 74 <sup>1</sup> , 77, 78, 79, 87, 92, 95, 96, 98, 100, 101	0	—	44
Portugal . . . . .	15	1, 4, 6, 14, 17, 18, 19, 27, 29, 45, 68, 69, 73, 74, 92	0	—	15
Rumania . . . . .	18	1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 24, 27, 87, 89	0	—	18
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
Sudan . . . . .	3	2, 19, 98	0	—	3
Sweden . . . . .	30	2, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 27, 29, 32, 42, 45, 58, 63, 81, 87, 88, 92, 96, 98, 101, 102	0	—	30
Switzerland . . . . .	17	2, 5, 6, 11, 14, 18, 19, 26, 27, 29, 44, 45, 62, 63, 81, 88, 89	0	—	17

<sup>1</sup> 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.	
Tunisia . . . . .	9	4, 11, 12, 13, 14, 17, 19, 89, 98	0	—	9
Turkey . . . . .	8	2, 14, 42, 45, 81, 88, 96, 98	0	—	8
Ukraine . . . . .	18	10, 11, 15, 16, 29, 47, 52, 58, 59, 60, 77, 78, 79, 87, 90, 98, 100, 103	0	—	18
Union of South Africa . .	7	2, 19, 26, 42, 45, 63, 89	0	—	7
U.S.S.R. . . . .	18	10, 11, 15, 16, 29 <sup>1</sup> , 47, 52 <sup>1</sup> , 58, 59 <sup>1</sup> , 60 <sup>1</sup> , 77 <sup>1</sup> , 78 <sup>1</sup> , 79 <sup>1</sup> , 87, 90 <sup>1</sup> , 98, 100 <sup>1</sup> , 103 <sup>1</sup>	0	—	18
United Arab Republic:					
Egypt . . . . .	13	2, 11, 19, 29, 41, 45, 52, 53, 63, 81, 88, 98, 101	0	—	13
Syria . . . . .	1	89	1	98	2
United Kingdom . . . . .	49	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, 68, 69, 74, 81, 82, 84, 85, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102	0	—	49
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 . . . . .	10	4, 5, 6, 13, 14, 26, 27, 29, 45, 52	0	—	10
Yugoslavia . . . . .	30	2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 29, 45, 48, 52, 81, 89, 100, 101, 102, 103	0	—	30

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

## Appendix II. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee <sup>1</sup>		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	— <sup>2</sup>	—
1943-44 . . . . .	583	—	—	251	43.1	314	53.9
1944-45 . . . . .	725	—	—	351	48.4	523	72.2
1945-46 . . . . .	731	—	—	370	50.6	578	79.1
1946-47 . . . . .	763	—	—	581	76.1	666	87.3
1947-48 . . . . .	799	—	—	521	65.2	648	81.1
1948-49 . . . . .	806	134 <sup>3</sup>	16.6	666	82.6	695	86.2
1949-50 . . . . .	831	253	30.4	597	71.8	666	80.1
1950-51 . . . . .	907	288	31.7	705	77.7	761	83.9
1951-52 . . . . .	981	268	27.3	743	75.7	826	84.2
1952-53 . . . . .	1,026	212	20.6	840	81.8	917	89.3
1953-54 . . . . .	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-55 . . . . .	1,234	283	22.9	1,063	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	1,349	95.1
1957-58 . . . . .	1,558	340	21.8	1,484	95.2	—	—

<sup>1</sup> The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945; the date limit for the receipt of reports has accordingly varied.

<sup>2</sup> The Conference did not meet in 1940.

<sup>3</sup> First year for which this figure is available.

# **VIII. Observations on the Application of Conventions in Non-Metropolitan Territories** (Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

## **A. GENERAL OBSERVATIONS**

### *Belgium*

The Committee is pleased to note that the Government has this year supplied all the reports requested.

### *France*

#### *Algeria.*

The Committee regrets to note that the Government has this year supplied none of the reports requested on the application in Algeria of 62 ratified Conventions. It trusts that these reports will be supplied for the next reporting period.

#### *French Guiana, Guadeloupe, Martinique, Réunion.*

The Committee regrets to note that hardly any of the reports on the application in French Guiana, Guadeloupe, Martinique and Réunion of 62 ratified Conventions have been supplied this year.

The Committee has noted the statement made verbally by a French Government representative to the Conference Committee, that "the four Overseas Departments were now fully assimilated to the metropolitan territory" and that "they were therefore dealt with in the reports on metropolitan France". The Government's renunciation of the possibility of having recourse to the provisions of article 35 of the Constitution in respect of these Departments will have the effect of henceforth rendering applicable to these territories, without modification, a large number of Conventions ratified by France which had not been declared applicable without modification (Conventions Nos. 2, 3, 8, 9, 12, 15, 16, 22, 23, 24, 27, 32, 33, 35, 36, 37, 38, 43, 44, 45, 49, 52, 63, 77, 78, 88, 96 and 97). As indicated in its General Report (paragraph 36), the Committee suggests that, in order to avoid all uncertainty as to the scope of the international obligation accepted, a formal written communication on the matter should be addressed to the Director-General of the I.L.O.

Finally, if in future the reports for metropolitan France are to relate also to the application in French Guiana, Guadeloupe, Martinique and Réunion of Conventions ratified by France, the Committee would be glad if the Government would indicate in each of its future reports—

- (a) by virtue of what legislative or other provisions the legislation giving effect to the Convention in question has been extended to these Departments (or, where appropriate, the special legislative provisions applicable);
- (b) how the practical application of the Convention in question is ensured in these Departments (number of workers covered by the legislation, number of contraventions, decisions of courts or other tribunals, extracts from inspection reports, etc.).

#### *Overseas and Associated Territories.*

The Committee is pleased to note that, following a suggestion made by it, Conventions Nos. 11 and 95 have been declared applicable to these territories without modification. It also notes with interest from the information contained in the reports that the

application of a considerable number of other Conventions might likewise be extended. This appears to be the case, for example, for certain of the territories in question, as regards the Conventions concerning workmen's compensation (Nos. 12, 17, 18, 19 and—in some cases—42), certain Conventions concerning occupational safety and health (Nos. 27, 32 and 62), the Conventions concerning holidays with pay (Nos. 52 and 101), and certain maritime Conventions (Nos. 9, 15, 16, 22, 23, 58 and—in some cases—92).

The Committee has also noted with interest that in French West Africa employers' and workers' organisations have, pursuant to sections 15, 17 and 24 of the Labour Code, established a Welfare and Pensions Fund, for payment of pensions to wage earners, allowances to widows and other dependants of deceased wage earners, etc.

Finally, the Committee hopes that the Government will transmit the observations and direct requests made by it to the respective governments of the former Overseas Territories which are now States Members of the Community, particularly in the case of States which formerly formed part of the federations of French Equatorial Africa and French West Africa.

### *Italy*

#### *Trust Territory of Somaliland.*

The Committee notes with interest from the information supplied by the Government that a Labour Code, which had been in course of preparation for several years, is about to come into force.

### *Netherlands*

#### *Surinam.*

As six of the reports due arrived only in the course of the session, the Committee could not examine them and no account is therefore taken of this new information in the observations and requests made under the Conventions concerned.

The Committee intends to examine this information at its next session. It trusts that the Government will supply all future reports by the date requested.

### *Portugal*

The Committee is pleased to note that almost all the reports requested have been supplied this year. It would, however, be glad if the Government would draw up future reports in accordance with the report forms approved by the Governing Body and would supply all the information requested by the *Memorandum* concerning the application of Conventions in non-metropolitan territories (nature of local conditions which prevent or delay the application of Conventions, progress made towards the fuller application of each Convention, etc.).

### *Spain*

The Committee notes that once again the Government has supplied no report concerning the application in its territories of the 32 Conventions which it has ratified. The Committee urges the Government to supply the reports due for the next reporting period.

### *United Kingdom*

The Committee is pleased to note that, since its last session, the Government has communicated 298 declarations concerning the applicability of

ratified Conventions to a considerable number of its non-metropolitan territories. Thus, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) is now applicable without modification to nine territories for whose international relations the United Kingdom is responsible and it is also applicable with more or less minor modifications to six or seven other territories. The Committee also notes that, in respect of the Abolition of Forced Labour Convention, 1957 (No. 105), which was ratified by the United Kingdom on 30 December 1957, 31 declarations of application without modification have already been made concerning various territories for whose international relations the United Kingdom is responsible.

As regards the number of reports received, the Committee notes with interest that a greater number of reports have been supplied this year. However, while certain first reports which have been supplied contain very detailed information (e.g. the report for Nigeria in respect of Convention No. 88 and the report of Sierra Leone on Convention No. 94), the reports of certain territories are confined to an indication that a decision has been reserved in respect of the application of the Convention (e.g. the reports for Gambia and Basutoland in respect of Convention No. 94 and the report of Gambia on Convention No. 95).

The Committee hopes that in future the Government will supply all the reports requested for the relevant reporting period and that the reports will contain all the information requested by the report form and by the *Memorandum* concerning the application of Conventions in non-metropolitan territories adopted by the Governing Body.

#### United States

The Committee thanks the Government for having supplied the reports requested by it in respect of the Panama Canal Zone.

### B. INDIVIDUAL OBSERVATIONS

#### Convention No. 2: Unemployment, 1919

Reports requested : 5.  
Reports received : 5.

No observations.

#### Convention No. 3: Maternity Protection, 1919

Reports requested : 15.  
Reports received : 11.  
Reports not received : 4.

(*France*: French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *France* (Overseas Territories and Associated Territories—French Guiana, Guadeloupe).

#### Convention No. 4: Night Work (Women), 1919

Reports requested : 16.  
Reports received : 11.  
Reports not received : 5.

(*France*: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.)

#### France

##### French Equatorial Africa.

In the absence of any new information in the Government's report the Committee can only repeat the observations previously made, to the effect that section 3 (2) of Order No. 3759 of 1954 authorises a suspension of the night work prohibition which is not in conformity with the provisions concerning the granting of exceptions provided for in Convention No. 4, still applicable to French Equatorial Africa; nor does the section in question appear to be in full conformity with Article 5 of Convention No. 89, which, according to a statement made by the Government in the Conference Committee in 1958, is to be extended to the territory.

In these circumstances the Committee trusts that the legislative amendments already mentioned by the Government in 1957 will be adopted at an early date.

*Algeria, French Guiana, Guadeloupe, Martinique, Réunion.*

See Chapter VII, Convention No. 89, France.

\* \* \*

In addition, a request regarding certain other points is being addressed directly to *France* (New Caledonia).

#### Convention No. 5: Minimum Age (Industry), 1919

Reports requested : 19.  
Reports received : 15.  
Reports not received : 4.

(*France*: French Guiana, Guadeloupe, Martinique, Réunion.)

#### Denmark

##### Faroe Islands.

The Committee notes that the legislation on the employment of children is still in its preparatory stage. It hopes that the enactment of this legislation will not be long delayed and that the information repeatedly requested by the Committee with respect to the practical application of the Convention in the Faroe Islands will be supplied in the next report.

#### France

##### St. Pierre and Miquelon.

The Committee notes the statement by a Government representative to the Conference Committee in 1958 that, since the number of workers employed in the fish-freezing industry was very limited, the discrepancy mentioned by the Committee was of very slight practical importance. The legislation should, however, be in conformity with the Convention, irrespective of the actual number of persons to whom it may be applicable. The Committee therefore hopes that the Government will take suitable action to ensure the full application of Article 2 of the Convention, in particular by repealing the exceptions provided for in the legislation as regards boys over 12 years of age and girls over 13 years of age engaged in (a) light industrial work of a seasonal character such as drying fish in the open air and (b) certain preparatory work in the fish-freezing industry.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to *France* (French Somaliland, St. Pierre and Miquelon).

**Convention No. 6 : Night Work of Young Persons  
(Industry), 1919**

Reports requested : 18.  
 Reports received : 13.  
 Reports not received : 5.  
 (France : Algeria, French Guiana, Guadeloupe,  
 Martinique, Réunion.)

*France*

*Algeria, French Guiana, Guadeloupe, Martinique,  
 Réunion.*

See Chapter VII, Convention No. 6, *France*.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Denmark* (Faroe Islands, Greenland), *France* (Cameeroons, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon, Togoland).

**Convention No. 7 : Minimum Age (Sea), 1920**

Reports requested : 6.  
 Reports received : 6.

No observations.

**Convention No. 8 : Unemployment Indemnity  
(Shipwreck), 1920**

Reports requested : 7.  
 Reports received : 7.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 9 : Placing of Seamen, 1920**

Reports requested : 2.  
 Reports received : 2.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 10 : Minimum Age (Agriculture), 1921**

Reports requested : 6.  
 Reports received : 2.  
 Reports not received : 4.  
 (France : French Guiana, Guadeloupe, Martinique, Réunion.)

*France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

Since no information has been received this year concerning the application of Convention No. 10 in French Guiana, Guadeloupe, Martinique and Réunion, the Committee refers to its earlier requests to the Government to supply the most complete information possible on the practical application of the Convention, since, in the absence of provisions specifically laying down a minimum age for employment in agriculture, the extent to which the Convention is effectively applied can be assessed only on the basis of detailed information concerning the proportion of

children of school age who are actually able to attend school.<sup>1</sup>

\* \* \*

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 11 : Right of Association  
(Agriculture), 1921**

Reports requested : 13.  
 Reports received : 9.

Reports not received : 4.

(France : Algeria, Guadeloupe, Martinique, Réunion.)

*Belgium*

*Belgian Congo and Ruanda-Urundi.*

The Government states in its report that no distinction is made by legislation between agricultural workers and workers belonging to other branches of economic activity. The Committee notes, however, that while under section 1 of the decree of 25 January 1957 "the inhabitants of the Belgian Congo and Ruanda-Urundi shall have the right to join occupational associations", section 3 of the same decree provides that those who have been under a contract of service "for less than three years" may not join an occupational association except under the conditions prescribed by the Governor-General and that, moreover, section 1 of Ordinance No. 21-57 of 8 March 1957 provides that such persons shall "produce evidence that they have successfully completed two years of secondary studies", or, as a transitional measure, "have successfully completed the full course of primary studies" (section 2).

The provisions in question result in practice in prohibiting many agricultural workers and particularly seasonal workers from belonging to occupational associations.

The Committee would therefore be grateful if the Government would indicate what measures it intends to take to "secure to all those engaged in agriculture the same rights of association and combination as to industrial workers and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture".<sup>1</sup>

**Convention No. 12 : Workmen's Compensation  
(Agriculture), 1921**

Reports requested : 6.  
 Reports received : 6.

No observations.

**Convention No. 13 : White Lead (Painting), 1921**

Reports requested : 16.  
 Reports received : 11.  
 Reports not received : 5.

(France : Algeria, French Guiana, Guadeloupe, Martinique, Réunion.)

*France*

*French West Africa.*

Since the report for 1957-58 provides no new information relating to the meeting of the Technical Advisory Committee, which, according to a statement made by a Government representative to the Conference Committee in 1958, was to be consulted

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

on the drawing up of an order regulating the use of white lead in cases where its use is still authorised, the Committee hopes that provisions giving full effect to Article 5 of the Convention will be adopted at an early date.

*Togo.*

The Committee notes with satisfaction that Decree No. 57-128 of 4 October 1957 prohibits the use of white lead, sulphate of lead and all products containing these pigments in all kinds of painting work.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Equatorial Africa, French Polynesia, Madagascar, St. Pierre and Miquelon) and *Netherlands* (Surinam).

**Convention No. 14 : Weekly Rest (Industry), 1921**

Reports requested : 21.

Reports received : 16.

Reports not received : 5.

(*France* : Algeria, French Guiana, Guadeloupe, Martinique and Réunion.)

No observations.

**Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921**

Reports requested : 6.

Reports received : 6.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *Denmark* (Greenland).

**Convention No. 16 : Medical Examination of Young Persons (Sea), 1921**

Reports requested : 6.

Reports received : 6.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to *Denmark* (Greenland).

**Convention No. 17 : Workmen's Compensation (Accidents), 1925**

Reports requested : 12.

Reports received : 8.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

*Netherlands*

*Netherlands Antilles.*

The Committee notes with satisfaction that the general revision of the Industrial Accidents Regulation 1936 takes account of the provisions of Articles 7 and 10 of the Convention, concerning increased benefits where the injured workmen require constant attendance and the supply and normal renewal of artificial limbs and surgical appliances, respectively, and that the draft of this revision has been approved by the advisory bodies. The Committee hopes that the above-mentioned legislation will shortly be adopted so as to ensure full application of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana, Guadeloupe, Martinique, Réunion), *Netherlands* (Netherlands Antilles, Surinam).

**Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925**

Reports requested : 9.

Reports received : 4.

Reports not received : 5.

(*France* : Algeria, French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (French Guiana, Guadeloupe, Martinique, Réunion).

**Convention No. 19 : Equality of Treatment (Accident Compensation), 1925**

Reports requested : 15.

Reports received : 10.

Reports not received : 5.

(*France* : Algeria, French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Denmark* (Greenland), *Netherlands* (Surinam).

**Convention No. 22 : Seamen's Articles of Agreement, 1926**

Reports requested : 5.

Reports received : 5.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 23 : Repatriation of Seamen, 1926**

Reports requested : 2.

Reports received : 2.

*Netherlands*

*Netherlands Antilles.* See under Convention No. 8.

**Convention No. 24 : Sickness Insurance (Industry), 1927**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 25 : Sickness Insurance (Agriculture), 1927**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928**

Reports requested : 15.

Reports received : 15.

*United Kingdom**Guernsey.*

The Committee notes with satisfaction that, to meet the observation made in 1956, the Industrial Disputes and Conditions of Employment Law has been amended to require the prior approval of the Industrial Disputes Officer to any abatement of minimum wage rates in respect of handicapped persons. This brings the law into full conformity with Article 3, paragraph 2 (3) of the Convention.

**Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929**

Reports requested : 7.

Reports received : 7.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

**Convention No. 29 : Forced Labour, 1930**

Reports requested : 88.

Reports received : 80.

Reports not received : 8.

(*France* : Algeria, French Guiana, Guadeloupe, Martinique, Réunion; *Spain* : Spanish Guinea, Spanish West Africa; *United Kingdom* : Uganda.)

*Belgium**Belgian Congo and Ruanda-Urundi.*

The Committee thanks the Government for the information supplied in reply to the request made in 1958. It observes that in respect of quite a large number of points there are discrepancies between the legislation and the Articles of the Convention, and that in other respects the legislation should be supplemented with a view to ensuring the application of these Articles. This applies particularly to the following provisions :

Article 6 of the Convention. It seems that there are no provisions giving effect to this Article, which provides that "officials . . . shall not put constraint upon the said populations or any individual members thereof to work for private individuals, companies or associations".

Article 11. Under sections 71 and 73 of the decree of 10 May 1957 "any able-bodied man" may be compelled to carry out certain public works (improvements considered necessary by the authorities, construction and maintenance of drainage and irrigation works, construction of schools and of buildings for administrative, judiciary and penal purposes, planting and care of timber, etc.). This provision is not in accordance with paragraph 1 of Article 11 of the Convention, which provides that "only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour".

Article 12, paragraph 1. Section 72 of the decree provides that "the work provided for in section 71 shall not extend over a total of more than 45 days in any one year", but it is provided at the end of the section that "the 45-day limit may be exceeded if works are urgently called for in view of the need to feed the indigenous population". It would therefore be possible to exceed the maximum limit of 60 days in any one period of 12 months laid down in the

Convention, even in cases in which forced or compulsory labour is authorised under Article 19 of the Convention "as a method of precaution against famine or a deficiency of food supplies".

Article 12, paragraph 2. The Government states in its report that "a record of the hours worked is kept by the staff of the district". It appears, therefore, that effect is not given to Article 12, paragraph 2, of the Convention, which provides that "every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed".

Article 18. Sections 54 and 55 of the ordinance of 12 December 1954, to which the Government refers, do not ensure the application of all the guarantees provided for in this Article of the Convention, particularly as regards the maximum distance from their homes to which the workers may be taken (Article 18, paragraph 1 (d)), the maximum number of days per month for which they may be taken, including the days spent in returning to their homes (paragraph 1 (e)), the obligation to carry out a preliminary medical examination (paragraph 1 (b)) and the obligation to employ such forced labour for the transport of persons other than officials only "in cases of very urgent necessity" (paragraph 1 (a)).

Article 20. The legislation in force provides that as a collective punishment the Natives may be called upon to contribute directly "to the repair of damage arising out of the disturbances". If the community has not paid by the time specified by the authorities, "such able-bodied adult males as they select shall be taken" and assigned to "work that will contribute directly or indirectly to making good the damage". These provisions do not seem compatible with Article 20 of the Convention, which provides that "collective punishment laws . . . shall not contain provisions for forced or compulsory labour".

Article 21. There seem to be no legislative provision prohibiting recourse to forced or compulsory labour for underground work in mines.

The Committee hopes that the Government will take steps to amend or supplement the above-mentioned provisions of the legislation. It trusts that in this connection the Government will not lose sight of the fact that under Article 1, paragraph 1, of the Convention, it has undertaken "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". In this connection the Committee notes that, although certain forms of forced labour that were previously authorised have been abolished under the legislation now in force, in many cases the existing forms of forced labour are not authorised by the Convention.

Finally, the Committee notes with regret that the Government has not responded to the appeals made on a number of occasions by the Governing Body of the International Labour Office on receipt of the reports of the *Ad Hoc* Committee on Forced Labour and of the Committee of Experts on Social Policy in Non-Metropolitan Territories, requesting governments to cancel the modifications which accompanied their ratifications, in accordance with Article 26 of the Convention. Not only are many provisions of the Convention not yet applied, but the instrument is still applicable to the Belgian Congo and Ruanda-Urundi with the following modifications :

- (a) the work or services exacted in virtue of compulsory military service laws do not merely consist of "work of a purely military character", as laid down in Article 2, paragraph 2 (a), of



the Convention, but also include "public works in pursuance of a decision of the competent authorities";

- (b) prison labour may be exacted not only "as a consequence of a conviction in a court of law", as laid down in the Convention, but also from persons imprisoned "in pursuance of the decision of an administrative authority" acting in conformity with the law; and
- (c) notwithstanding Article 19, paragraph 1, of the Convention, the competent authorities may "authorise recourse to compulsory cultivation as a method of agricultural education".

The Committee regrets to observe that as regards prison labour carried out by persons who have been imprisoned "by the decision of an administrative authority acting in conformity with the law", the Government has never supplied the information requested by the *Memorandum* adopted by the Governing Body, regarding the local conditions which justify the maintenance of the modifications and the progress made in eliminating the modifications.<sup>1</sup>

#### *France*

##### *French Equatorial Africa.*

The Committee notes observations made by a trade union organisation to the effect that a whole series of provisions (no references given) render the growing of cotton obligatory in certain areas, to the detriment of food crops, and that this had a direct effect on the health of the population. In its comments the Government indicates that there are no legislative or administrative provisions imposing an obligation to grow cotton. In addition it states that growing cotton does not exclude the growing of food crops; it may on the contrary be considered as complementary to the latter, particularly on account of rotations which enable millet, groundnuts and cassava to be grown. It appears from an inquiry carried out by a doctor in one of the territories in question that the allegations concerning the health of the population are unfounded.

The Committee takes note of these statements.

##### *French West Africa.*

A trade union has submitted observations on the application of the Convention, referring to press cuttings which state that the inhabitants of Dioila have been made to clear tracks through undergrowth. In its comments the Government states that, according to available information, this work "was performed voluntarily by the inhabitants concerned" in order to open up tracks which were congested with vegetation after the rainy season, and thus enable them to move their produce.

The Committee notes—

(1) that in so far as this relates to minor works performed in the vicinity of a village, in the direct interest of its inhabitants and with their consent, this work may be considered as falling within the exception provided for in Article 2, paragraph 2 (e), of the Convention;

(2) that, nonetheless, the competent authorities should always take care lest work of this kind take on such proportions as to become comparable rather to public works, and that the persons performing such work are not subjected to compulsion, threats or penalties of any kind;

(3) that the laws and regulations in force in the territory appear not to contain any provisions permitting the exaction of any form of forced labour.

#### *United Kingdom*

##### *Bechuanaland.*

The Committee notes the information supplied by the Government to the Conference Committee, to the effect that forced labour in the form of personal services rendered to an indigenous chief is diminishing. While appreciating the practical difficulties encountered by the Government in completely abolishing this form of forced labour and in granting certain of the guarantees for which provision is made by the Convention, the Committee—

- (a) expresses the hope that the Government will spare no effort in order to achieve this as soon as possible;
- (b) considers that it must insist that workers forced to carry out such work should enjoy the guarantees provided for in the Convention, and especially those prescribed by Articles 12, paragraph 2 (certificate indicating the periods of forced labour worked) and 15, paragraph 2 (the obligation to ensure the subsistence of any worker in case of accidents arising in the execution of forced labour).

##### *Fiji.*

The Committee notes that the Government, in the statement made by a representative to the Conference Committee in 1958, and repeated in its annual report, still considers the compulsory transportation of officials as a minor communal service within the meaning of Article 2, paragraph 2 (e), of the Convention. Whilst noting that, according to the Government, such work is performed in the interest of the population of Fiji, the Committee points out that the transport of officials cannot be considered as a minor communal service, but is specifically covered by Article 18 of the Convention, and should therefore, in accordance with this Article and Article 1, paragraph 1, be suppressed "within the shortest possible period" and should, during the transitional period, be subject to the detailed guarantees listed under Article 18.

The Committee hopes that the Government will spare no effort to attain this end as soon as possible, and that in the meantime, it will adopt the regulations provided for by Article 18 of the Convention, in order to give the workers all the guarantees laid down in this Article.

In addition, the Committee would be glad if the Government would indicate the measures it intends to take to ensure that the workers who are obliged to supply, in accordance with Article 7 of the Convention, personal services to chiefs, enjoy the guarantees provided for in the other Articles of the Convention, in particular Articles 11, 12, 13, 14 (1) and 15.

##### *Kenya.*

The Committee notes with interest the statement in the Government's report, confirming the information supplied to the Conference on this point in 1958, that—

- (a) the duration of the forced labour exacted under the emergency regulations has been reduced from 60 to 40 days a year; and
- (b) the Government intends to abolish this form of compulsory communal services as soon as local conditions permit.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

The Committee expresses the hope that the Government will spare no effort to abolish this form of forced labour within the shortest possible period.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo and Ruanda-Urundi) ; *France* (Cameroons, Madagascar) ; *Netherlands* (Netherlands Antilles, Surinam) ; *Portugal* (Overseas Provinces) ; *United Kingdom* (Basutoland, Bechuanaland, British Honduras, Gambia, Kenya, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Solomon Islands, Zanzibar).

**Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932**

Reports requested : 11.

Reports received : 11.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *France* (Cameroons, Comoro Islands, French Equatorial Africa, St. Pierre and Miquelon, Togo) ; *Netherlands* (Netherlands Antilles).

**Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 36 : Old-Age Insurance (Agriculture), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 38 : Invalidity Insurance (Agriculture), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 40 : Survivors' Insurance (Agriculture), 1933**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 41 : Night Work (Women) (Revised), 1934**

Reports requested : 1.

Reports received : 1.

No observations.

**Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934**

Reports requested : 13.

Reports received : 9.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Belgium* (Belgian Congo and Ruanda-Urundi) ; *France* (French Guiana, Guadeloupe, Martinique, Réunion) ; *Netherlands* (Netherlands Antilles, Surinam) ; *Union of South Africa* (South West Africa).

**Convention No. 44 : Unemployment Provision, 1934**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 45 : Underground Work (Women), 1935**

Reports requested : 5.

Reports received : 5.

No observations.

**Convention No. 50 : Recruiting of Indigenous Workers, 1936**

Reports requested : 41.

Reports received : 41.

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *United Kingdom* (Basutoland, Bechuanaland, British Guiana, British Honduras, Brunei, Gambia, Gilbert and Ellice Islands, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Sarawak, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda).

**Convention No. 53 : Officers' Competency Certificates, 1936**

Reports requested : 11.

Reports received : 7.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *United States* (American Samoa).

**Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936**

Reports requested : 10.

Reports received : 6.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

*United States**American Samoa.*

The Committee notes the statement made by a Government representative to the Conference Committee, that the need for legislation to give effect to the Convention has not materialised. The Committee hopes, however, that the necessary measures will be taken at an early date, bearing in mind that the Convention, when ratified, was declared applicable to this territory without modification.

**Convention No. 56 : Sickness Insurance (Sea), 1936**

Reports requested : 7.

Reports received : 3.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936**

Reports requested : 11.

Reports received : 7.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *France* (French Guiana, Guadeloupe, Martinique, Réunion) ; *Netherlands* (Netherlands Antilles).

**Convention No. 62 : Safety Provisions (Building), 1937**

Reports requested : 7.

Reports received : 3.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

*France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

See Convention No. 62, under *France*.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Ruanda-Urundi) ; *Netherlands* (Surinam).

**Convention No. 63 : Statistics of Wages and Hours of Work, 1938**

Reports requested : 3.

Reports received : 3.

No observations.

**Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939**

Reports requested : 40.

Reports received : 40.

*United Kingdom**Brunei.*

The Committee notes the Government's statement, in reply to the observation made in 1958, that effect is given to Article 4, paragraph 2, of the Convention (employers' responsibility for contracts made by agents) by the definition of "employer" in section 2 of the Labour Enactment 1954.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *United Kingdom* (Basutoland, Bechuanaland, British Guiana, British Honduras, Brunei, Gambia, Gilbert and Ellice Islands, Kenya, Nigeria, Northern Rhodesia, Sarawak, Seychelles, Solomon Islands, Swaziland, Uganda.)

**Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939**

Reports requested : 44.

Reports received : 44.

*United Kingdom**Bechuanaland.*

The Committee notes with disappointment that the Government's report supplies no new information concerning the progress made as to the adoption of the Bill designed to give effect to Article 2, paragraph 2, of the Convention, which provides for the *immediate* abolition of all penal sanctions for *non-adults*. Recalling the Government representative's statement made to the Conference Committee in 1958, the Committee trusts that there will be no further delay in bringing these legislative provisions into force, and that the Government will ensure the progressive abolition of those penal sanctions for adults still permitted under existing legislation, in accordance with Article 2, paragraph 1, of the Convention.<sup>1</sup>

*Swaziland.*

The Committee notes with disappointment that the Government's report supplies no new information concerning the progress made as to the adoption of the Bill designed to give effect to Article 2, paragraph 2, of the Convention, which provides for the *immediate* abolition of all penal sanctions for *non-adults*. Recalling the Government representative's statement made to the Conference Committee in 1958, the Committee trusts that there will be no further delay in bringing these legislative provisions into force, and that the Government will ensure the progressive abolition of the penal sanctions for adults still permitted under existing legislation, in accordance with Article 2, paragraph 1, of the Convention.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (British Guiana, Kenya, Northern Rhodesia, Uganda).

**Convention No. 68 : Food and Catering (Ships' Crews), 1946**

Reports requested : 4.

Reports received : 0.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

**Convention No. 69 : Certification of Ships' Cooks, 1946**

Reports requested : 8.

Reports received : 4.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Convention No. 73 : Medical Examination  
(Seafarers), 1946**

Reports requested : 4.  
Reports received : 0.  
Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to *France* (French Guiana, Guadeloupe, Martinique, Réunion).

**Convention No. 74 : Certification of Able Seamen, 1946**

Reports requested : 8.  
Reports received : 4.  
Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

**Convention No. 81 : Labour Inspection, 1947**

Reports requested : 30.  
Reports received : 24.  
Reports not received : 6.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion ; *United Kingdom* : Grenada, Jamaica.)

*France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

The Committee took note of the information on the strength of the inspection staff in the four Overseas Departments, which the Government supplied to the Conference Committee in 1958, in reply to the Committee's Observations. As no reports have been received on the application of the Convention in the Overseas Departments and as the Committee has had at its disposal the Annual General Inspection Report for 1955 and 1956 (see above under Convention No. 81, France), the question arises whether the information and statistics included in this Inspection Report relate also to the work of the inspection services in the Overseas Departments.

The Committee regards this question as particularly important because it has repeatedly had occasion in the past to refer to the lack of data on the results of inspection in these Departments.<sup>1</sup>

*United Kingdom*

*Tanganyika.*

The Committee learned with interest that the Labour Inspection Convention, 1947 (No. 81), has been declared applicable without modification. The provisions of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), therefore cease to apply in respect of the territory.

The provisions of Article 4, paragraph 2, of Convention No. 85, are, however, identical with those of Article 12, paragraph 1, of Convention No. 81. As

the Committee had occasion in 1957 and 1958 to observe certain discrepancies between the powers of labour inspectors under the Employment Ordinance, 1955, and under Article 4 of Convention No. 85, it notes with interest the statement in the first report on Convention No. 81 that while the powers of labour inspectors who are recruited from within the territory are somewhat restricted, due to their limited academic qualifications and industrial experience, it is the Government's policy to train local officers to fill senior appointments.

The Committee trusts that this training policy, which is in accordance with Article 7, paragraph 3, of the Convention, will render unnecessary in due course any limitations placed upon the powers of certain members of the inspection staff, and that future reports will indicate the progress made in this direction.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles, Surinam) ; *United Kingdom* (Antigua, Barbados, British Honduras, Brunei, Gibraltar, Hong Kong, Kenya, Malta, Mauritius, Nigeria, North Borneo, Sarawak, Sierra Leone, Singapore, Tanganyika, Uganda).

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947**

Reports requested : 57.  
Reports received : 56.  
Reports not received : 1.

(*United Kingdom* : Jamaica.)

*General Observations*<sup>1</sup>

*Contents of the reports.* Last year, following examination of the first annual reports, the Committee noted in its general observations on this Convention that the provisions contained in this instrument were of two kinds.

On the one hand, there were provisions calling for specific measures, mainly of a legislative nature, relating to such matters as 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). These provisions were the subject of a number of requests addressed directly to governments.

On the other hand, there were provisions concerning the aims of social and economic policy and the measures to be taken towards implementing them. These provisions dealt with the general policies to be pursued towards the well-being and development of the peoples of non-metropolitan territories, financial and technical assistance to local administrations, 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). The Committee indicated that the evaluation of the application of these provisions would have to be based mainly on information concerning progress actually made in pursuing declared policies and implementing the measures provided for in the Convention. It accordingly requested governments to supply in future reports full particulars of the extent of the problems dealt with in these Articles of the Convention and of the measures taken to deal with them, including statistical data where possible.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> See also the comments made in paragraphs 32 to 34 of the Committee's general report.

The Committee is pleased to note that a certain number of reports received provide a reasonable amount of new information on the progress made in implementing the policies and measures indicated in the Convention. However, as other reports contain little or no new information on these matters, the Committee renews the request made last year, and considers it appropriate to mention, by way of illustration, the kind of data which will facilitate its task of assessing the degree of application of the Convention. For example, the Committee would appreciate receiving information, accompanied in so far as possible by appropriate statistics, on the measures taken to further economic development and on the forms of such assistance (Article 3), on the volume of migratory movements and on improvements made in living conditions in rural areas (Article 7), on the results of measures taken to eliminate chronic indebtedness and to control the tenure and use of land and other natural resources in the best interests of the inhabitants of the territory (Article 8), on the effects of measures taken to ensure the maintenance of minimum standards of living for independent producers and wage earners and to improve their living standards (Article 9), on the measures taken to encourage the transfer of part of migrant workers' wages and savings to their area of origin (Article 11) and, where the labour resources of the territory are used in an area under a different administration, on the measures taken to regulate the engagement of such labour (Article 12). In all these cases the Committee would be glad to have an indication not merely of the measures which have been taken but also of their impact on the particular situations which they were designed to meet.

As has already been stated, the above examples are illustrations only; in particular, they should be read together with the questions contained in the report form approved by the Governing Body.

The Committee wishes to emphasise that the relevant information need not in all cases be given in the body of the report itself, but could take the form of official reports, findings of investigations, or other documents appended to the report (or, in so far as they might already have been communicated to the I.L.O., listed in the report).

Finally, the Committee notes that a number of reports this year reproduce all the information given in previous reports. It would be grateful if, in order to facilitate its task of ascertaining the progress achieved in implementing the Convention—and also with a view to facilitating the preparation of reports by governments—future reports could be confined to new information only.

Articles 15 and 16. A number of reports have indicated, with regard to various paragraphs of these Articles, that there existed no specific legislative provisions, but that in practice the requirements of the Convention were observed. In these cases, given the character of the Convention as an instrument concerned essentially with lines of action, the Committee has generally refrained from suggesting the immediate enactment of appropriate legislation. The Committee nevertheless considers that, as the standards laid down in these Articles of the Convention constitute basic rules of labour legislation, it would be desirable in due course to embody them expressly in the legislation of all territories to which these Articles are applicable. It would accordingly be glad if, at the time of any revision of the relevant legislation, consideration might be given to the insertion therein of provisions to cover those requirements of Articles 15 and 16 to which statutory effect is not at present given. Such measures would seem all the

more indicated in the considerable number of territories bound by Convention No. 82 to which the comprehensive provisions of the Protection of Wages Convention, 1949 (No. 95), have recently been declared applicable.

Article 19, paragraphs 2 and 3. In a number of cases the reports state that, in the absence of a system of compulsory education, it is not possible to prescribe a school-leaving age and to prohibit the employment during school hours of children below the school-leaving age. Certain other reports refer, in this connection, to provisions which prescribe an age beyond which children may not be retained at school, without making the school attendance of children below this age compulsory.

It would appear correct that the prescription of a school-leaving age is possible only within the framework of a system of compulsory education and that accordingly the school-leaving age to which reference is made in Article 19, paragraph 2, of the Convention is an age up to which children must attend school, and not an age above which children may no longer attend school. As such, the school-leaving age may be regarded as a corollary of a minimum age for admission to employment, since it ensures that the time during which children are prohibited from working is devoted to the purposes mentioned in paragraph 1 of the Article, namely "the effective preparation of children and young persons for a useful occupation".

It would appear from the reports that, in a number of territories, the development of educational facilities so as to make possible the implementation of the obligation to prescribe a school-leaving age may have to be spread over a period of years. It may be noted in this connection that in a number of cases where a school-leaving age has already been prescribed the period of compulsory schooling was originally of limited duration but subsequently extended, and that in others the school-leaving age was at first in force in a limited area and then gradually applied to additional regions. Such a gradual application of the school-leaving age would appear to correspond to the notion of the progressive development of broad systems of education, vocational training and apprenticeship, embodied in paragraph 1 of the Article.

The Committee hopes that the indications given above as to the practices followed in certain territories which have gradually extended their school attendance requirement may be of assistance to governments in overcoming difficulties encountered in other territories in giving effect to the requirements of the Convention.

The Committee has addressed a number of direct requests to governments with a view to obtaining additional information on the measures taken or contemplated to implement the above-mentioned provisions of the Convention.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *Belgium* (Belgian Congo, Ruanda-Urundi); *France* (Camerouns, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togo); *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica, Gambia, Grenada, Jamaica, Kenya, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Southern Rhodesia, Swaziland, Trinidad and Tobago).

**Convention No. 84: Right of Association  
(Non-Metropolitan Territories), 1947**

Reports requested : 55.  
Reports received : 54.  
Reports not received : 1.  
(United Kingdom: Jamaica.)

*Belgium*

*Belgian Congo and Ruanda-Urundi.*

The Committee notes that, in virtue of section 3 of the decree of 25 January 1957, read with section 1 of Ordinance No. 21-57 of 8 March 1957, persons who have been under a contract of service for less than three years and who have not successfully completed two years of secondary studies (or, as a transitional measure, the full course of primary studies) may not join a trade union. These provisions do not appear to be compatible with Article 2 of the Convention, which provides that "the rights of employers and employed alike to associate for all lawful purposes shall be guaranteed by appropriate measures".

The Committee would be grateful if the Government would indicate what measures it intends to take with a view to guaranteeing to all employed persons the right to associate for lawful purposes.<sup>1</sup>

*United Kingdom*

*Fiji.*

The Committee notes with satisfaction that it has been decided to delete the words "regularly and normally" from s. 8 (a) of the Industrial Associations Ordinance, 1945, according to which "an applicant for membership of the Association shall be regularly and normally engaged in the industry" concerned. The Committee expresses the hope that this amendment will soon come into force.

*Hong Kong.*

The Government states once again in its report that, in view of the exceptional circumstances prevailing in the territory, it is necessary in the public interest that appeals against decisions of the Registrar of Trade Unions shall lie to the Governor-in-Council. It adds that this matter will be the subject of further examination when local circumstances permit.

The Committee observes (1) that, under section 10 (1) (iv), of Ordinance No. 8 of 1948, the Registrar may refuse the registration of a trade union, *inter alia*, when he is satisfied that a trade union already registered is sufficiently representative of the trade or occupation concerned, and (2) that such a decision by the Registrar can be the subject of an appeal only to the Governor-in-Council, whose decision is final (section 10 (3) of Ordinance No. 8 of 1948).

This means that in certain cases, contrary to Article 2 of the Convention, employers or wage earners may be denied the right to associate. While having due regard to the exceptional circumstances referred to by the Government, the Committee can only express the hope that the Government will not fail to take all necessary measures, as soon as possible, to apply the Convention with respect to this point.<sup>1</sup>

*Jamaica.*

The Committee has observed with regret that for the second consecutive year no report on the application of the Convention has been furnished. It ventures to hope that, in accordance with the suggestion that it made in 1957 and which, according to the statement

of a Government representative to the Conference, had been accepted by the Government, control over the powers of the Registrar of Trade Unions will be exercised through a normal procedure of judicial control. It would be grateful if the Government would be good enough to indicate as soon as possible what measures it has been able to take in this connection.

*Nyasaland.*

The Committee has taken note with interest of the information furnished by a Government representative to the Conference and confirmed in the Government's report, to the effect that the provisions of Ordinance No. 17 of 1957 are not imperative and that administrative instructions have been issued in order to ensure that no restrictive measures shall be taken in respect of requests for registration presented in good faith by trade unions representing workers in the same trades as a trade union which is already registered. It has also noted that, hitherto, these provisions have not had to be applied and that, in the event of their being applied, detailed information concerning the cases in which registration had been refused would be furnished in the annual report.

The Committee wishes to point out, as it has done on several occasions, that the fact that workers and employers generally have an interest in avoiding a multiplicity of competing organisations does not appear sufficient to justify any direct or indirect intervention by the State, and, in particular, intervention by the State by legislative means. It therefore expresses the hope that the Government will be able, as soon as possible, to repeal or amend the provisions in question and that, pending such repeal or amendment, it will furnish in its annual reports detailed information concerning all cases of refusal of registration that may occur.

*Sierra Leone.*

The Committee took note with interest of the information supplied in reply to the request made in 1958. It observes that increased priority is to be given to the proposed amendments to the Trade Unions Ordinance in respect of appeals to the courts from decisions of the Registrar of Trade Unions and of the provision which empowers the Registrar to refuse registration to a new union when there already exists a representative union for the occupation concerned. It trusts that the Government will put these proposals into effect and that the next report will indicate substantial progress in this connection.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi); *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Dominica, Falkland Islands, Fiji, Gambia, Mauritius, 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**

Reports requested : 33.  
Reports received : 33.

*France*

*New Caledonia.*

The Committee notes that the report again mentions the labour inspector's inability to make inspection visits at regular intervals. The Committee must

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

therefore reiterate the hope that the Government will find it possible to take measures giving effect to Article 4, paragraph 1, of the Convention, which calls for inspection "at frequent intervals".

### *United Kingdom*

#### *Bahamas.*

The Committee notes with interest from the Government's reply to the observation of 1958 that legislation which came into force in 1958 provides, *inter alia*, for the establishment of a Department of Labour and that a Chief Industrial Officer has been appointed under this legislation.

As the Committee has had occasion to observe that there exists no inspectorate in the territory to supervise the application of existing labour legislation, it expresses the hope that the officers of the above-mentioned Department of Labour enjoy all the powers and are subject to all the rules provided for in the Convention, which has been declared applicable to the territory without modification.<sup>1</sup>

#### *Dominica.*

The Committee notes from the Government's reply to the request of 1958 that no rules have been made under section 5 (6) of the Factories Ordinance, 1941, for the appointment of inspectors and for the regulation of their duties and powers, because the number of factories in the territory is too small to justify such an appointment under present economic conditions.

The Committee is bound to observe, however, that there exists no law or regulation governing the code of conduct of the labour officer who, according to the Government's report, undertakes inspection duties (Article 5 of the Convention), nor would this officer appear to have any powers of inspection except under the Labour Statistics Ordinance and the Labour (Minimum Wage) Act (Article 4, paragraph 2, of the Convention).

The Committee trusts that the Government will find it possible to ensure that the powers and duties of the inspection officer will fully conform to the provisions of the Convention.

#### *Gambia.*

The Committee notes with interest from the Government's reply to its observation of 1958 that labour officers have received or are to receive special training courses (Article 2 of the Convention).

#### *Northern Rhodesia.*

The Committee noted with interest from the Government's reply to its observation of 1958 that new mining legislation introduced in April 1958 provides for the making of regulations under which it is proposed to empower inspectors to take samples of materials and substances (Article 4, paragraph 2 (c) (iv), of the Convention). The Committee hopes that these regulations will be adopted at an early date.

#### *Nyasaland.*

The Committee notes with interest that the Regulation of Minimum Wages and Conditions of Employment Ordinance, 1958, enables an authorised officer to examine employees to whom wages regulation

orders apply "either alone or in the presence of any other person as he thinks fit". This provision is in agreement with Article 3 of the Convention which requires workers to be "afforded every facility for communicating freely with the inspectors".

The Committee however regrets the statement in the Government's report that it cannot give an undertaking to eliminate at an early date the proviso to section 5 (2) (b) of the African Employment Ordinance, 1954, under which the employer may ask to be present when a labour officer interviews any employee or recruited African. As this provision is clearly contrary to the above-mentioned Article 3 of the Convention, the Committee trusts that its elimination will not be long delayed.<sup>1</sup>

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo, Ruanda Urundi); *France* (Overseas Territories); *Italy* (Trust Territory of Somaliland); *United Kingdom* (Aden, British Honduras, Gambia, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, Seychelles, Sierra Leone, Southern Rhodesia, Trinidad and Tobago).

#### **Convention No. 86: Contracts of Employment (Indigenous Workers), 1947**

Reports requested : 32.

Reports received : 32.

#### *United Kingdom*

#### *Southern Rhodesia.*

The Committee notes the Government's statement that it is proposed to include provisions to give effect to Article 3, paragraphs 2 and 3, and Article 4, paragraph 1, of the Convention in the General Employment Bill, which is to be presented to the Legislative Assembly at a suitable opportunity. As the intention to enact legislation giving fuller effect to the Convention was already mentioned in the first report four years ago, the Committee earnestly hopes that it will be enacted without delay.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, British Guiana, Fiji, Gambia, Kenya, Northern Rhodesia, Zanzibar).

#### **Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948**

Reports requested : 28.

Reports received : 18.

Reports not received : 10.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion; *United Kingdom* : Aden, British Guiana, Gibraltar, Malta, Nigeria, Trinidad and Togo.)

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *France* (French West Africa); *Netherlands* (Surinam, Netherlands New Guinea); *United Kingdom* (Sierra Leone).

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



**Convention No. 88 : Employment Service, 1948**

Reports requested : 15.

Reports received : 15.

*Netherlands**Surinam.*

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1958, that the Surinam Government proposed to give further consideration to the question of consultations between the Employment Service and the trade organisations, as provided in Articles 4 and 5 of the Convention.

The Committee hopes that this will lead to the early establishment of advisory committees in accordance with the above-mentioned Articles.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles, Surinam) ; *United Kingdom* (British Guiana, Cyprus, Gibraltar, Kenya, Malta, Mauritius, Sierra Leone, Singapore, Tanganyika, Uganda).

**Convention No. 89 : Night Work (Women) (Revised), 1948**

Reports requested : 9.

Reports received : 5.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

*France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

See Chapter VII, Convention No. 89, France.

*Netherlands**Netherlands New Guinea.*

The Committee thanks the Government for the information supplied in answer to the requests made in 1957 and 1958, from which it notes that the legislation of the former Dutch East Indies is still in force in the territory. It presumes that this statement refers to the ordinance of 17 December 1925 to restrict the employment of children and women at night, section 3 of which prohibits the employment of women in industry between 10 p.m. and 5 a.m., i.e. only seven hours, whereas under Article 2 of the Convention the night period should comprise at least 11 consecutive hours.

The Committee notes the Government's statement that any new legislation will be compared with and, if possible, brought into conformity with the Convention, but that the matter is of little practical importance at present in view of the territory's stage of industrial development. The Committee nevertheless trusts that the Government will take the necessary measures to bring the legislation into conformity with the Convention in the near future.

*Union of South Africa**South West Africa.*

The Committee notes from the information supplied in the first report that under section 19 (1) (e) of Ordinance No. 34 of 1952 no employer shall permit a female worker to work between 10 p.m. and 6 a.m. (an *eight-hour period*), whereas the Convention (Article 2) defines the term "night" as signifying a period of at least *11 consecutive hours*, including a minimum interval of seven consecutive hours falling between 10 p.m. and 7 a.m.

The Committee would be grateful if the Government would indicate what measures it intends to take in order to remove the above discrepancy between the national legislation and the provisions of the Convention.

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo and Ruanda-Urundi) ; *Netherlands* (Netherlands Antilles) ; *Union of South Africa* (South West Africa).

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

Reports requested : 1.

Reports received : 1.

*Netherlands**Netherlands Antilles.*

The Committee thanks the Government for forwarding a copy of the order of 1946 concerning workers employed on loading and unloading in ports, and notes that this Order does not contain any provision prohibiting night work for young persons aged under 18 years. Thus it appears that, contrary to the provisions of Article 1, paragraph 1, of the Convention, neither young persons employed on the work defined in section 2 (g) of the Ordinance of 22 August 1952 (work performed by dockers) nor those employed on the work defined in section 2 (c) and (e) (work performed for air-transport and shipping enterprises, or in connection with the arrival and departure of aircraft and vessels) are protected against night work.

The Committee hopes that the Government will soon be in a position to eliminate this discrepancy.<sup>1</sup>

\* \* \*

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**

Reports requested : 4.

Reports received : 0.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

No observations.

**Convention No. 94 : Labour Clauses (Public Contracts), 1949**

Reports requested : 41.

Reports received : 30.

Reports not received : 11.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion ; *United Kingdom* : Aden, Bahamas, British Somaliland, Gilbert and Ellice Islands, Grenada, Jamaica, Trinidad and Tobago.)

*Netherlands**Netherlands Antilles.*

The Committee notes the Government's statement in reply to the observation made in 1958 that it has

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.



been decided to provide in all public contracts that wages should not be lower than the current wages. However, under Article 2 of the Convention the labour clauses should refer not only to wages but also to "hours of work and other conditions of labour". The Committee trusts that the labour clauses will be suitably amended to make provision for these matters, and in this connection once more emphasises, as it has done since 1956, that the fact that wages, hours of work and other conditions of labour are regulated by legislation does not free a government from the obligation to include labour clauses relating to these matters in public contracts.

As regards Article 5 of the Convention, the Government refers to the general sanctions imposed by the relevant legislation. However, paragraph 1 of this Article requires the application of adequate sanctions for failure to observe the labour clauses, provision for which does not appear to be made at present. Such sanctions would be of particular importance to ensure payment of wages at current rates, given the limited extent to which minimum wage rates have been fixed. Moreover, effect does not appear to be given to Article 5, paragraph 2, which requires measures to be taken, by withholding payment under the contract or otherwise, to enable workers to obtain the wages to which they are entitled.

The Committee trusts that measures will be taken to implement Article 5 of the Convention.

#### *Surinam.*

The Committee notes the statement made to the Conference in 1958 and repeated in the annual report, that as soon as statutory provisions on minimum wages have come into existence it will be possible to include wage clauses in public contracts. In this connection the Committee makes the following observations :

- (a) the existence of legislation is not a necessary prerequisite to the application of the Convention. Conditions fixed by laws and regulations are only one of the standards of reference mentioned in Article 2, paragraph 1, of the Convention, and reference may likewise be made in labour clauses to conditions fixed by collective agreement or arbitration award or, failing these, to conditions determined in accordance with Article 2, paragraph 2 ;
- (b) even if the legislation in question were adopted, reference to conditions determined by the other methods mentioned above might still be necessary in order to cover workers who are not subject to minimum wage orders ;
- (c) furthermore the labour clauses should refer not only to wages but also to "hours of work and other conditions of labour" as required by Article 2, paragraph 1 ;
- (d) the Committee recalls the general observations concerning this Convention made in 1956 and 1957 to the effect that, even where the conditions of work of workers employed in the execution of public contracts are subject to general labour legislation, appropriate labour clauses should be inserted in public contracts, particularly with a view to ensuring to the workers concerned the protection afforded by the provisions of Article 5 of the Convention.

As the Convention was accepted on behalf of Surinam already four years ago, the Committee trusts that measures to apply it will be taken shortly.

#### *United Kingdom*

##### *Guernsey.*

The Committee is pleased to note that, following its observation in 1956, the States of Guernsey have resolved that the Fair Wages Clause shall apply to work carried out by subcontractors and assignees (Article 1, paragraph 3, of the Convention).

\* \* \*

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) ; *Netherlands* (Netherlands Antilles) ; *United Kingdom* (Antigua, Barbados, Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Gibraltar, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Lucia, Sarawak, Singapore, Solomon Islands, Tanganyika, Uganda, Zanzibar).

#### **Convention No. 95 : Protection of Wages, 1949**

Reports requested : 35.

Reports received : 23.

Reports not received : 12.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion ; *United Kingdom* : Bahamas, British Somaliland, Cyprus, Dominica, Grenada, Montserrat, St. Lucia, Trinidad and Tobago.)

#### *France*

##### *French Guiana.*

As the report for 1957-58 has not been received, the Committee must repeat the observation made by it in 1958 in the following terms :

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*

##### *Netherlands New Guinea.*

The Committee notes the Government's statement that because "most native workers have no idea of discipline there is a large turnover among the native workers, so that the protection of the wages of the workers is for the time being not yet a matter for discussion". Since this statement casts doubt upon the applicability of the Convention, the Committee wishes to stress the fact that the Convention has been declared fully applicable "... to those inhabited areas having a relatively high density of population, i.e. Hollandia, Sorong, Biak, Manokvari and Me-rauke". The Committee would be glad if the Government would confirm that the provisions of the Netherlands East Indies Civil Code which were referred to in previous reports as giving effect to the Convention in the above-mentioned areas remain in force and are enforced accordingly by the labour inspectorate.<sup>1</sup>

#### *United Kingdom*

##### *Jersey.*

The Government stated in its report for 1955-56 that it was proposed to enact legislation to give full

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

effect to the Convention. The Committee notes with regret from the Government's last report that the preparation of this legislation has not yet reached the final stage and trusts that its enactment will not be further delayed.

#### *Isle of Man.*

The Committee notes the Government's statement, in answer to the observation and direct request made in 1958, that it is still felt to be unnecessary to enact general legislation to apply the Convention, as its provisions are observed in practice. However, the Committee considers that the implementation of Articles 3, 4, 5, 6, 8, 9, 10, 13 (paragraph 2, as to payment of wages in taverns or other similar establishments) and 15 (c) and (d) of the Convention, in respect of which no general legislative provisions exist at present, requires the enactment of appropriate provisions. It trusts, therefore, that measures will be taken to give full effect to these Articles.

\* \* \*

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* (British Honduras, Brunei, Gibraltar, Kenya, Malta, Mauritius, Nigeria, North Borneo, Sarawak, Sierra Leone, Solomon Islands, Tanganyika, Uganda, Zanzibar).

#### **Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949**

Reports requested : 1.

Reports received : 1.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

#### **Convention No. 97 : Migration for Employment (Revised), 1949**

Reports requested : 3.

Reports received : 3.

No observations.

\* \* \*

A request regarding certain points is being addressed directly to the *United Kingdom* (Isle of Man).

#### **Convention No. 98 : Right to Organise and Collective Bargaining, 1949**

Reports requested : 13.

Reports received : 4.

Reports not received : 9.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion; *United Kingdom* : Aden, British Guiana, Gibraltar, Nigeria, Trinidad and Tobago).

No observations.

\* \* \*

Requests regarding certain points are being addressed directly to the following States: *France* (French Guiana, Martinique); *United Kingdom* (Sierra Leone).

#### **Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951**

Reports requested : 8.

Reports received : 8.

#### *France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

Article 2, paragraphs 2 and 3, of the Convention. The Committee notes the statement made in answer to its observations by a Government representative to the Conference Committee in 1958, that in the Overseas Departments minimum wages are fixed by decree without consultation of the Superior Collective Agreements Board, but that consultative committees would be set up in the Departments as soon as a system of wage fixing based on a cost-of-living index could be established.

The Committee would be glad if the Government would indicate (a) what progress has been made towards the setting up of the above-mentioned consultative committees and (b) what functions it is proposed to give to these committees, in view of the fact that they are to be established only when the minimum wage has been linked to the cost-of-living index.

\* \* \*

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**

Reports requested : 4.

Reports received : 0.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

#### *France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

In 1956, 1957 and 1958 the Committee requested the Government to supply detailed information on the manner in which the Convention was applied in these territories, and particularly on any measures taken to promote the objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

\* \* \*

In the absence of reports in respect of the application of the Convention in these four territories, the Committee can only repeat this request and express the hope that the Government will not fail to supply the required information.<sup>1</sup>

<sup>1</sup> The Government is asked to supply full particulars to the Conference at its 43rd Session and to report in detail for the 1958-59 period.

#### **Convention No. 101 : Holidays with Pay (Agriculture), 1952**

Reports requested : 4.

Reports received : 0.

Reports not received : 4.

(*France* : French Guiana, Guadeloupe, Martinique, Réunion.)

#### *France*

*French Guiana, Guadeloupe, Martinique, Réunion.*

See under Chapter VII, Convention No. 101, France.

## Appendix. Reports Received and Reports Not Received by 18 April 1959

Reports expected: 3,968. Reports received: 3,116. Reports not received: 852

The numbers of Conventions in respect of which declarations of application without modification or declarations of application with modifications had been registered by 30 June 1958 are printed in *italic type*.

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Australia . . . . .	64	—	0	—	—
Nauru . . . . .	16	7, 8, 9, 10, 11, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	4
New Guinea . . . . .	16	7, 8, 9, 10, 11, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	1,287
Norfolk Island . . . . .	16	7, 8, 9, 10, 11, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	1
Papua . . . . .	16	7, 8, 9, 10, 11, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	452
Belgium . . . . .	100	—	0	—	—
Belgian Congo . . . . .	50	1 <sup>2</sup> , 2 <sup>2</sup> , 5 <sup>2</sup> , 6 <sup>2</sup> , 7 <sup>2</sup> , 8 <sup>2</sup> , 9 <sup>2</sup> , 10 <sup>2</sup> , 11, 12, 13 <sup>2</sup> , 14, 15 <sup>2</sup> , 16 <sup>2</sup> , 17, 18, 19, 21 <sup>2</sup> , 22 <sup>2</sup> , 23 <sup>2</sup> , 26, 27, 29, 32 <sup>2</sup> , 33 <sup>2</sup> , 42, 43 <sup>2</sup> , 45 <sup>2</sup> , 50, 53 <sup>2</sup> , 55 <sup>2</sup> , 56 <sup>2</sup> , 58 <sup>2</sup> , 62, 64, 68 <sup>2</sup> , 69 <sup>2</sup> , 73 <sup>2</sup> , 74 <sup>2</sup> , 82, 84, 85, 87 <sup>2</sup> , 88 <sup>2</sup> , 89, 94, 97 <sup>2</sup> , 98 <sup>2</sup> , 100 <sup>2</sup> , 101 <sup>2</sup>	0	—	12,811
Ruanda-Urundi <sup>3</sup> . . . . .	50	—ditto—	0	—	4,433
Denmark . . . . .	50	—	0	—	—
Faroe Islands . . . . .	25	2, 5, 6, 7 <sup>2</sup> , 8 <sup>2</sup> , 9 <sup>2</sup> , 11, 12, 14, 15 <sup>2</sup> , 16 <sup>2</sup> , 18, 19, 21, 29, 42, 52, 53 <sup>2</sup> , 58 <sup>2</sup> , 63, 87, 92 <sup>2</sup> , 94, 98, 102	0	—	35
Greenland . . . . .	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	—	27
France <sup>4</sup> . . . . .	628	—	298	—	—
Algeria . . . . .	0	—	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	9,800
Cameroons . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	3,188
Comoro Islands . . . . .	62	—ditto—	0	—	171
French Equatorial Africa . . . . .	62	—ditto—	0	—	4,824

<sup>1</sup> Source: United Nations: *Demographic Year-Book*, 1957.<sup>2</sup> Reports received too late to be summarised in Report III (Part I).<sup>3</sup> Territories having no seaboard.<sup>4</sup> Reports on Convention No. 89 also include Convention No. 4 (applicable).

## REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France ( <i>contd.</i> )					
French Guiana . . . . .	2	26, 99	59	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 73, 74, 77, 78, 81, 82, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 100, 101	29
French Polynesia . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	75
French Somaliland . . . . .	62	—ditto—	0	—	68
French West Africa . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	18,890
Guadeloupe . . . . .	2	26, 99	59	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 73, 74, 77, 78, 81, 82, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 100, 101	245
Madagascar . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	4,905
Martinique . . . . .	2	26, 99	59	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 73, 74, 77, 78, 81, 82, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 100, 101	253
New Caledonia . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	66
Réunion . . . . .	2	26, 99	59	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 68, 69, 73, 74, 77, 78, 81, 82, 84, 87, 88, 89, 92, 94, 95, 96, 97, 98, 100, 101	295
St. Pierre and Miquelon . . . . .	62	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, 68, 69, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	5

<sup>1</sup> Source: United Nations: *Demographic Year-Book, 1957.*

## APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France ( <i>contd.</i> )					
Togoland . . . . .	62	—	0	—	1,088
Italy . . . . .	59	—	0	—	—
Trust Territory of Somaliland . . . . .	59	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, 68, 69, 73, 77, 78, 79, 81, 84, 85, 88, 89, 90, 94, 95, 96, 97, 100, 101, 102	0	—	1,300
Netherlands . . . . .	111	—	0	—	—
Netherlands Antilles . . . . .	37	2, 5, 8, 9, 10 <sup>2</sup> , 11, 12, 13, 15, 16, 17 <sup>2</sup> , 19, 21, 22, 23, 26, 27, 29 <sup>2</sup> , 33 <sup>2</sup> , 42, 45, 48, 58 <sup>2</sup> , 62, 63, 69, 74, 81 <sup>2</sup> , 87, 88, 89 <sup>2</sup> , 90 <sup>2</sup> , 94, 95 <sup>2</sup> , 96, 97, 99	0	—	185
New Guinea . . . . .	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	—	700
Surinam . . . . .	37	2, 5, 8, 9, 10, 11, 12, 13 <sup>2</sup> , 15, 16, 17, 19, 21, 22, 23, 26, 27 <sup>2</sup> , 29 <sup>2</sup> , 33, 42, 45, 48, 58, 62, 63, 69, 74, 81 <sup>2</sup> , 87 <sup>2</sup> , 88 <sup>2</sup> , 89, 90, 94, 95 <sup>2</sup> , 96, 97, 99	0	—	221
New Zealand . . . . .	105	—	0	—	—
Cook Islands and Niue <sup>3</sup> . . . . .	35	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 60, 63, 64, 65, 82, 84, 88, 89, 97, 99, 101	0	—	22
Tokelau Island <sup>3</sup> . . . . .	35	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 60, 63, 64, 65, 82, 84, 88, 89, 97, 99, 101	0	—	2
Western Samoa <sup>3</sup> . . . . .	35	1, 2, 9, 10, 11, 12, 14, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 60, 63, 64, 65, 82, 84, 88, 89, 97, 99, 101	0	—	98
Portugal . . . . .	112	—	8	—	—
Angola . . . . .	14	1, 4, 6, 14, 17, 18, 19, 27, 29, 45, 69, 73, 74, 92	1	68	4,317
Cape Verde . . . . .	14	— ditto —	1	— ditto —	178
Macao . . . . .	14	— ditto —	1	— ditto —	203
Mozambique . . . . .	14	— ditto —	1	— ditto —	6,105
Portuguese Guinea . . . . .	14	— ditto —	1	— ditto —	547
Portuguese Indies . . . . .	14	— ditto —	1	— ditto —	645
St. Tóme and Príncipe . . . . .	14	— ditto —	1	— ditto —	58
Timor . . . . .	14	— ditto —	1	— ditto —	478
Spain . . . . .	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	209
Spanish West Africa . . . . .	0	—	32	— ditto —	84

<sup>1</sup> Source : United Nations : *Demographic Year-Book*, 1957.<sup>2</sup> Reports received too late to be summarised in Report III (Part I).<sup>3</sup> In addition, two voluntary reports have been received (Conventions Nos. 61 and 104).

## REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Union of South Africa . .	7	—	0	—	—
South West Africa . . .	7	2, 19, 26, 42, 45, 63, 89	0	—	496
United Kingdom . . . . .	1848	—	482	—	—
Aden . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86, 88 <sup>2</sup> , 95 <sup>2</sup>	11	68, 69, 74, 87, 92, 94, 97, 98, 99, 101, 102	803
Antigua . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 94, 95	11	68, 69, 74, 87, 88, 92, 97, 98, 99, 101, 102	53
Bahamas . . . . .	37 <sup>2</sup>	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88	12	68, 69, 74, 87, 92, 94, 95, 97, 98, 99, 101, 102	108
Barbados <sup>3</sup> . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 94, 95 <sup>2</sup>	11	68, 69, 74, 87, 88, 92, 97, 98, 99, 101, 102	228
Basutoland <sup>4</sup> . . . . .	44	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 81, 82, 84, 85, 86, 88, 92, 94, 95, 98	5	87, 97 99, 101, 102	642
Bechuanaland <sup>4</sup> . . . . .	44	— ditto —	5	— ditto —	327
Bermuda . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	42
British Guiana . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 86, 88, 94, 95 <sup>2</sup>	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	499
British Honduras . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94 <sup>2</sup> , 95 <sup>2</sup>	11	68, 69, 74, 85, 87, 92, 97, 98, 99, 101, 102	82
British Somaliland . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86, 88 <sup>2</sup> , 95 <sup>2</sup>	11	68, 69, 74, 87, 92, 94, 97, 98, 99, 101, 102	640
British Virgin Islands . .	39 <sup>2</sup>	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	8
Brunei . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	66

<sup>1</sup> Source: United Nations: *Demographic Year-Book*, 1957.<sup>2</sup> Reports received too late to be summarised in Report III (Part I).<sup>3</sup> Federation of the West Indies.<sup>4</sup> Territories having no seaboard.

## APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom ( <i>contd.</i> )					
Cyprus . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 86, 88, 94	11	68, 69, 74, 87, 92, 95, 97, 98, 99, 101, 102	526
Dominica <sup>3</sup> . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86, 94 <sup>2</sup>	12	68, 69, 74, 87, 88, 92, 95, 97, 98, 99, 101, 102	62
Falkland Islands . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86, 88 <sup>2</sup> , 94 <sup>2</sup> , 95 <sup>2</sup>	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	2
Fiji . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 94, 95	10	— ditto —	352
Gambia . . . . .	39	— ditto —	10	— ditto —	285
Gibraltar . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	25
Gilbert and Ellice Islands	38 <sup>2</sup>	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 95	11	68, 69, 74, 87, 92, 94, 97, 98, 99, 101, 102	41
Grenada <sup>3</sup> . . . . .	34	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 86	14	68, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102	90
Guernsey . . . . .	42	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 69, 74, 81, 82, 84, 86, 87, 88, 94, 97, 98	6	68, 92, 95, 99, 101, 102	43
Hong Kong . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	2,440
Jamaica <sup>3</sup> . . . . .	24 <sup>2</sup>	2, 7, 8, 11, 15, 16, 19, 22, 24, 25, 29, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 64, 65, 86	24	5, 12, 17, 26, 32, 35, 43, 63, 68, 69, 74, 81, 82, 84, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102	1,564
Jersey . . . . .	44	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 69, 74, 81, 82, 84, 86, 87, 88, 94, 95, 97, 98, 99	4	68, 92, 101, 102	57
Kenya . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	6,150
Malta . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	314

<sup>1</sup> Source : United Nations : *Demographic Year-Book*, 1957.<sup>2</sup> Reports received too late to be summarised in Report III (Part I).<sup>3</sup> Federation of the West Indies.

## REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom ( <i>contd.</i> )					
Isle of Man . . . . .	44	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 69, 74, 81, 82, 84, 86, 87, 88, 94, 95, 97, 98, 99	4	68, 92, 101, 102	55
Mauritius . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	569
Montserrat <sup>a</sup> . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 94	12	68, 69, 74, 87, 88, 92, 95, 97, 98, 99, 101, 102	14
Federation of Nigeria . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>a</sup> , 82, 84, 86, 88 <sup>a</sup> 94 <sup>a</sup> , 95 <sup>a</sup>	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	31,834
North Borneo . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	383
Northern Rhodesia <sup>a, b</sup> .	42	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 82, 84, 85, 86, 88, 92, 99, 101	7	81, 87, 94, 95, 97, 98, 102	2,180
Nyasaland <sup>a, b</sup> . . . . .	42	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 82, 84, 85, 86, 88, 92, 99, 101	7	81, 87, 94, 95, 97, 98, 102	2,600
Saint-Christopher-Nevis-Anguilla <sup>a</sup> . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 94, 95	11	68, 69, 74, 87, 88, 92, 97, 98, 99, 101, 102	55
St. Helena . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	5
St. Lucia <sup>a</sup> . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 94 <sup>a</sup>	12	68, 69, 74, 87, 88, 92, 95, 97, 98, 99, 101, 102	89
St. Vincent <sup>a</sup> . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>a</sup> , 82, 84, 86, 94 <sup>a</sup> , 95 <sup>a</sup>	11	68, 69, 74, 87, 88, 92, 97, 98, 99, 101, 102	78
Sarawak . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	626
Seychelles . . . . .	39 <sup>a</sup>	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85, 86, 88, 94, 95	10	— ditto —	40

<sup>1</sup> Source: United Nations: *Demographic Year-Book*, 1957.<sup>a</sup> Federation of the West Indies.<sup>b</sup> Reports received too late to be summarised in Report III (Part I).<sup>c</sup> Territories having no seaboard.<sup>d</sup> Federation of Rhodesia and Nyasaland.



## APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom ( <i>contd.</i> )					
Sierra Leone . . . . .	40	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 87, 88, 94, 95, 98	9	68, 69, 74, 85, 92, 97, 99, 101, 102	2,100
Singapore . . . . .	37	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 86, 88, 94	11	68, 69, 74, 87, 92, 95, 97, 98, 99, 101, 102	1,264
Solomon Islands . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86, 88 <sup>2</sup> , 94 <sup>2</sup> , 95 <sup>2</sup>	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	103
Southern Rhodesia <sup>3, 4</sup> . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50 <sup>2</sup> , 56, 63, 64, 65, 68, 69, 74, 82 <sup>2</sup> , 84, 85, 86, 92	10	81, 87, 88, 94, 95, 97, 98, 99, 101, 102	2,480
Swaziland <sup>3</sup> . . . . .	44	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 81, 82, 84, 85, 86, 88, 92, 94, 95, 98	5	87, 97, 99, 101, 102	237
Tanganyika . . . . .	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 86, 88, 94 <sup>2</sup> , 95 <sup>2</sup>	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	8,456
Trinidad and Tobago <sup>5</sup> . . . . .	36	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81 <sup>2</sup> , 82, 84, 85, 86	13	68, 69, 74, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102	743
Uganda <sup>3</sup> . . . . .	37	2 <sup>2</sup> , 5 <sup>2</sup> , 7 <sup>2</sup> , 8 <sup>2</sup> , 11 <sup>2</sup> , 12 <sup>2</sup> , 15 <sup>2</sup> , 16 <sup>2</sup> , 17 <sup>2</sup> , 19 <sup>2</sup> , 22 <sup>2</sup> , 24 <sup>2</sup> , 25 <sup>2</sup> , 26 <sup>2</sup> , 32 <sup>2</sup> , 35 <sup>2</sup> , 36 <sup>2</sup> , 37 <sup>2</sup> , 38 <sup>2</sup> , 39 <sup>2</sup> , 40 <sup>2</sup> , 42 <sup>2</sup> , 43 <sup>2</sup> , 44 <sup>2</sup> , 45 <sup>2</sup> , 50 <sup>2</sup> , 56 <sup>2</sup> , 63 <sup>2</sup> , 64 <sup>2</sup> , 65 <sup>2</sup> , 81 <sup>2</sup> , 82 <sup>2</sup> , 84 <sup>2</sup> , 86 <sup>2</sup> , 88 <sup>2</sup> , 94 <sup>2</sup> , 95 <sup>2</sup>	11	29, 68, 69, 74, 87, 92, 97, 98, 99, 101, 102	5,593
Zanzibar . . . . .	39	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 81, 82, 84, 85 <sup>2</sup> , 86, 88, 94, 95	10	68, 69, 74, 87, 92, 97, 98, 99, 101, 102	280
United States . . . . .	32	—	0	—	—
Alaska . . . . .	4	53, 55, 58, 74	0	—	206
American Samoa . . . . .	4	— ditto —	0	—	20
Guam . . . . .	4	— ditto —	0	—	37
Hawaii . . . . .	4	— ditto —	0	—	584
Trust Territory of Pacific Islands . . . . .	4	53, 55, 58, 74	0	—	65
Panama Canal Zone . . . . .	4	— ditto —	0	—	55
Puerto Rico . . . . .	4	53, 55, 58, 74	0	—	2,267
Virgin Islands . . . . .	4	— ditto —	0	—	24

<sup>1</sup> Source: United Nations: *Demographic Year-Book*, 1957.<sup>2</sup> Reports received too late to be summarised in Report III (Part I).<sup>3</sup> Territories having no seaboard.<sup>4</sup> Federation of Rhodesia and Nyasaland.<sup>5</sup> Federation of the West Indies.

# 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)

## *Albania*

The Committee notes that the Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the Praesidium of the Popular Assembly. It also notes with interest that, according to a statement by a Government representative at the Conference Committee in 1958, the Praesidium makes reports to the Popular Assembly on its activities between sessions of this Assembly, particularly with respect to activities of an international nature, and that the Popular Assembly is thus ultimately informed. With reference to the observation made by it in 1958, the Committee would be grateful if the Government would indicate whether at the time of this report of the Praesidium the texts of the instruments adopted by the Conference are presented to the Popular Assembly.

## *Argentina*

The Committee notes that, according to the statement made by a Government representative to the Conference Committee in 1958, a legislature has been re-established and that the Conventions and Recommendations will shortly be submitted to it.

In the absence of any new information the Committee hopes that the Government will soon be able to indicate the measures taken to submit the Conventions and Recommendations adopted by the Conference at its 39th and 40th Sessions to the National Congress, and will be able to supply all the information on this subject requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

## *Bolivia*

The Committee once again expresses its disappointment that no information has yet been communicated concerning measures taken to submit to the competent authority all the Conventions and Recommendations adopted by the Conference since its 31st Session (with the exception of Convention No. 96, which has been ratified).

The Committee observes with much regret that, despite its repeated appeals, the Government continues not to give effect to the requirements of article 19 of the Constitution and has not taken account of the obligations imposed by it on all States Members of the I.L.O.

Once more the Committee insists that the Government indicate the measures which it proposes to take to remedy this situation.

## *Brazil*

The Committee notes with interest the information communicated by the Government to the Conference Committee in 1958 concerning the submission to the National Congress, with a view to their ratification, of Conventions Nos. 90, 91, 93, 94, 97, 103, 104, 105, 106 and 107. With reference to the observation made in 1958 it would be grateful if the Government would indicate whether it has also been possible to submit Convention No. 102 to the National Congress. The Committee wishes to stress in this regard that Conventions must be submitted to the competent authorities *in all cases* and not only when ratification is proposed.

In addition, the Committee would be grateful if the Government would indicate if it has been able to

take the necessary steps to submit to the National Congress Recommendations Nos. 83 to 104 also.

## *Bulgaria*

The Committee notes that the instruments adopted by the Conference at its 40th Session have been submitted to the Praesidium of the National Assembly. With reference to the observation made in 1958 the Committee expresses the hope that the Government will be able to indicate the powers of the Praesidium of the National Assembly to legislate on the matters dealt with by Conventions and Recommendations, and to indicate whether these instruments are also presented ultimately to the National Assembly, which constitutes the most representative legislative body.

## *Burma*

With reference to the observation made in 1958 concerning the Conventions and Recommendations adopted by the Conference at its 37th, 38th and 39th Sessions the Committee notes that no information has been supplied with respect to the measures taken to submit these instruments to the competent authorities, despite the statement made by a Government representative at the Conference Committee in 1958 that the Government hoped to submit all these instruments to the Parliament in the form of a White Paper.

The Committee trusts that the Government will soon be able to communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session with respect to the submission to the competent authorities of the instruments adopted by the Conference at its 37th, 38th and 39th Sessions, as well as its 40th Session.

## *Byelorussia*

The Committee notes that Conventions Nos. 105, 106 and 107, as well as Recommendations Nos. 103 and 104, have been submitted to the Praesidium of the Supreme Soviet, which the Government considers as the competent authority within the meaning of article 19 of the Constitution of the I.L.O.

With respect to the observation which it made in 1958 the Committee would be grateful if the Government would indicate whether the instruments adopted by the Conference have ultimately been presented to the Supreme Soviet which, by the terms of the Constitution of Byelorussia, constitutes the most representative legislative body.

With respect to Recommendations Nos. 101 and 102, which have been submitted to the Council of Ministers only, the Committee emphasises that the instruments adopted by the Conference must be submitted to the competent legislative authorities *in all cases* and not only when it is considered necessary or appropriate to take measures to give them effect; it would be glad if the Government would indicate the steps that it intends to take on this point to fulfil the obligations established by article 19 of the Constitution of the I.L.O.

## *Chile*

The Committee notes with satisfaction that all the Conventions and Recommendations to which it referred in the observation formulated in 1958, as well as those adopted by the Conference at its 40th Session, have been submitted to the National Congress.

## *China*

The Committee notes the statement made by a Government representative to the Conference Committee in 1958 that all the Conventions and Recommendations would be submitted to the competent

authorities during the next year. The Committee notes that, despite this assurance, no information has since been communicated by the Government on the steps taken to discharge the obligations laid down by article 19 of the Constitution of the I.L.O.

While taking into account the technical difficulties that the Government has encountered, the Committee cannot but express its regret that no progress has been accomplished since 1949 in this respect. It trusts that the Government will soon be able to take the necessary measures to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 40th Session as well as all the instruments mentioned in the last column of the table constituting Appendix I to this chapter, and that it will in this connection communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Colombia*

The Committee notes with interest that the Government has decided to submit to the Congress a large number of Conventions with a view to their ratification. It expresses the hope that the Government will supply detailed information on measures taken in this respect. Nevertheless, the Committee wishes to stress that Conventions must be submitted to the competent authorities *in all cases*, and not only when their ratification is proposed, and that the same obligation also extends to Recommendations. The Committee therefore trusts that the Government will indicate the measures which have been taken to submit to the competent authority the Conventions and Recommendations adopted by the Conference at its 40th Session, as well as all the other instruments mentioned in the last column of the table constituting Appendix I to this chapter and that it will in this respect communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Czechoslovakia*

The Committee notes that, in the opinion of the Government, the competent authority is the National Assembly and, in certain cases, the Government itself. It would be grateful if the Government would indicate, for each Convention and Recommendation, whether it has power to legislate on the matters dealt with by the instrument. The Committee wishes to stress that, under article 19 of the Constitution of the I.L.O., the competent authority is the authority empowered to legislate in respect of the matters dealt with in Conventions and Recommendations and that this authority is not necessarily the same as that empowered to ratify international instruments. The obligation to submit Conventions and Recommendations to the national competent authorities being a requirement distinct from the question of ratification, the Committee also wishes to emphasise that the instruments adopted by the Conference must be submitted to the legislative authorities *in all cases* and not only when the Government proposes the adoption of measures destined to permit the ratification of a Convention or to give effect to a Recommendation.

In addition, the Committee would be grateful to the Government if it would furnish information on the steps taken to submit to the competent authorities Conventions Nos. 105, 106, and 107 and Recommendations Nos. 103 and 104, adopted by the Conference at its 40th Session, as well as Recommendations Nos. 101 and 102, adopted at the 39th Session,

and all the other instruments listed in the last column of the table constituting Appendix I to this chapter.

#### *Ecuador*

With reference to the observations made in 1957 and 1958 the Committee notes the statement made by a Government representative to the Conference Committee in 1958 that the Government is examining the Conventions and Recommendations before submitting them to the competent authorities in order to determine the possibilities of ratification or the legislative measures to be taken. The Committee trusts that the Government has been able to complete this examination and that it will supply detailed information on the action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 40th Session, as well as all the instruments appearing in the last column of the table constituting Appendix I to this chapter. In this respect the Committee would be glad if the Government would communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Ethiopia*

This year again, the Government has not furnished any information with respect to the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session.

The Committee observes with much regret that, despite its repeated appeals, the Government continues not to give effect to the provisions of article 19 of the Constitution of the I.L.O. and has not taken account of the obligations imposed by them on all States Members of the Organisation.

The Committee trusts that the Government will indicate the reasons why it has not been able to supply the requested information and the measures which it intends to take to remedy this situation.

#### *Greece*

The Committee notes from the statement made by a Government representative to the Conference Committee in 1958 that no submission has been effected since there exists no appropriate legal procedure. The Committee can only deplore once again the fact that no progress has been made in satisfying the obligations imposed by article 19 of the Constitution of the I.L.O. It addresses a pressing appeal to the Government to take the necessary measures which would enable it to submit to the competent authorities the Conventions and Recommendations adopted by the Conference at its 40th Session, as well as all the instruments which appear in the last column of the table constituting Appendix I to this chapter, and hopes that it will soon be able to transmit in this connection all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Guatemala*

The Committee notes that Recommendations Nos. 101 and 102 have been submitted to the Congress. It regrets however that, despite the statements made by a Government representative to the Conference Committee in 1958, no information has been supplied relating to the submission of all the other instruments referred to in the observation made in 1958, nor has any information been communicated concerning the submission of the Conventions and Recommendations adopted by the Conference at its 40th Session. The

Committee therefore expresses the hope that the Government will be able to indicate whether it has taken the necessary steps to submit to the competent authorities all the instruments which are mentioned in the last column of the table constituting Appendix I to this chapter.

#### *Haiti*

The Committee notes with interest that Conventions Nos. 105, 106 and 107 have been ratified and that Recommendations Nos. 103 and 104 have been submitted to the competent authorities.

However, the Committee must, once again, express its regret that, despite the statement by a Government representative to the Conference Committee in 1958, no information has yet been communicated with respect to the submission of the various other instruments adopted by the Conference since its 31st Session. It considers it appropriate to recall in this regard that, by the terms of article 19 of the Constitution of the I.L.O., Conventions and Recommendations must be submitted to the competent legislative authorities *in all cases*, and not only when it is proposed to ratify these Conventions or to adopt these Recommendations. The Committee trusts that the Government will, without delay, supply precise information on the measures which it intends to take to submit to the National Assembly all the instruments appearing in the last column of the table constituting Appendix I to this chapter.

#### *Honduras*

The Committee notes that the Conventions and Recommendations adopted by the Conference at its 40th Session have been submitted to the National Congress, which, according to the Constitution of the Republic, is the authority competent to legislate. It thanks the Government for the detailed information it has communicated with respect to the proposals accompanying the submission of these instruments; this has been noted with interest.

#### *Hungary*

The Committee notes with interest the Government's statement to the Conference Committee in 1958 that the legislative decrees issued by the Presidential Council to promulgate international instruments are submitted to the first sitting of the National Assembly following the promulgation. The Committee would be grateful if the Government would indicate whether the Conventions and Recommendations in respect of which legislative decrees have not been issued are also submitted to the National Assembly.

#### *Indonesia*

The Committee notes with interest that, according to the information supplied by the Government, the instruments adopted by the Conference at its 40th Session have been submitted to the competent authorities, and that the Minister of Labour has proposed that Convention No. 105 be ratified. It would, however, be grateful if the Government would specify the authority to which these instruments have been submitted.

The Committee has also taken note of the statements by a Government representative to the Conference Committee in 1958 emphasising the difficulties encountered by the Government in endeavouring to fulfil its obligations in this regard. Nevertheless, it regrets that no information has since been communicated concerning the submission of the various instruments referred to in the observation made in 1958. It hopes that

the Government will be able to surmount these difficulties and to discharge the obligations arising out of article 19 of the Constitution of the I.L.O.

The Committee wishes to emphasise that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when it is proposed to ratify these Conventions or to give effect to these Recommendations. It would be grateful if the Government would communicate information concerning the measures taken to discharge this obligation with respect to all the instruments listed in the last column of the table constituting Appendix I to this chapter.

#### *Iraq*

The Committee notes the statement made by a Government representative to the Conference that, following the promulgation of the Labour Act in 1958, the Government proposed to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee is pleased to note that the promulgation of this Act has removed the obstacles which prevented the Government from discharging the obligations arising out of article 19 of the Constitution of the I.L.O. It notes with regret, however, that no new information has been supplied by the Government with respect to the measures taken in this respect. The Committee trusts that the Government will shortly indicate whether all the instruments adopted by the Conference since its 31st Session (with the exception of Convention No. 88, which has been ratified) have been submitted to the competent authorities and that it will communicate in this regard all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Japan*

The Committee notes with satisfaction that, when submitting the Conventions and Recommendations adopted by the Conference at its 40th Session to the Diet, the Government inaugurated a new procedure by which it presents concrete proposals with respect to the action to be taken on the various instruments, thus taking into account the suggestions made by the Committee. It thanks the Government for the detailed information it has supplied on this subject, which has been noted with interest.

#### *Jordan*

The Committee notes with interest that Convention No. 105 has been ratified. It would be grateful if the Government would indicate the measures which have been taken to submit to the competent authorities Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104, adopted by the Conference at its 40th Session, and Recommendations Nos. 101 and 102, adopted at the 39th Session.

It also requests the Government, as it did in 1958, to indicate the authority or authorities which the Government considers to be competent within the meaning of article 19 of the Constitution of the I.L.O. and generally to supply all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Lebanon*

The Committee regrets that, despite the assurances given by a Government representative to the Conference Committee in 1958, the Government has not communicated any of the information which the Committee had requested.

The Committee finds it necessary once again to address a pressing appeal to the Government to state precisely what measures it has taken to submit to the Parliament the Conventions and Recommendations adopted by the Conference from its 31st to 40th Sessions and to communicate in this connection all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Liberia*

The Committee has taken note with interest of the first information communicated by the Government, pursuant to article 19 of the Constitution, since the 31st Session of the Conference. As this information concerns only the submission of the Conventions and Recommendations adopted at the 42nd Session, the Committee wishes to point out that information is still due with respect to the submission of all the instruments adopted by the Conference from its 31st to 40th Sessions. It expresses the hope that the Government will now be able to take the necessary steps and, in this regard, will furnish the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Libya*

In 1958 a Government representative at the Conference Committee stated that, following the adoption of the new Labour Code, the Government would submit to the Parliament in the course of its next session the instruments adopted by the Conference since the date on which Libya became a Member of the I.L.O.

The Committee is pleased to note that the adoption of the new Labour Code has removed the obstacles which prevented the Government from discharging the obligations imposed by article 19 of the Constitution. However, in the absence of any new information concerning the measures forecast by the statement referred to above, the Committee hopes that the Government will shortly indicate whether the instruments adopted by the Conference since its 35th Session have now been submitted to the competent authorities and that the Government will in this connection communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Mexico*

The Committee notes that Recommendation No. 103 has been communicated to the Chief of the Department of the Federal District and to the Governors of the constituent units and territories, and that Recommendation No. 104 has been communicated to the Governors of the States, to the Director of Indigenous Affairs of the Secretariat for Public Instruction and to the Director of the National Institute on Indigenous Questions. Without questioning the value of sending the Recommendations referred to above to these various authorities, the Committee draws the Government's attention to the fact that, as indicated by the Conference Committee (38th Session), the obligation contained in article 19 of the Constitution of the I.L.O. "is designed to inform public opinion and to bring before the legislatures of the States Members the decisions taken by the International Labour Conference in the form of Conventions and Recommendations", and (40th Session) 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".

Finally, referring to the observation made in 1958, the Committee regrets that, despite the assurances given by a representative of the Government to the Conference Committee, no information has been communicated concerning the submission of the Conventions and Recommendations in respect of which the Government has not yet discharged the obligations imposed by article 19. The Committee once again expresses the hope that the Government will supply complete information with respect to the submission of all the instruments listed in the last column of the table constituting Appendix I to this chapter.

#### *Nicaragua*

The Committee notes with interest that, according to the Government, the competent authority to which the Conventions and Recommendations should be submitted is the "legislature". It also notes that the Government intends to submit the Conventions adopted by the Conference at its 40th Session, with a view to their eventual ratification, once the new labour legislation now being prepared has been adopted. In this respect the Committee wishes to emphasise that Conventions and Recommendations must be submitted to the competent authorities *in all cases*, and not only when it is proposed to ratify the Conventions or give effect to the Recommendations. It expresses the hope that the Government will soon take the necessary steps to submit to the "legislature" the instruments referred to above and that it will supply in this connection all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Panama*

The Committee notes with interest that Conventions Nos. 87 and 100 have been ratified. On the other hand, it regrets that the Government has not communicated any information with regard to the other instruments referred to in the observation made in 1958. It wishes to stress in this connection 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. It notes that a Government representative to the Conference Committee in 1958 formally pledged himself to ensure that all the other instruments adopted by the Conference since its 31st Session would be submitted to the National Assembly at its next session, and it therefore hopes that the Government will finally be able to take the necessary measures to discharge the obligations arising out of article 19 of the Constitution and will in this connection communicate all the information requested by the *Memorandum* adopted by the Governing Body at its 140th Session.

#### *Peru*

The Committee notes with interest that Conventions Nos. 99, 100, 101, 102, 105 and 107 have been submitted to the Congress with a view to their ratification. In the absence of any information on the submission of the other Conventions and of the Recommendations adopted by the Conference since its 31st Session, the Committee once again requests the Government to furnish detailed information on the measures taken to submit these various instruments also to the National Congress. It wishes to stress once again in this regard that the Government should submit Conventions and

Recommendations to the competent legislative authority *in all cases*, and not only when it is proposed to ratify Conventions or to give effect to Recommendations.

#### *Poland*

The Committee took note, in 1958, of the provisions of the Polish Constitution which vest legislative competence in all fields in the Sejm (Parliament), as well as in certain cases in the Council of State, an organ of the Sejm elected by it.

The Committee regrets that the Government has not indicated whether it has considered the observations made by the Committee in this connection in the following terms: "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 trusts that the Government will indicate whether all the Conventions and Recommendations submitted to the Council of State are also presented ultimately to the Sejm, which constitutes the most representative legislative body.

#### *Portugal*

The Committee notes the statement made by a Government representative to the Conference Committee in 1958; from this it would seem, as also appears from the statement made in 1955 and the information supplied by the Government in 1956 and 1957, that the competent authority for the purposes of article 19 of the Constitution of the I.L.O. is the National Assembly. The Committee also observes that the National Assembly is the most representative legislative body, and that therefore the submission of Conventions and Recommendations to it would be in accordance with article 19, whatever the exact line of division between the jurisdiction of the National Assembly and that of the Government may be. The Committee would consequently be glad if the Government would submit Recommendations Nos. 101 and 102 (which were adopted at the 39th Session) to the National Assembly, and would indicate whether the authority to which the Conventions and Recommendations adopted at the 40th Session have been submitted is likewise the National Assembly.

#### *Rumania*

The Committee notes that Conventions Nos. 105, 106 and 107, and Recommendations Nos. 103 and 104, have been submitted to the Praesidium of the Grand National Assembly. With reference to the observation made in 1958, the Committee would be grateful if the Government would indicate the competence of the Praesidium to legislate on matters dealt with in the Conventions and Recommendations adopted by the Conference. It notes that, by virtue of article 23 of the Rumanian Constitution of 24 September 1952, legislative powers are in general vested in the Grand National Assembly itself, and the Com-

mittee would be glad to know in what manner the instruments in question are ultimately brought before this Assembly.

Furthermore, the Committee would be glad if the Government would indicate whether Recommendations Nos. 101 and 102 have also been submitted to the Praesidium of the Grand National Assembly, and to the Assembly itself.

In addition, the Committee notes with interest that the submission of the Conventions and Recommendations adopted at the 40th Session was accompanied by specific proposals. It would be grateful if the Government would indicate the nature of these proposals made by it when submitting the instruments adopted by the Conference to the competent authorities.

#### *El Salvador*

The Committee notes with interest that Conventions Nos. 104, 105 and 107 have been ratified. It regrets, however, that no information has been communicated concerning the submission of all the other instruments adopted by the Conference since its 31st Session. The Committee trusts that the Government will be able to surmount the difficulties which it mentioned to the Conference in 1958 and that it will soon be able to supply all the information requested by the *Memo-randum* adopted by the Governing Body at its 140th Session concerning the submission of all the instruments which appear in the last column of the table constituting Appendix I to this chapter.

#### *Spain*

The Committee notes that the Conventions and Recommendations adopted by the Conference at its 40th, 41st and 42nd Sessions have been submitted to various ministries and directorates. It wishes to emphasise that, under article 19 of the Constitution of the I.L.O., Conventions and Recommendations are to be submitted to the authorities which are competent to legislate on the matters dealt with in these instruments. The Committee would therefore be glad if the Government would indicate whether the above-mentioned Conventions and Recommendations have been submitted to the competent authorities.

The Committee has also noted the Government's statement to the Conference Committee in 1958 that Recommendations Nos. 101 and 102 deal with matters to be regulated by decrees or ministerial orders. Referring to its observation of 1958, the Committee wishes to emphasise that Conventions and Recommendations should also be submitted in all cases to the most representative legislative body. The Committee would therefore be glad if the Government would take appropriate measures to submit Recommendations Nos. 101 and 102 to the Cortes.

#### *Thailand*

The Committee notes with interest the Government's statement that the Conventions and Recommendations adopted at the 40th Session of the Conference, which could not be considered by the National Assembly in view of its dissolution, will be submitted to the newly elected National Assembly.

The Committee also notes that the translation of the instruments adopted at the 37th, 38th, and 39th Sessions will shortly be completed. It trusts that it will be possible to submit all the instruments adopted at the 37th, 38th, 39th and 40th Sessions to the newly elected National Assembly as soon as possible.

*Ukraine*

The Committee notes that Conventions Nos. 105, 106 and 107, and Recommendations Nos. 103 and 104, have been submitted to the Praesidium of the the Supreme Soviet. It also notes that, according to a statement made by a Government representative to the Conference Committee in 1958, the Praesidium of Supreme Soviet is competent to take the necessary measures to give effect to Conventions and Recommendations. However, with reference to the observation made in 1958, the Committee would be grateful if the Government would indicate whether the instruments adopted by the Conference are presented ultimately to the Supreme Soviet itself, which, under the Constitution of the Ukraine, constitutes the most representative legislative body.

With respect to Recommendations Nos. 101 and 102, which have been submitted to the Council of Ministers only, the Committee observes that Recommendations as well as Conventions must be submitted to the competent legislative authorities *in all cases* and not only when it is considered necessary or suitable to take measures to give effect to these instruments. It would be glad if the Government would indicate the steps which it proposes to take to fulfil in this respect the obligations laid down by article 19 of the Constitution of the I.L.O.

*U.S.S.R.*

The Committee notes that Conventions Nos. 105, 106 and 107 and Recommendations Nos. 103 and 104 have been submitted to the Praesidium of the Supreme Soviet. It also notes that, according to a statement made by a Government representative to the Conference Committee in 1958, the Praesidium of the Supreme Soviet is competent to take the necessary measures to give effect to Conventions and Recommendations. However, with reference to the observation made in 1958, the Committee would be grateful if the Government would indicate whether the instruments adopted by the Conference are presented ultimately to the Supreme Soviet itself, which, under the Constitution of the U.S.S.R., constitutes the most representative legislative body.

With respect to Recommendations Nos. 101 and 102, which have only been submitted to the Council of Ministers, the Committee observes that Recommendations as well as Conventions must be submitted to the competent legislative authorities *in all cases* and not only when it is considered necessary or suitable to take measures to give effect to these instruments. It would be glad if the Government would indicate the steps which it proposes to take to fulfil in this respect the obligations laid down by article 19 of the Constitution of the I.L.O.

*United Arab Republic*

The Committee notes with interest that Conventions Nos. 105, 106 and 107 adopted by the Conference at its 40th Session have been submitted to the President of the Republic and have been ratified. The Committee also notes that Recommendations Nos. 103 and 104 had been submitted to the competent authorities of Egypt, but not to those of Syria, prior to the creation of the United Arab Republic, and would therefore be glad if the Government would indicate whether these Recommendations have since then been submitted to the competent authorities of the United Arab Republic.

Moreover, the Committee expresses the hope that the Government will now be able to take the necessary measures to submit to the competent authorities all

the instruments which had not been submitted to the competent authorities of Egypt or of Syria prior to the creation of the United Arab Republic, and which are mentioned in the last column of the table constituting Appendix I to this chapter.

Furthermore, the Committee notes with interest the statement by a Government representative at the Conference Committee in 1958 that the Parliament of the United Arab Republic will, when established, constitute the competent authority.

*Uruguay*

Renewing the request made in 1958, the Committee would be glad if the Government would indicate whether Convention No. 104 and Recommendations Nos. 98, 101 and 102 have now been submitted to the competent authorities.

Moreover, the Committee would be grateful if the Government would supply information on the measures it has taken to submit to the competent authorities Conventions Nos. 106 and 107 and Recommendations Nos. 103 and 104, adopted by the Conference at its 40th Session as, under article 19 of the Constitution of the I.L.O., Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention is proposed.

*Yugoslavia*

The Committee notes the information communicated by the Government to the Conference Committee in 1958 concerning the division of competence between the National Federal Assembly and the Executive Federal Council. It wishes to emphasise once again that the procedure for submission of Conventions and Recommendations, laid down by article 19, must be distinguished from the ratification procedure; the "competent authority" is the authority empowered to legislate on the matters in question and this authority is not necessarily the same as that empowered to decide upon ratification. Thus, Conventions and Recommendations dealing with matters falling within the competence of the legislature should be submitted to the Federal Assembly even where, because the adoption of new laws does not appear necessary, the Federal Executive Council is competent to ratify.

Moreover, the Committee recalls that Conventions and Recommendations must be submitted to the competent legislative authorities *in all cases*, and not only when it is proposed to ratify Conventions or to give effect to Recommendations.

The Committee would be grateful if the Government would indicate the measures which it proposes to take to fulfil the obligations laid down by article 19 of the Constitution of the I.L.O. by submitting all the Conventions and Recommendations adopted by the Conference to the "competent authorities".

\* \* \*

In addition, requests regarding certain other points are being addressed directly to the following States: Afghanistan, Albania, Australia, Austria, Bulgaria, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Guatemala, Hungary, Indonesia, Iran, Ireland, Israel, Italy, Luxembourg, Morocco, Netherlands, Pakistan, Paraguay, Philippines, Poland, Portugal, Rumania, Spain, Sudan, Turkey, Ukraine, Union of South Africa, U.S.S.R., United States, Venezuela, Viet-Nam, Yugoslavia.



**Appendix I. Position of the Individual Members with Regard  
to the Obligation to Submit Conference Decisions to the Competent Authorities**

*(31st to 40th Sessions of the International Labour Conference, 1948-57)*

*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, 36th, 38th and 39th	37th and 40th
Albania . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Argentina . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	39th and 40th
Australia . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th
Austria . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 105, 107; R 104)	40th (C 106; R 103)
Belgium . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
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, 39th and 40th
Brazil . . . . .	31st (C 87, 88, 89; R 83), 32nd (C 92, 95, 96, 98; R 85), 33rd, 34th, 35th (C 101; R 93) and 40th (C 105, 106, 107)	31st (C 90), 32nd (C 91, 93, 94, 97; R 84, 86, 87), 35th (C 102, 103; R 94, 95), 36th, 37th, 38th, 39th and 40th (R 103, 104)
Bulgaria . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Burma . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th and 40th
Byelorussia <sup>1</sup> . . . . .	37th, 38th, 39th and 40th	—
Canada . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 106, 107; R 103, 104)	40th (C 105)
Ceylon . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Chile . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
China . . . . .	34th (C 99, 100), 39th, and 40th (C 105)	31st, 32nd, 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th and 40th (C 106, 107; R 103, 104)
Colombia . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th and 40th
Costa Rica . . . . .	31st (C 87, 88, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100), 35th (C 101, 102, 103), 38th (C 104), 39th and 40th	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th and 38th (R 99, 100)
Cuba . . . . .	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95), 38th and 40th	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, 39th and 40th
Denmark . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Dominican Republic . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
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), 39th and 40th
Ethiopia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th
Finland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th
France . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th

<sup>1</sup> 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)
Germany . . . . . (Federal Republic) <sup>1</sup>	34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Ghana <sup>2</sup> . . . . .	40th (C 105, 106, 107)	40th (R 103, 104)
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, 39th and 40th
Guatemala . . . . .	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), and 39th	32nd (C 91, 92, 93; R 87), 33rd, 34th, 35th, 36th, 37th, 38th and 40th
Haiti . . . . .	31st (C 90), 32nd (C 98), 34th (C 99, 100) and 40th	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 <sup>3</sup> . . . . .	39th and 40th	—
Hungary . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Iceland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
India . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Indonesia <sup>4</sup> . . . . .	34th (C 100) and 40th	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), 38th, 39th and 40th	34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th and 37th
Iraq . . . . .	31st (C 88)	31st (C 87, 89, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th
Ireland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Israel <sup>5</sup> . . . . .	32nd, 33rd, 34th, 35th, 36th, 37th, 38th (C 104; R 100), 39th and 40th	38th (R 99)
Italy . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th
Japan <sup>6</sup> . . . . .	35th, 36th, 37th, 38th, 39th and 40th	—
Jordan <sup>7</sup> . . . . .	40th (C 105)	39th and 40th (C 106, 107; R 103, 104)
Lebanon . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th
Liberia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th
Libya <sup>8</sup> . . . . .	—	35th, 36th, 37th, 38th, 39th and 40th
Luxembourg . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th
Mexico . . . . .	31st, 34th (C 99, 100; R 89, 90) and 40th (C 105, 106, 107)	32nd, 33rd, 34th (R 91, 92), 35th, 36th, 37th, 38th, 39th and 40th (R 103, 104)
Morocco <sup>9</sup> . . . . .	39th and 40th	—
Netherlands . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 105)	40th (C 106, 107; R 103, 104)
New Zealand . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Nicaragua <sup>10</sup> . . . . .	—	40th
Norway . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Pakistan . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 38th	37th, 39th and 40th

<sup>1</sup> Became a Member of the Organisation at the 34th Session.

<sup>2</sup> Became a Member of the Organisation at the 40th Session.

<sup>3</sup> Re-entered the Organisation on 1 January 1955.

<sup>4</sup> Became a Member of the Organisation at the 33rd Session.

<sup>5</sup> Became a Member of the Organisation at the 32nd Session.

<sup>6</sup> Re-entered the Organisation after the closure of the 34th Session.

<sup>7</sup> Became a Member of the Organisation on 26 January 1956.

<sup>8</sup> Became a Member of the Organisation at the 35th Session.

<sup>9</sup> Became a Member of the Organisation at the 39th Session.

<sup>10</sup> Re-entered the Organisation on 9 April 1957.

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)
Panama . . . . .	31st (C 87) and 34th (C 100)	31st (C 88, 89, 90; R 83), 32nd, 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 40th
Peru . . . . .	34th (C 99, 100), 35th (C 101, 102) and 40th (C 105, 107)	31st, 32nd, 33rd, 34th (R 89, 90, 91, 92), 35th (C 103; R 93, 94, 95), 36th, 37th, 38th, 39th and 40th (C 106; R 103, 104)
Philippines . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 39th	38th and 40th
Poland . . . . .	31st (C 87), 32nd (C 91, 92, 95, 96, 98), 34th (C 100; R 90), 35th (C 101), 36th and 40th (C 105)	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, 39th and 40th (C 106, 107; R 103, 104)
Portugal . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Rumania <sup>1</sup> . . . . .	39th and 40th	—
El Salvador . . . . .	38th (C 104), and 40th (C 105, 107)	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th and 40th (C 106; R 103, 104)
Spain <sup>2</sup> . . . . .	39th and 40th	—
Sudan <sup>3</sup> . . . . .	39th	40th
Sweden . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Switzerland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Thailand . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th and 40th
Tunisia <sup>4</sup> . . . . .	39th and 40th	—
Turkey . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Ukraine <sup>5</sup> . . . . .	37th, 38th, 39th and 40th	—
Union of South Africa . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
U.S.S.R. <sup>6</sup> . . . . .	37th, 38th, 39th and 40th	—
United Arab Republic <sup>7</sup> . . . . .	32nd (C 98), 38th (C 104), 39th (R 102) and 40th (C 105, 106, 107)	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th (R 101) and 40th (R 103, 104)
Egypt . . . . .	31st (C 87, 88; R 83), 32nd (C 98), 35th (C 101), 38th, 39th and 40th	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
Syria . . . . .	31st (C 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 103), 36th (R 97), 38th (C 104), 39th (R 102) and 40th (C 105, 106, 107)	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 (C 101, 102; R 93, 94, 95), 36th (R 96), 37th, 38th (R 99, 100), 39th (R 101) and 40th (R 103, 104)
United Kingdom . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
United States . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 106, 107; R 103, 104)	40th (C 105)
Uruguay . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 38th (R 99, 100) and 40th (C 105)	37th, 38th (C 104), 39th and 40th (C 106, 107; R 103, 104)
Venezuela <sup>8</sup> . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Viet-Nam <sup>9</sup> . . . . .	33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—
Yugoslavia . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	—

<sup>1</sup> Re-entered the Organisation on 11 May 1956.

<sup>2</sup> Re-entered the Organisation on 28 May 1956.

<sup>3</sup> Became a Member of the Organisation at the 39th Session.

<sup>4</sup> Became a Member of the Organisation at the 39th Session.

<sup>5</sup> Became a Member of the Organisation in 1954.

<sup>6</sup> Re-entered the Organisation in 1954.

<sup>7</sup> The decisions of the Conference which are shown as having been submitted to the competent authorities of the United Arab Republic are those which were submitted to the competent authorities of Egypt and of Syria before the union of these two States; the last column indicates the decisions of the Conference which had not been submitted to the competent authorities of both these States.

<sup>8</sup> Withdrew from the Organisation on 3 May 1957 and re-entered the Organisation on 16 March 1958.

<sup>9</sup> 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)	40th (June 1957)
All the decisions have been submitted . . . . .	16	17	21	25	25	28	29	24	38	38
Some of these decisions have been submitted . . . . .	7	2	— <sup>1</sup>	4	3	1	— <sup>1</sup>	4	1	13
None of these decisions have been submitted (including cases in which no information has been supplied by the government)	37	42	42	35	38	37	40	41	37	26
Number of States which were Members of the Organisation at the time of the session . .	60	61	63	64	66	66	69	69	76	77

<sup>1</sup> At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 18 APRIL 1959

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)	40th (June 1957)
All the decisions have been submitted . . . . .	43	41	41	42	41	43	39	42	49	38
Some of these decisions have been submitted . . . . .	8	10	— <sup>1</sup>	13	9	1	— <sup>1</sup>	5	1	14
None of these decisions have been submitted (including cases in which no information has been supplied by the government)	9	10	22	9	16	22	30	22	26	25
Number of States which were Members of the Organisation at the time of the session . .	60	61	63	64	66	66	69	69	76	77

<sup>1</sup> At this session the Conference adopted one Recommendation only.



### **PART THREE**

**Conclusions concerning the Reports Received under Articles 19 and 22 of the Constitution  
of the I.L.O. on the Effect Given to Conventions and Recommendations relating to**

**FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE,  
COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS,  
CO-OPERATION IN THE UNDERTAKING**



## CONTENTS

### I. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

	Paragraphs
INTRODUCTION . . . . .	1-7
Content of reports . . . . .	7
CHAPTER I : FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE . . . . .	8-94
A. Situation of Individuals from the Point of View of Freedom of Association and Protection of the Right to Organise	10-48
1. Individuals Enjoying the Right to Organise . . . . .	11-24
Distinctions based on occupation or employment . . . . .	13-18
Distinctions of a more or less secondary nature. . . . .	15
More marked distinctions . . . . .	16
Distinctions leading to prohibition . . . . .	17-18
Other distinctions. . . . .	19-22
Distinctions based on sex . . . . .	19
Distinctions based on nationality. . . . .	20
Distinctions based on race . . . . .	21
Distinctions based on political opinions. . . . .	22
Distinctions affecting employers . . . . .	23
Distinctions affecting certain individuals . . . . .	24
2. Rights and Guarantees Enjoyed by Individuals . . . . .	25-48
Free establishment of organisations. . . . .	26-34
Exclusion of any previous authorisation. . . . .	30
Previous authorisation in certain cases . . . . .	31
Previous authorisation or equivalent formalities . . . . .	32-34
Free choice as to type of organisation to be established . . . . .	35
Right of individuals to adhere freely to organisations . . . . .	36-40
Protection against acts of anti-union discrimination in respect to employment . . . . .	41-48
B. Rights and Guarantees Applicable to Primary Organisations . . . . .	49-90
Drawing up of constitutions and rules . . . . .	53-54
Election of representatives . . . . .	55-62
Right of organisations to organise their administration in freedom . . . . .	63-64
Right of organisations to organise their activities and to formulate their programmes . . . . .	65-71
Right of federation and confederation . . . . .	72-77
Right of organisations to affiliate with international organisations. . . . .	78
Suspension and dissolution of organisations . . . . .	79-83
Suspension of organisations . . . . .	81
Dissolution of organisations . . . . .	82-83
Protection of organisations against acts of interference by each other . . . . .	84-90
C. Rights and Guarantees of Higher Organisations . . . . .	91-94
CHAPTER II : COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS . . . . .	95-151
A. Collective Bargaining Machinery . . . . .	98-110
Manner in which machinery is established . . . . .	99-106
Predominantly contractual system . . . . .	100
Mixed procedures. . . . .	101-104
Predominantly legislative procedures . . . . .	105-106
Methods utilised . . . . .	107-110
B. Scope and Effects of Collective Agreements . . . . .	111-132
Definition of collective agreements . . . . .	112-118
The parties to collective agreements . . . . .	114-115
Contents of collective agreements . . . . .	116-118
Effects of collective agreements . . . . .	119-126
Binding effect as regards the parties . . . . .	120-121
Binding effect as regards third parties who are employed in the undertaking . . . . .	122-124
Effect of collective agreements on individual contracts . . . . .	125-126
Extension of collective agreements . . . . .	127-132

	Paragraphs
C. Application of Collective Agreements . . . . .	133-145
Interpretation of collective agreements . . . . .	134-139
Supervision of the application of collective agreements . . . . .	140-142
Miscellaneous . . . . .	143-145
D. Consultation and Collaboration with Employers' and Workers' Organisations . . . . .	146-151
CONCLUSIONS . . . . .	152-163

## II. CO-OPERATION IN THE UNDERTAKING

INTRODUCTION . . . . .	1-3
Supply and Contents of Reports . . . . .	3
LAW AND PRACTICE IN REPORTING COUNTRIES . . . . .	4-28
Legal Basis for Existing Arrangements for Consultation and Co-operation . . . . .	4-7
Legislation . . . . .	5
National agreements between central employers' and workers' organisations . . . . .	6
Agreements at industry or undertaking level . . . . .	7
Size of Undertakings to Which Legislation or General Agreements Apply . . . . .	8
Nature and Functions of Machinery for Consultation and Co-operation . . . . .	9-17
Production . . . . .	11
Working conditions . . . . .	12-13
Welfare . . . . .	14
Safety and health . . . . .	15
Complaints . . . . .	16
Enforcement of legislation and collective agreements . . . . .	17
Composition and Operation of Machinery for Consultation and Co-operation . . . . .	18-21
Promotion of Co-operation and Consultation . . . . .	22-27
Federal States . . . . .	28
MODIFICATIONS CONTEMPLATED IN NATIONAL LEGISLATION AND PRACTICE . . . . .	29-32
CONCLUSIONS . . . . .	33-41



## I. FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, COLLECTIVE BARGAINING AND COLLECTIVE AGREEMENTS

GENERAL REMARKS OF THE COMMITTEE CONCERNING THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (No. 87), THE RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98), THE RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (No. 84) AND THE COLLECTIVE AGREEMENTS RECOMMENDATION, 1951 (No. 91)

### Introduction

1. This is the first time that the Committee has been called upon to examine at the same time reports furnished by States Members of the Organisation, under article 19 of the Constitution, on a series of international instruments dealing mainly with freedom of association, collective bargaining and collective agreements.<sup>1</sup> The main purpose of freedom of association, as envisaged in the instruments adopted by the Conference, is to enable individual members of occupational organisations, as well as the organisations themselves, to defend their interests. This may be done especially through collective negotiations which, leaving aside the case of public officials, are designed in most cases to conclude, revise or renew collective agreements. The Committee has accordingly taken the view that it would be useful to submit observations relating to the different instruments in a single report.

2. These observations are based essentially on the information furnished in the reports emanating from 160 different countries: 74 States Members of the I.L.O.<sup>2</sup> and 86 non-metropolitan territories.<sup>3</sup> In

<sup>1</sup> These Conventions and Recommendation have already been selected separately by the Governing Body as subjects for reports pursuant to article 19 of the Constitution. These reports were examined respectively by the Committee in 1953, 1956 and 1957.

<sup>2</sup> Afghanistan, Albania, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Republic of Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Luxembourg, Federation of Malaya, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, El Salvador, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Arab Republic (Egypt), United Kingdom, United States, Uruguay, Venezuela, Viet-Nam, Yugoslavia.

<sup>3</sup> *Australia*: Nauru, New Guinea, Norfolk Island, Papua; *Belgium*: Belgian Congo, Ruanda-Urundi; *Denmark*: Faroe Islands, Greenland; *France*: Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, French Guiana, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland; *Italy*: Trust Territory of Somaliland; *Netherlands*: Netherlands Antilles, Surinam, Netherlands New Guinea; *New Zealand*: Cook Islands and Niue, Tokelau Islands, Western Samoa; *Union of South Africa*: South West Africa; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar; *United States*: Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands.

other words, the information examined relates to 92.5 per cent. of the States Members<sup>4</sup> and to more than 88.6 per cent. of the non-metropolitan territories.<sup>5</sup>

3. As in previous years, the observations of the Committee relating to the three Conventions dealing with freedom of association and protection of the right to organise are based not only on the information furnished, pursuant to article 19 of the Constitution, by States which have not ratified those Conventions, but also on the various annual reports transmitted by the States which have ratified them. In certain cases, account has also been taken of information already utilised by the Committee in 1956<sup>6</sup> and in 1957<sup>7</sup> in respect of countries which have omitted, this time, to furnish reports pursuant to article 19 of the Constitution. Further, the Committee has thought it useful to take account of information furnished in annual reports on the application of the Right of Association (Agriculture) Convention, 1921 (No. 11).<sup>8</sup> Finally, the information relating to collective bargaining and collective agreements is derived from reports pursuant to article 19 concerning the Collective Agreements Recommendation, 1951 (No. 91), and also from reports furnished, both under article 19 and under article 22 of the Constitution of the I.L.O., on the three Conventions mentioned above.

4. In 1953 and in 1957 the Committee pointed out the difference between its own task and the work of the "Committee on Freedom of Association" of the Governing Body of the I.L.O. and of the "Committee on Freedom of Employers' and Workers' Organisations". In particular, the Committee felt bound to point out that, with respect to the Conventions, the scope of its conclusions was clearly different according to whether the country had ratified these Conventions or not. In respect of the States which are bound by these Conventions, it is the duty of the Committee to indicate, where necessary, the legislative provisions or established practice which are not in harmony with the Convention and should be repealed or amended in accordance with the international obligations undertaken by the States in question by virtue of their ratification; the situation is the same with regard to the non-metropolitan territories to which, pursuant to a declaration transmitted under article 35

<sup>4</sup> No information was available in respect of the following States: Ethiopia, Lebanon, Liberia, Libya, Panama, Paraguay.

<sup>5</sup> No information was available in respect of the following territories: *Portugal*: Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, S. Tomé and Príncipe, Timor; *Spain*: Spanish Guinea, Spanish West Africa; *United States*: Panama Canal Zone.

<sup>6</sup> See I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 39th Session, Geneva, 1956 (Geneva, 1956), p. 135.

<sup>7</sup> *Idem*, 40th Session, Geneva, 1957, p. 161.

<sup>8</sup> As, for example, in respect of China.

of the Constitution of the I.L.O., a Convention is applicable without modification—or, where it is applicable with modifications, having regard to such modifications. On the other hand, in the case of States which are not bound by these Conventions, the Committee in its conclusions must confine itself to noting the position of law and practice in the countries concerned in regard to the matters dealt with in the Conventions in question, in so far as the information furnished in reports received pursuant to article 19 enable it to do so. Non-metropolitan territories whose international relations are the responsibility of a State which has ratified one of these Conventions, but to which the Convention concerned is not applicable are, so to speak, in an intermediate position. In fact, according to the established procedure, the Committee must be kept informed periodically, through annual reports, of the evolution of the situation and of the nature of the local conditions which prevent or delay the partial or complete application of the Convention.

5. The present report is divided into two chapters. The first, which deals with freedom of association and protection of the right to organise, is intended to afford a general view of the situation in all the countries considered, in the field covered by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), by Articles 1 and 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and by Articles 2 and 3 of the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84). The second chapter, which deals with collective bargaining and collective agreements, contains an analysis of the information available in the field covered by the Collective Agreements Recommendation, 1951 (No. 91), and by the other Articles of the two last mentioned Conventions.

6. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), has been ratified by 36 States<sup>9</sup>; it has been declared applicable without modification to 27 non-metropolitan territories<sup>10</sup>; it has been declared applicable subject to modifications to 11 non-metropolitan territories.<sup>11</sup> The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), has been ratified by 40 States<sup>12</sup>; it has been declared applicable without modification to 23 non-metropolitan terri-

ties<sup>13</sup>; it has been declared applicable with modifications to one non-metropolitan territory.<sup>14</sup> The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), has been ratified by four States responsible for the international relations of such territories<sup>15</sup>; it is applicable without modification to 55 non-metropolitan territories.<sup>16</sup>

### Content of Reports

7. In a considerable number of cases, the governments of the States which have not ratified the Conventions under review have made reference to information furnished in earlier reports or have reproduced such information; in fact, Convention No. 87 was the subject of reports under article 19 examined in 1953 and 1957 and Convention No. 98 of reports examined in 1956. The same is true in certain cases in respect of reports on Recommendation No. 91, which was also the subject of reports under article 19 examined in 1956. It should nevertheless be pointed out that the reports of certain States were particularly detailed as, for example, the reports of Argentina (Recommendation No. 91), Australia (Convention No. 87 and Convention No. 98), India (Convention No. 98 and Recommendation No. 91), United States (Convention No. 98, Convention No. 84 and Recommendation No. 91), and the U.S.S.R. (Recommendation No. 91). On the other hand, the information given by certain governments was extremely brief: this is so, for instance, in the case of Afghanistan, which confines itself to an indication that the two Conventions and the Recommendation in question have been brought to the notice of the competent authorities, and in the case of Colombia, which indicates simply that the Conventions are going to be submitted to Congress for ratification. Further, it should be pointed out that account has also been taken of the earlier reports made by certain countries which have omitted to furnish the reports requested: Iraq, which had indicated that its legislation concerning freedom of association was not in conformity with Convention No. 87, and Jordan, which stated that no relevant legislation existed. Finally, it should be noted that new legislative provisions have been adopted in certain countries since the despatch, by the governments, of the reports which the Committee was called upon to examine<sup>17</sup>: it has not been possible to take account of these in the present observations. Finally, the Committee wishes to emphasise that the

<sup>9</sup> Albania, Austria, Belgium, Burma, Byelorussia, Cuba, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Guatemala, Republic of Guinea, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Panama, Philippines, Poland, Rumania, Sweden, Tunisia, Ukraine, U.S.S.R., United Arab Republic (Egypt), United Kingdom, Uruguay, Yugoslavia.

<sup>10</sup> Denmark: Greenland; France: Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, St. Pierre and Miquelon, Réunion, Togoland; Netherlands: Netherlands Antilles, Surinam, Netherlands New Guinea; United Kingdom: Aden, Dominica, Guernsey, Jersey, Malta, Isle of Man, Nigeria, St. Lucia, Trinidad and Tobago.

<sup>11</sup> United Kingdom: Basutoland, Bechuanaland, British Guiana, British Honduras, Gibraltar, Grenada, Jamaica, Mauritius, North Borneo, Nyasaland, St. Vincent, Sarawak, Sierra Leone, Swaziland, Uganda.

<sup>12</sup> Albania, Argentina, Austria, Belgium, Brazil, Byelorussia, Cuba, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Guatemala, Republic of Guinea, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Norway, Pakistan, Philippines, Poland, Rumania, Sudan, Sweden, Tunisia, Turkey, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, Uruguay, Yugoslavia.

<sup>13</sup> France: French Guiana, Guadeloupe, Martinique, Réunion; United Kingdom: Aden, British Guiana, British Honduras, Dominica, Gibraltar, Grenada, Guernsey, Jamaica, Jersey, Isle of Man, Mauritius, Nigeria, North Borneo, St. Lucia, St. Vincent Sarawak, Sierra Leone, Trinidad and Tobago, Uganda.

<sup>14</sup> United Kingdom: Northern Rhodesia.

<sup>15</sup> Belgium, France, New Zealand and the United Kingdom. In addition, Italy, which has not ratified this Convention, has accepted the obligations of the Convention on behalf of the Trust Territory of Somaliland (see note below).

<sup>16</sup> Belgium: Belgian Congo, Ruanda-Urundi; 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; New Zealand: Cook Islands and Niue; United Kingdom: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.

<sup>17</sup> This is the case, it would seem, in respect of Ghana and Thailand.

footnotes to the following paragraphs should not be regarded as exhaustive, but as giving, as far as possible, representative examples based on the information available to it.

#### Chapter I. Freedom of Association and Protection of the Right to Organise

8. The three Conventions under review provide for a number of rights and guarantees to be accorded to individuals and also to their occupational organisations. The Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), provides in the first place that individuals (workers and employers) shall have the right to establish freely organisations of their own choosing and to adhere freely to such organisations (Article 2); secondly, the organisations of workers and employers in question, that is to say, organisations for the purpose of "furthering and defending the interests" of their members (Article 10), shall enjoy certain rights (Article 3, paragraph 1, and Article 5) and certain guarantees intended to ensure their freedom of action (Article 3, paragraph 2, and Article 4); higher organisations, federations and confederations, shall enjoy the same rights and guarantees as do the primary trade union organisations (Article 6); finally, under Article 11, States shall take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise. Articles 1 and 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), provide that workers<sup>18</sup>, as members of occupational organisations, shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment (Article 1), and that workers' and employers' organisations shall enjoy guarantees against acts of interference by each other (Article 2). The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), provides that employers and employed shall have the right to associate for all lawful purposes (Article 2) and that occupational organisations shall have the right to conclude collective agreements (Article 3).

9. It is necessary to consider separately, therefore, in so far as the information available in respect of the different countries considered permits of this<sup>19</sup>, the situation of individuals from the point of view of freedom of association and protection of the right to organise, the rights and guarantees enjoyed by the primary trade union organisations and, finally, the rights and guarantees enjoyed by higher organisations (federations and confederations).

<sup>18</sup> See paragraph 11 below as to the difference between the scope of this Convention and the scope of the preceding Convention with regard to the individuals protected.

<sup>19</sup> The information available for the following countries does not make it possible to gauge the extent to which effect is given to the Conventions under consideration; in certain cases the governments themselves state either that legislation is not in conformity with these Conventions, or that there is no legislation relating to the freedom of association or the protection of the right to organise:

*Member States:* Afghanistan, Albania, Bolivia, Bulgaria, Czechoslovakia, Hungary, Iraq, Jordan, Peru, Rumania, United Arab Republic (Syria), Venezuela, Yugoslavia. *Non-metropolitan territories:* *Australia:* Nauru, New Guinea, Norfolk Island, Papua (according to the report there are no trade union organisations, and no legislative provisions in this connection); *New Zealand:* Tokelau Islands, Western Samoa (the right of association is guaranteed by the Constitution, but there are no other legislative provisions in this connection); *United States:* Trust Territory of Pacific Islands, American Samoa (*ibid.*).

#### A. SITUATION OF INDIVIDUALS FROM THE POINT OF VIEW OF FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE

10. The survey of the information available concerning the rights and guarantees enjoyed by individuals (workers and employers) entails, in the first place, consideration of the categories of individuals who enjoy freedom of association and those to whom the right to organise is denied, and, secondly, consideration as to how far the individuals concerned may, under the national legislation, enjoy the different rights and guarantees accorded to them by the Conventions.

##### 1. *Individuals Enjoying the Right to Organise*

11. The scope, from the point of view of individuals, of the three Conventions under review, is not exactly the same. Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which applies to "workers and employers without distinction whatsoever", is exceedingly broad in scope. It is limited only by Article 9 of the Convention, which permits each State to decide the extent to which members of the armed forces and police shall or shall not enjoy the rights and guarantees provided for. This last provision is also embodied in Article 5 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Article 6 of which, moreover, provides that the Convention does not deal with the position of public servants engaged in the administration of the State; further, Article 1 of this Convention, which refers to acts of anti-union discrimination in respect of employment, can naturally not be applied either to independent workers or to employers. Finally, the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), is applicable, like the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), to employers, but does not cover all workers because, according to Article 1 of the Convention, the right of association shall be guaranteed to those who are "employed".

12. The analysis of the reports received reveals that in the majority of the countries no distinction<sup>20</sup> or no substantial distinction is made between the different categories. Nevertheless, some countries make the right of organisation subject to more or less specific conditions which may, directly or indirectly, give rise to distinctions between the different categories of workers or employers with respect to the exercise of the right to organise. These distinctions may, according to the frequency with which they are found in the different legislative systems, be grouped as follows: firstly, those which are found most often and which relate to certain occupations or employments; secondly, other distinctions, which may be grouped under four main heads: sex, race, nationality, political opinions; thirdly, in certain countries special provisions are applicable to employers; finally, there

<sup>20</sup> *Member States:* Austria, Belgium, Canada (federal legislation), Finland, France, Federal Republic of Germany, Republic of Guinea, Honduras, Iceland, Israel, Italy, Luxembourg, Morocco, Netherlands, Norway, Sweden, Switzerland, Tunisia, United Kingdom. *Non-metropolitan territories:* *France:* all non-metropolitan territories; *Italy:* Trust Territory of Somaliland; *New Zealand:* Cook Islands; *United Kingdom:* Aden, Antigua, Bahamas, Basutoland, Bechuanaland, British Guiana, British Somaliland, British Virgin Islands, Brunei, Cyprus, Falkland Islands, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, Isle of Man, Montserrat, St. Christopher, St. Helena, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Singapore, Trinidad and Tobago.

exist in certain countries distinctions applicable to particular categories of persons.

*Distinctions Based on Occupation or Employment.*

13. The occupations in respect of which distinctions are made include, in particular, public officials, workers in public or semi-public undertakings, agricultural workers and independent workers.

14. The extent of the distinctions established by legislation varies somewhat. In certain cases, it would seem that these distinctions are of a more or less secondary nature and do not, in fact, place any important restriction on the freedom of association of individuals; in other cases, they appear to limit more strictly the choice of individuals and the scope of activity of the organisations which they may establish; finally, restrictions in certain other cases may lead in practice to a prohibition of the free establishment of, or free adherence to, trade union organisations.

15. *Distinctions of a more or less secondary nature.* Under certain legal systems senior supervisory staff who represent the employer are not permitted to belong to the same unions as do other workers in the undertaking, but they may freely establish their own trade unions.<sup>21</sup> According to the explanations given by certain governments, the purpose of these provisions is to prevent acts of interference with workers' trade unions. In other cases, the establishment of trade unions is possible only where the workers (or employers) belong to the same occupation or region. It would seem that this prohibition of workers employed in different branches of industry or in different regions establishing or joining the same trade union may be of a purely formal character. That is the case, for instance, when these separate primary organisations (constituted for an occupation or for a region) may freely establish and join federations and confederations and, again, where the law does not prohibit workers who are not or are no longer employed in the occupation concerned from being chosen as trade union officers<sup>22</sup>; thus in a fairly considerable number of countries public officials may only join trade unions whose membership is limited to such officials. This ensues, in certain cases, from a legislative provision or special regulation providing for the establishment of separate trade unions, or from provisions in union rules, or from the fact that officials may not join organisations which may utilise certain methods of action and, in particular, the strike weapon.<sup>23</sup> In two countries<sup>24</sup>, there is provision that special legislation shall be enacted with respect to public officials or certain categories thereof but, this legislation not having been adopted, the reports indicate that all officials have the right to establish and join organisations in freedom. In certain countries, the distinctions of a formal nature applicable in the case of public officials apply also to workers employed in undertakings in the public or semi-public sector.

<sup>21</sup> Canada (Quebec), Cuba, Dominican Republic, Haiti, Philippines, Sweden (by virtue of a collective agreement).

<sup>22</sup> France (Book III of the Labour Code, section 7), Algeria (ibid.), Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.), Camerouns (Overseas Labour Code, 1952, Title II, section 9), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland.

<sup>23</sup> Austria, Switzerland, United Kingdom (Great Britain), Union of South Africa, etc.

<sup>24</sup> Costa Rica (articles 25 and 60 of the Constitution), Viet-Nam (Ordinance No. 23 of 16 November 1952).

16. *More marked distinctions.* The prohibition of the adherence of certain particular workers to the same organisations as other workers or the fact that workers employed in different branches of industry, or in different regions may not establish or join the same trade union is supplemented in certain cases by a twofold prohibition which may restrict the freedom of association of these workers: firstly, the separate trade unions established on an occupational or regional basis may not freely establish or join federations or confederations and, secondly, only workers who are engaged in and continue to be engaged in the occupation concerned may be chosen to act as trade union leaders.<sup>25</sup> In certain cases, these distinctions are applicable only in the case of public officials<sup>26</sup>; in other cases they are applicable both to public officials and to workers employed in undertakings in the public or semi-public sector.<sup>27</sup> In a number of countries, the trade unions of workers in certain occupations, and especially agriculture, do not enjoy the same rights as do other trade unions.<sup>28</sup> This question will be examined in greater detail when the scope of the activities of organisations comes to be considered. Finally, in certain cases the definitions contained in existing legislation do not always make it possible to ascertain if certain workers enjoy the same rights as others.<sup>29</sup>

17. *Distinctions leading to prohibition.* These distinctions assume different forms. In some cases, foremen and higher grades are prohibited not only from belonging to the same trade unions as other workers but even from establishing special trade unions.<sup>30</sup> There also exist distinctions the prohibitive nature of which is sometimes difficult to perceive at first sight. Thus, in certain countries in which the population includes only a minority who know how to read and write, legislative provisions or regulations require that workers shall produce a certificate attesting that they can read and write<sup>31</sup> or even, in some cases,

<sup>25</sup> *Member States:* Brazil (Labour Code, section 515), Colombia (Labour Code, section 388), Ecuador (Labour Code, section 369, and Decree No. 762 of 13 May 1946, section 1), *Non-metropolitan territories:* United Kingdom: Hong Kong (Ordinance No. 8 of 1948, section 13; in addition it does not appear that the Trade Union Ordinance applies to persons working on their own account), Kenya (Ordinance No. 23 of 1952, section 29), North Borneo, Sarawak (Ordinance No. 10 of 1947, section 14(A) and 14(B), as amended in 1948), Tanganyika (Ordinance No. 11 of 1957, section 2).

<sup>26</sup> Ceylon, India, Pakistan, United Kingdom (Northern Ireland). An analogous factual situation may be caused by the illegality of strikes by officials. Costa Rica, Haiti, United States, Sudan (Trade Unions Ordinance, 1957, section 27(2), prohibition of political activity and federation with any "political organisation").

<sup>27</sup> China, Japan, Union of South Africa and South-West Africa.

<sup>28</sup> *Member State:* Brazil (Decree No. 5452 of 1949, sections 543 and 624; Decree No. 7038 of 1944; Decree No. 9070 of 1946). *Non-metropolitan territories:* United Kingdom: Barbados, Dominica, Swaziland (the immunities provided for in sections 17, 18 and 19 of the Trade Unions Proclamation do not apply to agricultural workers).

<sup>29</sup> This is particularly the case for certain *United Kingdom non-metropolitan territories:* British Honduras (agricultural and non-wage-earning workers, Ordinance No. 1 of 1951, section 2), Gambia (Cap. 139 of the Laws of Gambia, section 2), Grenada (non-wage-earning workers, Ordinance No. 20 of 1951, section 2), Kenya (Ordinance No. 23 of 1952, section 2—agricultural workers), Nigeria (non-wage-earning workers; furthermore, under the legislation, seasonal workers appear to be excluded; Schedule to Chapter 218 of the Laws of Nigeria), Tanganyika (Ordinance No. 48 of 1956, section 2—non-wage-earning workers), Zanzibar (Decree No. 3 of 1941 as amended by Decree No. 7 of 1942—agricultural workers).

<sup>30</sup> Japan.

<sup>31</sup> Guatemala, Nicaragua (see observations addressed to these countries).

that workers employed for less than three years shall have successfully followed a course of secondary study for at least two years<sup>32</sup>; in certain cases, these provisions affect only agricultural workers; in other cases, the provisions are of general application but, having regard to the nature of the occupational distribution of the population and of the often seasonal character of agricultural employment, they result in fact in a denial of all right to organise to such workers.

18. In certain countries, prohibition of certain agricultural workers and independent workers from establishing and joining trade unions is the result of a combination of various legislative provisions or regulations.<sup>33</sup> In other cases, the exclusion of certain workers results from the definition of the term "worker" or from the fact that the undertakings in which they are employed are excluded from the scope of the legislation.<sup>34</sup> Finally, in a few cases the provisions in force result in the right to organise being denied to certain workers; those concerned may be public officials<sup>35</sup>, workers employed in undertakings in the public or semi-public sector<sup>36</sup>, or, again, agricultural workers.<sup>37</sup>

#### *Other Distinctions.*

19. *Distinctions based on sex.* It would appear from the information available that in nearly all the States considered no distinction with regard to trade union matters based on sex is established by legislation. In certain cases, even, where restrictions might result from provisions contained in the civil code, legislation provides specifically that a married woman may join a trade union without the authorisation of

her husband.<sup>38</sup> In other cases, however, restrictions result from limitations placed on the juridical capacity of married women; thus, in two countries<sup>39</sup>, women may not join a trade union if their husbands object. Moreover, the reports furnished by a number of countries do not make it possible to ascertain with certainty whether women in those countries enjoy the same trade union rights as do employers and workers of the male sex.

20. *Distinctions based on nationality.* In nearly all the countries reports from which have been examined it would appear that alien residents enjoy without distinction the rights and guarantees prescribed by the Conventions. In certain countries, nevertheless, constitutional provisions relating to the right of association, and more especially to the right to organise, apply only to citizens of the country concerned.<sup>40</sup> However, in certain of these cases<sup>41</sup> the governments concerned declare that aliens in fact freely enjoy the right to organise. In one country<sup>42</sup> the national Constitution accords the right of association to aliens on a reciprocal basis; in practice, nevertheless, it would appear from the information available that trade union organisations in that country admit aliens to membership on condition that they have resided there a certain time. In some cases there are certain legal restrictions on the functions which aliens may perform as members of trade unions.<sup>43</sup> In three countries<sup>44</sup>, at least two-thirds of the members of a trade union must be nationals of the country concerned. In one country, legislation accords the right to organise only to nationals.<sup>45</sup> Finally, in four countries, the fact that the enjoyment of the right to organise in trade unions, within the limits assigned by national legislation and practice, appears to be reserved exclusively to citizens, results not only from constitutional provisions but also from legislation.<sup>46</sup>

21. *Distinctions based on race.* Among the countries whose reports have been examined it would seem that, in almost all cases, there exists no distinction based on race. In one country, however, different legislation is applied respectively to Europeans and non-Europeans, but it would seem that the legal effect of these two different enactments is the same.<sup>47</sup>

<sup>32</sup> Belgian Congo and Ruanda-Urundi (Ordinance No. 21-57, section 1); as a transitional measure, it is provided that the workers in question should have successfully completed the full primary course.

<sup>33</sup> Byelorussia, U.S.S.R. (see observations addressed to these countries in 1958 with respect to the application of Convention No. 11) and Ukraine.

<sup>34</sup> *Member States*: Iran, El Salvador (agricultural workers and domestic servants; Legislative Decree No. 353, 1951, section 1), Turkey, Union of South Africa (agricultural workers and domestic servants; (Industrial Conciliation Act, section 2 (2)). *Non-metropolitan territories*: *United Kingdom*: Fiji (Chapter 79 of the Laws of Fiji, section 8 (a); the Government has taken measures to amend this provision), Mauritius (seasonal workers), Southern Rhodesia (agricultural workers); *United States*: Alaska (agricultural workers and domestic servants), Hawaii (idem), Puerto Rico (idem), Virgin Islands (idem).

<sup>35</sup> *Member States*: Chile (Labour Code, section 368), Cuba (Decree No. 2605 of 7 November 1933), Dominican Republic (Act No. 2059 of 22 July 1949), Ecuador (section 185g of the Constitution), Guatemala (Decree of 29 February 1956, section 9 (2)), Nicaragua (the Labour Code does not apply to public officials), Portugal (Legislative Decree No. 23048), Spain (Ordinance of 11 August 1953, section 1 *in fine*), Turkey (Act No. 5018 of 20 February 1947), United States (seven states). In Iran (Act of 3 March 1946, section 1) and Italy (Legislative Decree No. 205 of 24 April 1945), this prohibition applies only to certain categories of officials. *Non-metropolitan territories*: *United Kingdom*: Fiji (Chapter 79, Laws of Fiji, section 2), Sarawak (Ordinance No. 10 of 1947, section 15) and it would also appear to be the case in Southern Rhodesia.

<sup>36</sup> *Member States*: Brazil (except in the case of industrial organs; Labour Code, section 566), Chile (Labour Code, section 368), Ecuador (except in the case of railwaymen; article 185g of the Constitution), Guatemala (Decree of 29 February 1956, section 9 (2)), Peru (Legislative Decree No. 11377, section 49). *Non-metropolitan territories*: *United Kingdom*: Sarawak (Ordinance No. 10 of 1947, section 15), and it would also appear to be the case in Southern Rhodesia.

<sup>37</sup> Chile (see observation addressed to this country in connection with the application of Convention No. 11); Guatemala (Labour Code, sections 235 to 239); Nicaragua (regulation 6 of the Regulations concerning Trade Unions).

<sup>38</sup> *Member States*: France (Labour Code, Book III, section 5), Republic of Guinea (Act of 12 December 1952, section 7), Morocco (Dahir No. 1-57-119 of 16 July 1957 respecting Occupational Organisations, section 5). *Non-metropolitan territories*: *France*: Algeria, French Guiana, Guadeloupe, Martinique, Réunion (Labour Code, Book III, section 5), Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon and Togoland (Labour Code, 1952, section 7).

<sup>39</sup> Canada (in one province: Quebec) and Viet-Nam.

<sup>40</sup> *Member States*: Belgium, Denmark, Luxembourg, Portugal. *Non-metropolitan territories*: *Denmark*: Faroe Islands, Greenland.

<sup>41</sup> *Member States*: Belgium, Denmark, Luxembourg. *Non-metropolitan territories*: *Denmark*: Faroe Islands, Greenland.

<sup>42</sup> Italy.

<sup>43</sup> This is the case of Gibraltar (*United Kingdom*) (Trade Unions and Trade Disputes Act, Chapter 128 of the Laws of Gibraltar, section 17).

<sup>44</sup> Colombia (Labour Code, section 384), Honduras (Legislative Decree No. 101 of 6 June 1955, section 8 (3)), Iran (Trade Unions Regulations of 9 November 1955, regulation 17).

<sup>45</sup> Peru.

<sup>46</sup> Byelorussia (article 101 of the Constitution; section 151 of the Labour Code), Ukraine (article 106 of the Constitution; section 151 of the Labour Code), U.S.S.R. (article 126 of the Constitution; Russian S.F.S.R., section 151 of the Labour Code).

<sup>47</sup> Indonesia.

In another case<sup>48</sup>, existing legislation is applicable only to non-Natives; the Government of that country has indicated however that new legislation is being prepared which will apply without distinction to all workers. In certain cases, distinctions based on race may, in fact, result indirectly from provisions relating primarily to certain occupations or employments or requiring workers to have reached a certain level of education.<sup>49</sup> Further, in some cases, such distinctions, although not prescribed by legislation, may result from the clauses of collective agreements and from trade union rules.<sup>50</sup> Finally, in two cases<sup>51</sup>, distinctions based on race result from the fact that more restrictive legislative provisions are applicable in the case of Natives and coloured workers.

22. *Distinctions based on political opinions.* In this respect it would appear that the legislation in most of the countries reports from which have been examined does not make any distinction. In certain cases even, while the law prescribes that the founder members of a trade union shall not have been convicted by a court of law, it is also provided that such incapacity shall not be occasioned by sentences in respect of political offences (offences against the Press Laws, etc.).<sup>52</sup> In some countries<sup>53</sup>, trade union legislation prescribes certain disabilities with respect to persons who have particular political opinions. Moreover, the criterion of the political opinions of workers or employers, although not expressly laid down in the trade union legislation, also appears to be applied in a number of countries; this is the case, for instance, where registered organisations may not admit to membership persons professing certain political opinions.<sup>54</sup> A similar situation would appear to result in certain countries from constitutional and legislative provisions which exclude adherence to any party other than that which is in power.<sup>55</sup>

#### *Distinctions Affecting Employers.*

23. In almost all the countries reports from which have been examined by the Committee, there exist no distinctions affecting employers specifically. In certain cases, nevertheless, in connection with employers, the reports refer to the legislation relating to the economic organisation of certain occupations, chambers of commerce, chambers of industry, chambers of agriculture, affiliation to which is obligatory in certain cases for the persons carrying on the occupations in question.<sup>56</sup> It is however doubtful whether

<sup>48</sup> *Non-metropolitan territory: United Kingdom: Southern Rhodesia.* (However, the Government points out that workers may not be refused employment because they are not union members.)

<sup>49</sup> See paragraph 17.

<sup>50</sup> That is the reason why, in some countries—see paragraph 38—the utilisation of union security clauses is subject to regulation.

<sup>51</sup> Union of South Africa and South West Africa (Industrial Wages and Conciliation Ordinance, 1952; the parts of this Ordinance relating to trade unions apply only to non-Natives).

<sup>52</sup> France (Labour Code, Book III, section 4), Algeria (*ibid.*), French Guiana (*ibid.*), Guadeloupe (*ibid.*), Martinique (*ibid.*), Réunion (*ibid.*).

<sup>53</sup> This would seem to be the case in Chile (Labour Code, section 365), the Dominican Republic (Act No. 1443, section 1), Turkey (Penal Code, amended in 1951, sections 141 and 142) and the Union of South Africa (Suppression of Communism Act, No. 44 of 1950, section 5). In Iran members of “workers’” trade unions must not have belonged to any political body or party (Trade Union Regulations of 1955, regulation 2 (i)).

<sup>54</sup> Philippines (Act No. 875, section 17 (d)).

<sup>55</sup> Byelorussia (article 101 of the Constitution), Ukraine (article 106 of the Constitution), U.S.S.R. (article 126 of the Constitution).

<sup>56</sup> Portugal (Legislative Decree No. 23049 of 23 September 1933); United Arab Republic (Egypt: Act No. 73 of 1947, as amended, and Act No. 112 of 1954).

these economic organisations, constituted under the ægis of the State and often placed under its control and which it is compulsory for the persons in question to join, really correspond to trade union organisations within the meaning of the Conventions under review. The same question would appear to arise with respect to organisations in other countries in which employers may belong only to mixed organisations which also admit workers.<sup>57</sup>

#### *Distinctions Affecting Certain Individuals.*

24. The reports of certain countries, referring to the economic and social régime existing in such countries, emphasise that as there are no employers who are “private capitalist owners”, the directors of state undertakings have no interests to defend and could not, therefore, constitute trade unions within the meaning ascribed to the term in the Conventions under consideration.<sup>58</sup> The Committee has devoted particular attention to this question. It noted that nothing in the text of the Conventions in question or in the preparatory work which led to their adoption would make it appear that the terms used in these Conventions imply any reference whatsoever to the mode of ownership of the undertakings (private property or state property, etc.); furthermore it would appear that nothing authorises the State to decide for itself whether the individuals covered by these Conventions have or do not have any interest in establishing trade union organisations. Consequently the Committee considers that in the States which have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), all “workers and employers, without distinction whatsoever”, including the directors of undertakings belonging to the State, should be able to enjoy the rights and guarantees laid down in the Convention.

#### *2. Rights and Guarantees Enjoyed by Individuals*

25. According to the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the individuals concerned (workers and employers) shall have (a) the right to establish organisations in freedom<sup>59</sup>, (b) the right to choose freely the type of organisation which they wish to establish, and (c) the right to join the organisation of their own choosing in freedom, subject only to the rules of the organisation concerned. Under the provisions of Article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. These different points will be examined separately.

#### *Free Establishment of Organisations.*

26. According to Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), workers and employers shall have the right to establish organisations “without previous authorisation”. It is evident that the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation, be it authorisation concerning the formation of the trade

<sup>57</sup> Portugal (in certain industries), Spain.

<sup>58</sup> Byelorussia, Ukraine, U.S.S.R.

<sup>59</sup> Article 2 of the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), provides that employers and employed shall have the right to associate for all lawful purposes.



union organisation itself, need to obtain discretionary approval of the constitution or rules of the organisation, or, again, authorisation for taking steps prior to establishment of the organisation, as would be the case, for instance, if any authorisation were required in order to convene the general meeting to constitute the organisation. Nevertheless, this naturally does not mean that the founders of an organisation are freed from the duty of observing formalities as to publicity or other similar formalities which may be prescribed in certain countries either generally in respect of all associations, or specifically in respect of trade unions. Indeed, according to Article 8, paragraph 1, of the Convention, "workers and employers . . . shall respect the law of the land". However, under the provisions of paragraph 2 of Article 8 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. Consequently, the various formalities prescribed, even though they may be of general application in respect of all associations, must not be such as to be equivalent in practice, so far as trade union organisations are concerned, to previous authorisation, or as to constitute such an obstacle to the establishment of an organisation that they amount in practice to prohibition pure and simple; this would naturally be the case if, for example, the meeting called to establish the trade union were to be subject to any previous authorisation. Moreover, Article 7 of the Convention relates expressly to the acquisition of legal personality which, in some countries, constitutes a substantive condition of the existence and activities of organisations; according to Article 7, the acquisition of legal personality by workers' and employers' organisations "shall not be made subject to conditions of such a character as to restrict" the right of workers and employers to establish occupational organisations in freedom.<sup>60</sup>

27. It appears from the information received that in some countries the formalities prescribed by law (deposit of constitution and rules, registration or other measures of publicity) are compulsory; in others, these formalities are optional. However, it would seem that the compulsory or optional nature of the formalities prescribed does not always provide a sufficient criterion for determining whether there is or is not a requirement of previous authorisation. In fact, in some cases, although registration is compulsory, the authority competent to effect the registration does not have power to refuse it or, which amounts to practically the same thing, can refuse registration only because of a formal defect which it is always possible to remedy; moreover, where refusal is possible it may be appealed against to the courts. In other cases, on the other hand, registration, while being of an optional nature, may confer on the registered organisation such rights (legal personality, right to bargain collectively, immunity from prosecution in respect of the offence of conspiracy or other similar offences) that an organisation deprived thereof might have great difficulties in "furthering and defending the interests" of its members or even be placed in practice in a position in which it would be impossible for it to do so; it is clear that in such cases, if the authority competent to effect the optional registration has power to refuse this formality in its discretion, the situation is not very different from that in cases in which previous authorisation is required.

<sup>60</sup> Article 2 of the Convention must also be considered bearing in mind the provisions of Article 11, which obliges States that have ratified this international instrument to "take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise".

28. Even in the absence of any previous authorisation properly so called—whether relating to the formalities for constituting organisations or to the meeting of the general constituent meeting—it would appear that in some cases, and especially where public officials and workers employed in public or semi-public undertakings are concerned, a prohibition of the establishment of an occupational organisation capable of "furthering and defending the interests" of its members may result from the "recognition" by the government of another organisation. This is clearly the case, for example, when the law itself specifies the privileged organisation by name.<sup>61</sup> It may also be the case where the regulations relating to "recognition" impose on the organisations of workers concerned a form which may restrict their freedom of action and does not lay down "objective" criteria for the recognition, for a fixed period, of an organisation for the purposes of "representation" or "negotiation".<sup>62</sup>

29. It would appear from the information examined that, having regard to the nature of the formalities relating to the establishment of trade union organisations, the different countries considered fall into three groups:

- those in which any previous authorisation is excluded;
- those in which, in certain cases, the formalities prescribed may be assimilated to a certain extent to previous authorisation;
- finally, those in which the obtaining of previous authorisation is required, whether this results from a specific provision to that effect or from the nature of the formalities prescribed, this authorisation being given by the government itself or by an independent authority or by a body to which competence has been delegated by the State.

30. *Exclusion of any previous authorisation.* In the majority of the countries in respect of which the information examined was sufficiently detailed with regard to this matter, it would seem that there exists in fact no need to obtain previous authorisation in order to be able to establish an organisation of employers or workers. This is the case, particularly, in countries in which the constitution of an organisation is subject to no formality.<sup>63</sup> It is also the case in countries in which the formalities respecting publicity or registration may not be the subject of a refusal on the part of the authorities responsible under the law for effecting such formalities.<sup>64</sup> It is the same, finally, in countries in which, although the competent authorities may refuse registration, it would not appear that such refusal (which may be

<sup>61</sup> This is the case, for example, in Byelorussia (section 152 of the Labour Code) and in Poland (section 5 of the Act of 1 July 1949 respecting trade unions).

<sup>62</sup> This is the case in respect of public officials in Mexico and Pakistan (see observations addressed to these countries in 1958 with regard to Convention No. 87, in Report III (Part IV), prepared for the 42nd Session of the Conference, pp. 55 and 56).

<sup>63</sup> *Member States:* Belgium, Canada, Denmark (except for public officials), Federal Republic of Germany, Iceland, Italy, Luxembourg, Norway, Sweden, Switzerland, United Kingdom, Uruguay. *Non-metropolitan territories:* Denmark: Faroe Islands, Greenland; United Kingdom: Guernsey, Jersey, Isle of Man, St. Helena; United States: American Samoa, Trust Territory of Pacific Islands.

<sup>64</sup> *Member States:* France, Republic of Guinea, Israel, Tunisia, Turkey. *Non-metropolitan territories:* France: Algeria, Comoros, 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.

appealed against to the courts) may be based on anything other than failure to observe certain formalities which are not substantive in character.<sup>65</sup>

31. *Previous authorisation in certain cases.* This situation arises in a number of countries in which the authorities responsible for registration have more extensive powers of exercising judgment and in which registration, whether compulsory or nominally optional, is in practice necessary to the organisation which is being founded to enable it to achieve its objects.<sup>66</sup> This is the case, for example, when registration may be refused on the ground of the existence of another organisation in the occupation or area.<sup>67</sup> As the Committee has already had occasion to emphasise, such provisions, the usefulness of which in countries in which the trade union movement is still in its early stages may be arguable, involve a risk of interference on the part of the authorities responsible for effecting registration which does not appear to be compatible with Article 3, paragraph 2, or with Article 8, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). In other countries, registration may be refused on the ground of the presumed political opinions of the leaders of the organisation.<sup>68</sup> The fact that in certain cases such refusal may be appealed against to the courts naturally constitutes a guarantee against an illegal or unfounded decision on the part of the authorities responsible for effecting registration. However, it would appear that when legislation makes it possible, directly or indirectly, to exercise substantial control in cases such as those referred to above, the existence of a procedure of appeal to the courts does

not appear to be a sufficient guarantee; in effect this does not alter the nature of the powers conferred on the authorities responsible for effecting registration, and the judges hearing such an appeal—except in certain cases<sup>69</sup>—would only be able to ensure that the legislation had been correctly applied. On the other hand, in the absence of judicial supervision, even when the authorities responsible for registration have in principle only a procedural right of supervision, abuses may occur<sup>70</sup>; this risk of abuse is still greater if the authorities responsible for registration have the right to refuse registration where there already exists another trade union in the occupation, etc., and are not subject to judicial supervision.<sup>71</sup> Finally, in some cases the legislation contains provisions which, in practice, may considerably hinder or even render impossible the establishment of a trade union. This may be the case, for instance, when legislation requires that the members of a trade union, or at least a certain proportion of them, shall be able to read and write<sup>72</sup>, or where the minimum number of members of a trade union is fixed at obviously too high a figure.<sup>73</sup>

32. *Previous authorisation or equivalent formalities.* In a number of countries, registration by administrative authorities is compulsory and the competent authorities are endowed with very extensive powers, either in granting or refusing registration, or in giving their approval to the rules of organisations<sup>74</sup>; in certain cases there is the possibility of an appeal to the courts. Nevertheless, here again, it would appear that the existence of a judicial procedure permitting of an appeal against refusal of registration cannot alter the nature of the conditions prescribed by legislation and which in fact are equivalent to previous authorisation.

33. In a number of countries<sup>75</sup>, a similar result comes about by indirect means. Under the legislation of these countries, applicable to common law associa-

<sup>65</sup> *Member States:* Austria, Burma, Ceylon (except for public officials), Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Finland, Greece, Honduras, India (except for public officials and public services employees), Ireland, Japan, Mexico (except for public officials), Pakistan (except for public officials), Viet-Nam. *Non-metropolitan territories:* Italy: Trust Territory of Somaliland; *New Zealand:* Cook Islands; *United Kingdom:* Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Cyprus, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Jamaica (however, in cases where registration is refused, an appeal may only be made in certain cases), Malta, Montserrat, Nigeria (however, registration may be refused if objections are raised by third parties: Chapter 218 of the Laws of Nigeria, section 15 (d)), Northern Rhodesia, St. Christopher, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Zanzibar.

<sup>66</sup> A special situation exists in Morocco, where section 1 of the decree of 17 July 1957 makes it possible for the administration to oppose the formation of an organisation within a certain period. In two non-metropolitan territories of the United Kingdom (Kenya and Uganda) a special situation also exists by reason of the fact that, before obtaining registration, trade unions may be required to undergo a probationary period, during which they cannot enjoy all the privileges of trade unions.

<sup>67</sup> *Member States:* Australia (Conciliation and Arbitration Act, section 82), Iran, New Zealand (Conciliation and Arbitration Act, 1954), Sudan (Trade Unions Act of 1957, section 11 (d)) and the Union of South Africa (Industrial Conciliation Act, No. 28 of 1956, section 4). *Non-metropolitan territories:* *United Kingdom:* Hong Kong (Ordinance No. 8 of 1948, section 10), Kenya (Ordinance No. 23 of 1952, section 16 (d)), North Borneo, Nyasaland (Chapter 120 of the Laws of Nyasaland, section 10, as amended in 1957), Sarawak (Ordinance No. 10 of 1947, as amended in 1948, section 10), Sierra Leone (Chapter 242 of the Laws of Sierra Leone, section 13; in addition there is no right of appeal if registration is refused, *ibid.*, section 14), Southern Rhodesia (for non-Natives); *Union of South Africa:* South West Africa (Wages and Industrial Conciliation Act, 1952, section 20 (3) and (4)).

<sup>68</sup> Philippines (Act No. 875, section 23 (b) (2); the Government has however decided to propose that the legislation be amended on this point) and United States (Labor-Management Relations Act, 1947, section 9 (h)); a similar position appears to exist in the following *United States non-metropolitan territories:* Alaska, Hawaii, Puerto Rico and the Virgin Islands.

<sup>69</sup> Exceptions are in fact possible in cases in which a legislative provision is held to be unconstitutional, either in proceedings for a declaration to that effect or when the unconstitutionality of the provision is raised by way of defence, and in cases in which subsidiary legislation is held to be *ultra vires* in similar circumstances.

<sup>70</sup> This is the case in the following non-metropolitan territories: *United Kingdom:* Brunei (Societies Act, section 6 (5)), Singapore (Ordinance No. 3 of 1940, sections 16 and 17).

<sup>71</sup> This is the case in Hong Kong (Ordinance No. 8 of 1948, sections 10 and 11).

<sup>72</sup> See paragraph 17 above.

<sup>73</sup> This is the case in respect of workers in the United Arab Republic (Egypt), where a works union must have at least 50 founder members and other unions at least 200 founder members (Legislative Decree No. 319 of 1952).

<sup>74</sup> *Member States:* Bolivia (Decree of 19 May 1948), Brazil (Labour Code, sections 517, 520 and 558), Chile (Labour Code, Book III, Title I and Decree No. 1030 of 26 December 1949), China (Trade Unions Act, 1947, sections 8 and 9), Guatemala (Labour Code, section 217), Haiti (Act of 17 July 1947, as amended by the Act of 22 February 1948, section 8), Iran (Regulations of 9 November 1955, regulation 46), Federation of Malaya (Trade Unions Enactment, 1940, section 14), Netherlands (Act of 22 April 1855, as amended by Acts of 2 July 1934 and 13 May 1939), Nicaragua (Trade Unions Regulations of 1951, regulation 13), Peru (Decree of 23 March 1936, sections 118-119), Portugal (Legislative Decree No. 23050, section 8), El Salvador (Decree No. 353, sections 9 to 12), United Arab Republic (Egypt: in the case of employers: Act No. 112 of 1954). *Non-metropolitan territories:* *Netherlands:* Surinam, Netherlands New Guinea; *United Kingdom:* Solomon Islands (Trade Unions and Trade Disputes Regulations, No. 1 of 1946), Tanganyika (Ordinance No. 48 of 1956, section 13 (1) (c)).

<sup>75</sup> Byelorussia (sections 152 and 153 of the Labour Code), Poland (sections 5, 6, 9 and 10 of the Act of 1 July 1949 respecting Trade Unions), Spain (Labour Charter, Chapter XIII), Ukraine (sections 152 and 153 of the Labour Code), U.S.S.R. (Russian S.F.S.R.: sections 152 and 153 of the Labour Code).



tions and providing for previous authorisation (registration or approval of rules) by the administrative authorities, only trade union organisations, or some of them, are exempt from this administrative formality. Nevertheless, in order to have a legal existence and to be able to function, these organisations must be registered with an inter-union organisation which itself prescribes the cases in which it will grant or refuse registration. In other words, it would appear that in these countries the legislation gives to the inter-union organisations<sup>76</sup> (and in certain cases, even, to one of such organisations designated by name<sup>77</sup>) the right to supervise the establishment of any new primary organisation and, if it wishes, to oppose the formation of such an organisation. The fact that the legislation in question refers in some cases in general terms to inter-union organisations and in other cases to an organisation designated by name does not alter the character and effect of this compulsory formality; in effect, in all these cases the individuals wishing to establish a trade union organisation must, by virtue of legislation, obtain the previous authorisation of an inter-union organisation and the result is that the formation of a primary union organisation independent of the inter-union organisations already constituted is impossible. The effect of such legislative provisions becomes all the more apparent when it is observed that in each of the countries in question there exists only a single higher inter-union organisation which, in each case, has very close ties with the political party in power.

34. Finally, it would appear that in a number of countries the prior control of the State may be exercised through the medium of legislation relating to public and private meetings. In fact, in so far as all meetings, including meetings of trade union organisations, require previous authorisation by the government or administrative authorities, the holding of the general meeting to constitute a trade union—that is, the formation of the organisation itself—depends, in fact as well as in law, on the good will of the competent authorities.<sup>78</sup>

#### *Free Choice as to Type of Organisation To Be Established.*

35. It would appear from the information available that the absence of the need for previous authorisation or of formalities which in practice are equivalent to authorisation is a necessary condition for enabling individuals to establish an organisation of their own choosing; however, the absence of the need for authorisation alone is not always sufficient. In the majority of countries for which information is available, the free choice of individuals in respect of the organisation which they wish to establish does not appear to be restricted by any legal rules.<sup>79</sup> On the

other hand, in certain countries, the freedom of choice of organisations which workers or employers may establish is more or less limited, directly or indirectly, by legislation. Thus, in one country<sup>80</sup>, agricultural workers may constitute only organisations each of which is limited to one estate and the objects of which are limited to purposes of mutual aid and welfare. In another country<sup>81</sup>, it is the choice of the employers which appears to be limited by the legislation in force. The free choice of the founders of an organisation also appears to be limited in two countries<sup>82</sup> by virtue of provisions which define, in particular, the political objects which the trade unions must pursue. It is however, doubtful whether the organisations considered<sup>83</sup>, which are of a mixed character because they include both workers and employers, really correspond to the occupational organisations covered by the Convention. Moreover, in some countries<sup>84</sup>, the free choice of the organisation to be set up is considerably limited by the provisions of national legislation, which, as pointed out earlier, make it compulsory for primary trade union organisations to be registered by central federations of unions.

#### *Right of Individuals to Adhere Freely to Organisations.*

36. According to Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), workers and employers shall have the right to join organisations of their own choosing “subject only to the rules of the organisation concerned”. It would appear from the discussions prior to the adoption of the Convention, and especially from the rejection by the Committee on Freedom of Association of the Conference of an amendment which would have accorded to workers and employers the “right not to join”<sup>85</sup>, that Article 2 of the Convention leaves it to the practice and regulations of each State to decide whether it is appropriate to guarantee the right of workers and employers not to join an occupational organisation, or on the other hand, to authorise and, where necessary, to regulate the use of union security clauses and practice.

37. In a number of countries<sup>86</sup>, in accordance with the traditional concepts of the right of association

rently with the exception of public officials), Greenland (idem); *France*: all non-metropolitan territories; *Italy*: Trust Territory of Somaliland; *United Kingdom*: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Cyprus, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jamaica, Jersey, Malta, Isle of Man, Mauritius, Montserrat, St. Christopher, St. Helena, St. Lucia, St. Vincent, Seychelles, Trinidad and Tobago, Zanzibar.

<sup>80</sup> Chile (see observations addressed to this country with respect to the application of Convention No. 11).

<sup>81</sup> United Arab Republic (Egypt)—see paragraph 23.

<sup>82</sup> Portugal (Decree No. 23050, sections 9, 11 and 15 (b) and (e)) and Spain (Labour Charter, Chapter XIII).

<sup>83</sup> Portugal (for certain industries), Spain.

<sup>84</sup> Byelorussia (sections 152 and 153 of the Labour Code), Spain (Act of 6 December 1940, section 5), Ukraine (sections 152 and 153 of the Labour Code), U.S.S.R. (Russian S.F.S.R.: Labour Code, sections 152 and 153).

<sup>85</sup> I.L.O.: *Record of Proceedings*, International Labour Conference, 30th Session, Geneva, 1947 (Geneva, 1948), p. 571.

<sup>86</sup> This is the case in the following countries. *Member States*: Austria (Act of 5 April 1930), Belgium (Act of 24 May 1921, section 1), Colombia (Labour Code, section 379), Costa Rica (Labour Code, section 271), Cuba (Decree No. 2605, section III), Dominican Republic (Labour Code, sections 306 and 307), Ecuador (Constitution, article 185), France (Labour Code, Book III and Act of 1956), Republic of Guinea (Act of 1956), Luxembourg (Act of 11 May 1936, section 134), El Salvador (Decree No. 353, section 23), Switzerland (Code of Obligations, section 322bis). *Non-metropolitan territories*: *France*; Algeria

(Footnote continued overleaf)

<sup>76</sup> Ukraine (Labour Code, section 152), U.S.S.R. (Russian S.F.S.R.: Labour Code, section 152).

<sup>77</sup> Byelorussia (Labour Code, section 152), Poland (Act of 1 July 1949 respecting trade unions, section 5), Spain (Labour Charter, Chapter XIII).

<sup>78</sup> Byelorussia (decree of 15 May 1935 respecting the procedure for convening congresses (general assemblies, conferences and meetings)), Spain (circular of the National Trade Unions Office of 7 November 1951), Ukraine (the above-mentioned decree of 15 May 1935), U.S.S.R. (the above-mentioned decree of 15 May 1935).

<sup>79</sup> *Member States*: Austria, Belgium, Canada (federal legislation), Denmark (except for public officials), Finland, France, Federal Republic of Germany, Republic of Guinea, Honduras, Iceland, Ireland, Israel, Italy, Japan (except for public officials and public services employees), Luxembourg, Mexico (except for public officials), Norway, Pakistan (except for public officials), Sweden, Switzerland, Tunisia, United Kingdom. *Non-metropolitan territories*: Denmark: Faroe Islands (appa-

existing in those countries, the law guarantees to all workers, and in some cases to all employers, the right to refuse to adhere to a trade union organisation and represses any constraint which may be exercised with a view to causing any person to adhere to a given organisation.

38. In a number of other countries, union security clauses are traditionally inserted in collective agreements or utilised in practice. In some of these countries<sup>87</sup>, however, the utilisation of such clauses is subject to certain conditions and, in particular, in order that it shall be made possible for individuals to "comply with"<sup>88</sup> the rules of the organisation concerned, those rules must, under the regulations in force, not contain any rules which are "oppressive or discriminatory". In other countries, on the other hand, the State leaves employers and workers free to negotiate union security clauses without interference.<sup>89</sup>

39. A special situation is seen in one country where the obligation to adhere to a trade union may result not only from having a clause to that effect inserted in a freely negotiated collective agreement; the obligation, which is prescribed by law, may result in the case of certain occupations from a binding arbitration award. In this connection, the government had indicated earlier in its report that certain provisions relating to this system, the abrogation of which would encounter opposition in the country as a whole, are not "strictly in harmony" with the Convention.<sup>90</sup>

40. Finally, in certain countries, individuals may be obliged *by virtue of legislation* to join a trade union which they would not have chosen<sup>91</sup>, or be denied any possibility of choice between different organisations by reason of the fact that legislation provides that only a single primary trade union organisation may exist in each undertaking.<sup>92</sup> As the Committee has already emphasised, such provisions do not appear to be compatible with the Conventions under review, especially when they are applicable to public officials and to workers employed in state undertakings.<sup>93</sup> These provisions result in the establishment, *by legislation*, of a trade union monopoly which must be distinguished both from union security clauses and practices and from objective criteria established by regulations for determining the most representative organisation which shall be recognised for the purposes of collective bargaining during a given period, and

(Act of 1956), Cameroons (*ibid.*), Comoro Islands (*ibid.*), French Equatorial Africa (*ibid.*), French Guiana (*ibid.*), French Polynesia (*ibid.*), French Somaliland (*ibid.*), French West Africa (*ibid.*), Guadeloupe (*ibid.*), Madagascar (*ibid.*), Martinique (*ibid.*), New Caledonia (*ibid.*), Reunion (*ibid.*), St. Pierre and Miquelon (*ibid.*), Togoland (*ibid.*). To a certain extent a similar situation appears to exist in Southern Rhodesia (*United Kingdom*).

<sup>87</sup> This is the case, for example, in the following member States: Australia (Conciliation and Arbitration Act, section 140), Mexico, United States (Labor-Management Relations Act, 1947, section 8). A similar situation appears to exist in the following *United States non-metropolitan territories*: Alaska, Hawaii, Puerto Rico, Virgin Islands.

<sup>88</sup> See Article 2 of the Convention.

<sup>89</sup> *Member States*: Sweden, Union of South Africa, United Kingdom. *Non-metropolitan territories*: this appears to be the case in most of the *United Kingdom non-metropolitan territories*.

<sup>90</sup> New Zealand.

<sup>91</sup> Chile (Labour Code, Book III, Title II), Portugal (Legislative Decree No. 23049 of 23 September 1933), Spain (Labour Charter, Chapter XIII, section 2, and Act of 6 December 1940, sections 1 and 17).

<sup>92</sup> Byelorussia (sections 156 and 157 of the Labour Code), Ukraine (*ibid.*), U.S.S.R. (Russian S.F.S.R.: *ibid.*).

<sup>93</sup> Mexico (Statute for Workers in the Service of Authorities of the Union, sections 47, 49, 50 and 60).

also from the factual situations in which primary trade union organisations join together *voluntarily* in a single federation or confederation.<sup>94</sup>

#### *Protection against Acts of Anti-Union Discrimination in Respect of Employment.*

41. This protection is provided for in general terms in Article 11 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). One aspect of this protection is defined in Article 1 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which provides that workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Finally, Article 3 of the same Convention provides that appropriate machinery shall be established "where necessary" for the purpose of ensuring respect for the right to organise.<sup>95</sup> As pointed out earlier<sup>96</sup>, this Convention does not deal with the position of public servants engaged in the administration of the State<sup>97</sup>; it may, however, be queried to what extent, in a country in which the rights and guarantees laid down in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), are fully and effectively respected in the case of officials, the latter could really be subjected to acts of anti-union discrimination in respect of their employment.

42. The protection prescribed by the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), applies more particularly, in connection with the engagement of a worker, to acts calculated to make his employment subject to the condition that he shall not join a union or shall relinquish trade union membership. It also extends to acts calculated to cause the dismissal of or otherwise prejudice a worker by reason of his union membership or participation in union activities.

43. According to the information available in respect of the large majority of countries, the governments consider that in one way or another workers are protected against any acts of anti-union discrimination in respect of their employment.

44. In a certain number of countries, it would seem that the laws which are intended to protect workers against such acts of anti-union discrimination are of general scope and applicable both in connection with engagement and in connection with dismissal. This is the case, for example, in countries in which the protection results from the application of general principles of domestic law: in certain countries, indeed, any infringement or attempted infringement of the rights of others committed by any person either by individuals or by officials in the exercise of their functions, is punishable; in so far, therefore, as the domestic law (including the Constitution) recognises the right of association in trade unions, any act of anti-union discrimination in respect of employment would be punishable.<sup>98</sup> In other countries, protection

<sup>94</sup> See observation addressed to Mexico in 1958 (Report III (Part IV), 1958, p. 56).

<sup>95</sup> It would appear from the information available that in none of the countries considered has it appeared necessary to set up special machinery for this purpose; in most cases labour courts, the ordinary law courts and conciliation and arbitration agencies assume these functions.

<sup>96</sup> See para. 11.

<sup>97</sup> On the other hand, the Convention does apply to workers employed in public or semi-public undertakings.

<sup>98</sup> This would seem to be the case, for example, in Italy, in Switzerland, and in a number of Latin American countries, and in the following non-metropolitan territories of the *United States*: American Samoa, Trust Territory of Pacific Islands.

in this respect is provided for by special legal provisions, which prescribe penal sanctions or the award of damages against those guilty of acts of anti-union discrimination.<sup>99</sup>

45. It would appear, nevertheless, from the analysis of this information that, in certain countries, the extent of the legal guarantees enjoyed by workers against such measures of discrimination varies according to whether the guarantee is considered as one to be accorded in connection with engagement or as one to be accorded against the dismissal of a worker. In certain countries, legislation prohibits only measures of discrimination on engagement and does not contain any special provision protecting the worker against arbitrary dismissal in this connection. This is the case, for instance, in a fairly considerable number of countries in which an employer is not bound to give reasons for effecting a dismissal.<sup>100</sup> On the other hand, in some countries workers are protected against measures of discrimination in connection with dismissal, but legislation contains no measure of protection in this connection applicable to engagement.<sup>101</sup>

46. The study of the information available also affords a clear view of the different methods by which the guarantees laid down in the Convention are ensured to the workers. These methods vary considerably according to the juridical techniques utilised for regulating conditions of employment and, especially, contracts of employment: intervention of the State through laws or regulations, on the one hand, or predominance of collective agreements, on the other. They also vary according to the historical background of trade union development in the different countries, the present strength of the trade union organisations and the experience of their leaders.

47. It is also clear from the information available that none of the methods of protection utilised appears to make it possible to ensure effectively a total and absolute guarantee against acts of anti-union discrimination: in fact, in cases in which protection is ensured by legal provisions, it may often be difficult, if not impossible, for a worker to furnish proof that an employer has refused to engage him because of his trade union membership; the same difficulty is encountered in connection with dismissal, and especially in cases in which an employer is not bound to give reasons for a dismissal. That is the reason why, in

certain countries, legislation accords special and more extensive protection to leaders of trade unions; having regard to the fact that it is these leaders above all who, by reason of their activities, are likely to become victims of acts of anti-union discrimination, the legislation of these countries provides that the dismissal of a trade union leader may take place only in certain cases, which are strictly defined, and only with the authorisation of a labour inspector or a judicial authority.<sup>102</sup>

48. Even in countries in which protection against acts of anti-union discrimination is ensured to a very substantial degree, by the existence of powerful and well-organised trade unions, cases would appear to arise in which some employers refuse to employ organised workers. It should be observed, however, that in this case, and especially when there is no underemployment in the country or where the number of skilled workers is low, conditions of employment in such undertakings necessarily follow the pattern of those in undertakings which employ organised workers; moreover, it would seem that very often workers employed in these undertakings do not themselves demand the right to organise; finally, it would appear that, in these cases, the powerful and well-organised trade unions which exist prefer to tolerate these practices, which on the whole are exceptional, rather than to accept any intervention by the State.

## B. RIGHTS AND GUARANTEES APPLICABLE TO PRIMARY ORGANISATIONS

49. The rights and guarantees which shall be enjoyed by organisations of workers and employers are defined in Articles 3, 4, 5, 8, and 10 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in Article 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and in Article 3 of the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84).

50. The different rights prescribed in the case of trade union organisations may be enumerated as follows: the right to draw up their constitutions and rules, the right to elect their representatives in full freedom, the right to organise their administration, the right to organise their activities, including collective bargaining and formulating their programmes, the right to establish and join federations and confederations, the right to affiliate with international organisations.

51. The guarantees prescribed are four in number: organisations shall not be liable to be dissolved or suspended by an administrative authority; they shall enjoy adequate protection against any acts of interference by each other; the public authorities shall refrain from any interference which would restrict or impede the lawful exercise of the rights of organisations; finally, as organisations are naturally bound "to respect the law of the land", the same safeguard as is prescribed in the case of employers and workers as individuals is also applicable in the case of organisations: the law of the land "shall not be such as to

<sup>99</sup> *Member States:* Austria, Belgium (Act of 24 May 1921), Brazil (Penal Code, section 199 and Labour Code, section 543), Byelorussia (Labour Code and Penal Code), Canada (Labour-Management Relations Act, 1948, sections 4 and 5, and Criminal Code, section 367), Colombia (Penal Code, section 309), Costa Rica (Labour Code, section 271), France (Act of 1956), Greece (Act No. 281 of 1914, section 23), Republic of Guinea (Act of 1956), Iran (Labour Act, 1949, section 12), Japan (Trade Union Law, No. 25 of 1946), Luxembourg (Act of 11 May 1936, section 4), Federation of Malaya (Employment Ordinance 1955, section 8), Nicaragua (Labour Code, section 190), Turkey (Trade Unions Act, 1947, section 9 and Labour Code, section 13(4)), Ukraine (Labour Code and Penal Code), Union of South Africa (Industrial Conciliation Act, 1956, section 78), U.S.S.R. (Russian S.F.S.R.: Labour Code and Penal Code), United States (Labor-Management Relations Act, 1947, section 80 (a)) *Non-metropolitan territories:* France: Algeria (Act of 1956), Cameroons (ibid.), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Guiana (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Guadeloupe (ibid.), Madagascar (ibid.), Martinique (ibid.), New Caledonia (ibid.), Réunion (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.); *United States:* Alaska, Hawaii, Puerto Rico, Virgin Islands.

<sup>100</sup> This is the case, for instance, in Iran and Switzerland.

<sup>101</sup> Australia, Ceylon, Haiti, India, Italy, Poland, Viet-Nam. The same situation exists in fact in New Zealand in virtue of union security clauses.

<sup>102</sup> Bulgaria (Labour Code, section 38), Greece (Act No. 1803 of 1951), Honduras (Trade Unions Act), Luxembourg (Order of 8 May 1928 section 17), El Salvador (Legislative Decree No. 353 of 1951, sections 36 and 39). The same situation exists in Italy by virtue of the provisions of an agreement concluded between the employers' and workers' confederations (Inter-confederal Agreement of 8 May 1953).

impair, nor shall it be so applied as to impair, the guarantees provided for . . . ”.

52. The information available with respect to each of the rights and guarantees enumerated above will be analysed in turn; this examination will naturally be made having regard to the last two guarantees mentioned, which, being of general application, could not be the subject of entirely separate examination.

#### *Drawing up of Constitutions and Rules.*

53. In the majority of the countries considered, it would seem that the relevant laws and regulations contain no provisions calculated to infringe the right of organisations to draw up their constitutions and rules in freedom. Thus, in a fairly considerable number of cases, legislation contains no special provisions relating to the contents of constitutions and rules.<sup>103</sup> In other cases, fairly numerous, the legislation simply enumerates matters which must be dealt with in the rules.<sup>104</sup> Finally, in a number of countries, legislation contains provisions which are frequently very detailed but which, in general, are only of a formal character and do not appear likely to infringe the rights of the organisations<sup>105</sup>: it would appear, even, that these detailed requirements have in some cases the purpose of preventing a situation arising at a later date in which the trade unions would have to cope with complicated legal problems which could arise as a result of constitutions and rules being drawn up in insufficient detail. Although, in the majority of cases, these detailed, or even meticulously detailed, provisions do not in themselves appear to place any obstacle in the way of the free constitution of organisations, it may nevertheless be doubted whether such an accumulation of details is always necessary.

54. In certain other countries the right of organisations to draw up their constitutions and rules in freedom appears to be considerably restricted. This is the case, for instance, in countries in which the legislation provides that the rules of a primary trade union organisation must necessarily be approved by a higher inter-union organisation and be drafted in accordance with directives issued by a central federation of trade unions; it follows that a primary trade union may not draw up its rules in full freedom (Article 3 of the Convention) since, in virtue of the law, the central federations of trade unions to which affiliation is compulsory determine the contents of these rules themselves.<sup>106</sup> This is also the case in certain other

countries in which it would appear that constitutions and rules must be submitted for previous approval by the authorities, whose power of decision does not appear to be limited by any specific rules.<sup>107</sup> In two of these countries it would seem, even, that approval can be given only if the constitutions and rules are in accordance with the social policy of the government.<sup>108</sup>

#### *Election of Representatives.*

55. The analysis of the information available shows that there are two principal categories of rules applicable in the case of elections of representatives: firstly, procedural rules prescribed by national legislation, and secondly, rules defining the conditions as to eligibility which persons must fulfil.

56. With regard to procedure, it would seem that, in the large majority of the States in respect of which information was available, no special rules exist.<sup>109</sup> In some countries in which such rules do exist, it would seem that their particular purpose is to avoid any dispute arising as to the result of the election; this would seem to be the case for example in one country where elections must be presided over by a judge.<sup>110</sup>

57. In other countries, on the other hand, the rules of procedure do not appear to offer all the guarantees prescribed by the Convention. This is the case, for instance, where a labour inspector may (or must, as the case may be) be present at elections<sup>111</sup>; it is also the case where the legislation provides that trade union leaders may not be re-elected<sup>112</sup>, their maximum period of office being fixed in certain cases at one year; as the Committee has already pointed out, such requirements do not appear to be compatible with Article 3, paragraph 2, of the Convention, which provides that the public authorities shall refrain from any interference which would restrict the rights of organisations or impede the lawful exercise thereof. Finally, in some countries, the results of the elections

<sup>107</sup> Chile (Decree No. 1030 of 26 December 1949), Colombia (Labour Code, section 383), Ecuador (Labour Code, section 363), Iran (Regulations of 9 November 1955, regulation 15), Nicaragua (Regulations of 1951 respecting trade unions, regulations 12 and 13), Peru (Decree of 23 March 1936, section 118), Portugal (Decree No. 23050, section 8), Spain (Act of 6 December 1940, sections 5 and 11), United Arab Republic (Egypt: in the case of employers' organisations).

<sup>108</sup> Portugal and Spain.

<sup>109</sup> This is the case for the following *member States*: Argentina, Australia, Austria, Belgium, Burma, Canada (federal legislation), Ceylon, Denmark, Finland, France, Federal Republic of Germany, Republic of Guinea, Haiti, Honduras, Iceland, India, Indonesia, Ireland, Israel, Italy, Luxembourg, Morocco, Netherlands, Norway, Pakistan, Philippines, Sudan, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United States, Uruguay, Viet-Nam. *Non-metropolitan territories*: Denmark: Faroe Islands, Greenland; France: all non-metropolitan territories; Italy: Trust Territory of Somaliland; New Zealand: Cook Islands; United Kingdom: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Zanzibar.

<sup>105</sup> Argentina, Bolivia, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico.

<sup>106</sup> Byelorussia (Labour Code, sections 152 and 153), Poland (Act of 1 July 1949 respecting trade unions, sections 5, 6, 9 and 10), Spain (Labour Charter, Chapter XIII), Ukraine (Labour Code, sections 152 and 153), U.S.S.R. (Russian S.F.S.R.: *ibid.*).

<sup>110</sup> Greece (Act No. 148/1945).

<sup>111</sup> Chile (Decree No. 1030, section 29), Cuba and Turkey.

<sup>112</sup> Brazil (Labour Code, section 515), Nicaragua (Regulations of 1959 respecting trade unions, regulation 35), El Salvador (Decree No. 353 of 1951, section 14).

must be officially approved <sup>113</sup>, and, in one country, the higher trade union leaders are appointed by the government. <sup>114</sup>

58. With regard to the qualifications with which trade union leaders must comply in order to be eligible it would seem that the laws and regulations of a large number of the countries considered contain no specific provisions <sup>115</sup>; in certain countries, however, there exist certain restrictions. For example it is sometimes provided that persons who have been convicted of a crime are ineligible. However, in certain of these cases it is provided that this rule shall not apply in the case of sentences pronounced in respect of political offences.

59. Restrictions, the exact scope of which it is more difficult to appreciate, exist in certain countries: this is the case, for example, where the legislation establishes a disqualification based on nationality: only nationals may be trade union officials <sup>116</sup>; the problem raised by a provision of this kind is fairly complex and the Committee has already had occasion to refer to it in its earlier reports. <sup>117</sup> It may be admitted that in certain cases a provision of this kind cannot give rise to difficulty. However, everything depends on the manner in which such clauses are applied in practice. In effect, it is possible that, in given circumstances, a provision of this kind might in practice lead to a refusal to certain categories of workers or employers of the right freely to elect their representatives.

60. Even more marked restrictions exist in a number of other countries. Especially, it would seem that in most cases the distinctions mentioned in paragraphs 16 to 24 above in respect of individuals to whom the rights and guarantees prescribed by the Convention should apply are also applicable in the case of trade union leaders. It should nevertheless be pointed out that in certain cases the distinctions based on occupation and employment which are applicable to members of trade union organisations are not applicable to the leaders of such organisations: this is the case, for instance, when it is provided that leaders may be recruited from outside the occupation con-

cerned or where former members of a trade union who no longer carry on the occupation in question may continue to be members and leaders of trade unions <sup>118</sup> or, again, when the legislation simply prescribes the proportion of the leaders who must belong to the occupation concerned <sup>119</sup>; in the case of the countries in which this proportion is defined by national legislation, the governments state that the provisions have the essential purpose of preventing trade unions from being used as tools by politicians.

61. On the other hand, it would seem that when provisions in national legislation provide that all the trade union leaders shall belong to the occupation in respect of which the organisation carries on its activities <sup>120</sup>, the guarantees laid down in the Convention may be impaired. In fact, in such cases, the dismissal of a worker who is a trade union leader may, by reason of the fact that dismissal causes him to lose his status as a trade union officer, infringe the freedom of activity of the organisation and its right to elect representatives in freedom, and may even leave the way open for acts of interference by the employer.

62. Finally, in a few countries, certain persons may also be removed from their functions as trade union officers by reason of their political opinions. Whereas in certain cases this exclusion relates only to persons belonging to a particular political party <sup>121</sup>, in other countries, on the contrary, it would seem that adherence to any political party other than that which is in power is necessarily excluded. <sup>122</sup>

#### *Right of Organisations to Organise Their Administration in Freedom.*

63. It would appear that the legislation of a large number of countries contains no special provisions with respect to the manner in which organisations shall ensure their own administration. <sup>123</sup> In certain countries, however, the legislation contains rules providing, for example, for the holding of an annual general meeting, the keeping of minutes of meetings, the obligation to take decisions, or at least the most important decisions, by secret ballot, the need for a certain quorum of members for meetings in certain

<sup>113</sup> Portugal (Decree No. 25116 of 12 March 1935). In Nicaragua the Inspectorate General of Labour may order the complete or partial dissolution of the executive committee of a trade union when it considers that it does not carry out its functions (Trade Unions Regulations, regulation 39).

<sup>114</sup> Spain (Act of 6 December 1940, section 12).

<sup>115</sup> *Member States*: Denmark, Federal Republic of Germany, Iceland, Ireland, Israel, Norway, Pakistan (except as regards public officials), Sweden, United Kingdom, Uruguay. *Non-metropolitan territories*: Denmark: Faroe Islands, Greenland; United Kingdom: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jamaica, Jersey, Malta, Isle of Man, Montserrat, Northern Rhodesia, Southern Rhodesia, St. Christopher, St. Helena, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago.

<sup>116</sup> *Member States*: Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Ecuador, Finland, France, Haiti, Honduras, Iran, Mexico, Morocco, Nicaragua, Peru, El Salvador, Tunisia (there is not an absolute prohibition, but the election of leaders of alien nationality may be opposed by the Government), Viet-Nam. *Non-metropolitan territories*: France: Algeria, Camerouns, 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; and to some extent, United Kingdom: Gibraltar (Trade Union and Trade Disputes Ordinance, section 17).

<sup>117</sup> See Report III (Part IV), prepared for the 40th Session of the Conference (Geneva, 1957), p. 168, para. 40.

<sup>118</sup> See countries listed in footnote 22.

<sup>119</sup> Federation of Malaya (two-thirds), India (one-half).

<sup>120</sup> *Member States*: Brazil, Colombia, China, Cuba, Ecuador, Haiti, Honduras, India (in respect of public officials), Iran, Japan (in respect of public employees: National Public Service Law, section 98, Local Public Service Law, section 52, Public Corporations and National Enterprises Labour Relations Law, section 4 (3), Local Public Enterprises Labour Relations Law, sections 5 (3)), Pakistan, Peru, El Salvador, Viet-Nam. *Non-metropolitan territories*: United Kingdom: Hong Kong (Ordinance No. 8 of 1948, section 13; however, in certain cases exceptions may be authorised), Kenya (Trade Union Ordinance, 1952, section 29), Mauritius (Ordinance No. 36 of 1954, section 13), Nigeria (Chapter 218 of the Laws of Nigeria, Schedule), North Borneo (Ordinance No. 28 of 1947, section 14 B), Sarawak (Ordinance No. 10 of 1947, section 14 A), Tanganyika (Ordinance No. 48 of 1956, section 25).

<sup>121</sup> Chile (Act No. 5839 of 30 September 1948, section 36), Philippines (Republic Act No. 875), Union of South Africa (Suppression of Communism Act, 1954, section 5), United States (Labor-Management Relations Act, 1947, section 9 (h) and Suppression of Communism Act, 1954).

<sup>122</sup> Byelorussia (article 101 of the Constitution), Spain (Labour Charter, Chapter XIII, section 14), Ukraine (Constitution, article 106), U.S.S.R. (Constitution, article 126).

<sup>123</sup> *Member States*: Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Republic of Guinea, Haiti, Iceland, Ireland, Israel, Italy, Luxembourg, Morocco, Norway, Sweden, Switzerland, Tunisia, United Kingdom, Uruguay. *Non-metropolitan territories*: Denmark: Faroe Islands, Greenland; France: all non-metropolitan territories; Italy: Trust Territory of Somaliland; United Kingdom: Guernsey, Jersey, Isle of Man, St. Helena.



cases, the obligation to provide that certain prescribed majorities shall be required for certain decisions and, finally, the obligation to keep the accounts of the trade union in accordance with certain rules, etc. Generally speaking, it does not seem that such requirements can infringe the rights and guarantees prescribed by the Conventions when their application is left to the members of the trade unions themselves, each member having the right to require the committee to ensure the application of the rules of the trade union and to respect existing legislation; to this end, the legislation of certain countries also provides that, on the petition of a certain number of members of the trade union, a question may be brought before the judicial authorities.<sup>124</sup>

64. In a certain number of countries, however, the application of legislative provisions relating to the administration of trade unions is not left to the members of the trade union but is the subject of external supervision. Thus, trade unions may be obliged to furnish to an official specially appointed for that purpose reports showing that the administration has actually been carried on in accordance with law (summary of minutes, accounts, etc.). The analysis of the legislative provisions in force does not always make it possible to appreciate the real extent of such supervision. It is clear that in so far as these measures of supervision are utilised only in order to prevent abuses and to protect the members of the trade union themselves against mismanagement of their funds, they may have a certain usefulness, especially in countries in which the trade union movement is only just beginning to develop. However, it would seem that provisions of this kind may, in certain cases, entail a danger of interference by the public authorities in the administration of trade unions and that this interference may be of such a nature as to restrict the rights of organisations or impede the lawful exercise thereof, contrary to Article 3, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It may be considered, nevertheless, that there is a certain measure of guarantee against such interference where the official appointed to exercise supervision enjoys some degree of independence of the administrative authorities and where he himself is subject to the control of the judicial authorities.<sup>125</sup> On the other hand, it would seem that these guarantees do not always exist where the supervision is exercised by the Minister of Labour or by his services<sup>126</sup> or where no judicial control exists.<sup>127</sup>

#### *Right of Organisations to Organise Their Activities and to Formulate Their Programmes.*

65. In a large number of the countries considered, it would seem that there is no limitation on the right

<sup>124</sup> Greece.

<sup>125</sup> This would seem to be the case in a considerable number of non-metropolitan territories of the United Kingdom in respect of the Registrar of Trade Unions, who is responsible for effecting registration and for supervision of trade union organisations.

<sup>126</sup> Brazil (Labour Code, section 550), Chile (Act No. 5839 of 30 September 1948, section 37, and Decree No. 1030 of 26 December 1949, Chapter IX), Colombia (Labour Code, sections 353, 410 and 441), Costa Rica (Labour Code, section 275 (j)), United Arab Republic (Egypt), Iran (Regulations of 9 November 1955, regulations 28-30), Peru (Decree of 23 March 1936, section 122), Portugal, El Salvador (Legislative Decree No. 353 of 1951, section 41), Turkey (Associations Act, sections 28, 29, 31, 32).

<sup>127</sup> Non-metropolitan territories: United Kingdom: Hong Kong (Ordinance No. 8 of 1948, sections 23 and 24), Jamaica (Chapter 389 of the Laws of Jamaica, section 16).

of organisations to organise their activities and to formulate their programmes in freedom.<sup>128</sup> In these countries workers' and employers' organisations are, of course, obliged "to respect the law of the land", but it would seem that this common law rule is not formulated in such a manner as to constitute a limitation on the potential activities of organisations; moreover, control over activities of organisations can be effected only *a posteriori* and only by the judicial authorities or under their control.

66. In certain countries organisations catering for specific categories of workers are more limited, from the point of view of their potential activities, than are other organisations. Such limitations are comprehensible in the case of public officials, whose conditions of employment are dependent on a status which leaves no possible scope for the negotiation of collective agreements; the same is true of the limitations imposed by public service regulations, legislation or court decisions, according to which officials acting as organs of the public power may not take part in strikes.

67. In respect of workers other than public officials, certain limitations may also be imposed by national legislation in connection with the negotiation, scope and contents of collective agreements. This question will be treated in greater detail in Chapter II of this Part of the present report.

68. The problem of the prohibition of strikes by workers other than public officials acting in the name of the public powers raises questions which are often complex and delicate. It is certain that such a prohibition may sometimes constitute a considerable restriction of the potential activities of trade unions. That is why, in certain countries, this prohibition which, in some cases, is only temporary in character and intended to ensure that all means of conciliation shall first be exhausted<sup>129</sup>, applies only to essential services; it would seem, nevertheless, that while the concept of "essential services" is extremely restricted in scope in certain countries, in other countries it embraces a large number of activities, sometimes including even agriculture.<sup>130</sup> In other countries compulsory conciliation procedures which must have been exhausted before a strike is called apply to all branches of activity.<sup>131</sup> Finally, in certain countries organisations do not have the right to use the strike weapon; in three countries, this prohibition applies only to certain

<sup>128</sup> This appears to be the case in the following member States: Austria, Belgium, Denmark, Finland, France, Federal Republic of Germany, Iceland, Ireland, Israel, Italy, Japan, Norway, Sweden, Switzerland, Tunisia, United Kingdom, United States, Uruguay. Non-metropolitan territories: Denmark: Faroe Islands, Greenland; France: all non-metropolitan territories; New Zealand: Cook Islands; United Kingdom: Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Somaliland, British Virgin Islands, Cyprus, Dominica, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Seychelles, Sierra Leone, Swaziland, Trinidad and Tobago, Zanzibar; United States: Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.

<sup>129</sup> This is the case, for instance, in the following member States: Canada (apparently), Italy, Japan. Non-metropolitan territories: United Kingdom: the majority of the territories for whose international relations this State is responsible.

<sup>130</sup> This is the case, for example, in Brazil (Decree No. 5452 of 1943, sections 543 and 624; Decree No. 7038 of 1944; Decree No. 9070 of 1946).

<sup>131</sup> Greece, Iran, Luxembourg, Union of South Africa (except for African workers), Viet-Nam.

workers<sup>132</sup>; in three other countries it would seem to apply to all workers.<sup>133</sup> However this may be, there is a possibility that this prohibition may run counter to Article 8, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), according to which "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, and especially the freedom of action of trade union organisations in defence of their occupational interests; it is therefore necessary that, in every case in which certain workers are prohibited from striking, adequate guarantees should be accorded to such workers in order fully to safeguard their interests.<sup>134</sup> This principle has been emphasised on numerous occasions by the Governing Body of the I.L.O. on the recommendation of its "Committee on Freedom of Association".

69. In a number of countries there exist provisions relating specifically to occupational organisations and prohibiting them in general terms from engaging in any political activities.<sup>135</sup> The extent of such a prohibition is naturally very variable, according to how it is applied in practice. In certain cases the governments indicate<sup>136</sup> that the object of this prohibition is solely to prevent trade unions from abandoning their occupational role in order to transform themselves into political parties and add that, in fact, the existing trade unions have never been limited in their activities by a provision of this kind. However, as the Committee has had occasion to remark, such provisions, of general scope and referring especially to trade unions, may, by establishing a prohibition, *a priori*, raise difficulties by reason of the fact that the interpretation given to them in practice may change at any moment and restrict considerably the possibility of action of the organisations. In this connection, the Committee thinks it useful to make reference to the resolution adopted by the International Labour Conference at its 35th Session (Geneva, 1952) in which it is stated, among other things, that when trade unions undertake or associate themselves with political action, this action shall not be "of such a nature as to compromise the continuance of the trade union movement or its social or economic functions, irrespective of political changes in the country". It would therefore seem that States should be able, without prohibiting in general terms and *a priori* all political activities by occupational organisations, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by organisations which had lost sight of the fact that their fundamental objective should be "the economic and social advancement" of their members.

<sup>132</sup> Brazil (Legislative Decree No. 9070 of 1952), Chile (Act No. 8987 of 3 September 1947, section 2); Union of South Africa, in the case of African workers (Act No. 48 of 1953, as amended).

<sup>133</sup> Portugal (Legislative Decree No. 23870), Spain (Labour Charter, Chapter XI, 2), Turkey (Act No. 3008 of 1936).

<sup>134</sup> See, for instance, I.L.O.: *Official Bulletin*, Vol. XL, 1957, No. 2, 25th Report of the Governing Body Committee on Freedom of Association, p. 124, para. 308, and p. 128, para. 319 (e).

<sup>135</sup> Brazil (Labour Code, section 521), Colombia (Labour Code, section 396), Costa Rica (Labour Code, section 280), Cuba (Decree No. 2605 of 1933), Ecuador (Labour Code, section 363 (8)), Honduras (Trade Union Act, section 2), Iran (Regulations of 9 November 1955, regulation 14), Nicaragua (Regulations concerning trade unions, regulation 4), El Salvador (Legislative Decree No. 353 of 1951, section 23), Turkey (Trade Unions Act of 1947, section 5), Viet-Nam (Trade Unions Ordinance 1952, section 1).

<sup>136</sup> This is the case, for instance, in respect of Cuba.

70. Finally, in some countries, although there do not exist, properly speaking, provisions prohibiting organisations from engaging in any political activity whatsoever, this appears to result indirectly from legislative or constitutional provisions which closely associate the activities of occupational organisations with those of the political party in power.<sup>137</sup>

71. It is also evident that, as the Governing Body Committee on Freedom of Association has emphasised, the degree of freedom enjoyed by occupational organisations in determining and organising their activities depends very largely upon certain legislative provisions of general application relating to the right of free meeting, the right of free expression and, in general, to civil and political liberties enjoyed by the inhabitants of the country. In this connection, the information available has not enabled the Committee always to assess very accurately the exact effect of these general provisions on the possibilities of action by organisations. It has, nevertheless, appeared to the Committee that in a very large number of the countries under review, if not in most of them, the rules applicable in this connection do not appear to be likely to impede the possibilities of action of the organisations.<sup>138</sup>

#### *Right of Federation and Confederation.*

72. Under the terms of Article 5 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), workers' and employers' organisations shall have the right to establish and join federations and confederations. According to Article 6 of the same Convention, the provisions of Article 2, which define the rights of individuals, workers and employers, are also applicable in the case of primary organisations which desire to establish a federation or a confederation.

73. Generally speaking, it would appear from the information available that in the very large majority of the countries under review the rules applicable to the constitution of primary organisations are, *mutatis mutandis*, applicable to the constitution of federations and confederations. If reference is made to the analysis made above<sup>139</sup> on the basis of the information available on the rules applicable to the establishment of primary organisations by individuals, workers or employers, it will be observed that in a large number of countries the right to establish federations and confederations is accorded to all primary trade union organisations "without distinction whatsoever"; that the establishment of federations or confederations is not subject to any "previous authorisation"; that the primary trade union organisations may freely choose the inter-union organisation which they wish to establish; finally, that the primary trade union organisations

<sup>137</sup> Byelorussia (Constitution, article 101); Portugal (Decree No. 23050, sections 9, 11 and 15); Spain (Labour Charter, Chapter XIII); Ukraine (Constitution, article 106); U.S.S.R. (Constitution, article 126).

<sup>138</sup> See, however, para. 34.

<sup>139</sup> See in particular paras. 11 ff. However, in a number of cases it would seem that the legislation makes no provision for the registration of federations and confederations, whereas this formality is necessary in the case of primary trade unions. This is the case for example in the following *United Kingdom non-metropolitan territories*: Aden, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Jamaica, Malta, Mauritius, Nigeria, Northern Rhodesia, Nyasaland, St. Lucia, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Zanzibar.

may also choose freely the inter-union organisation with which they wish to affiliate.

74. The same analysis reveals, on the other hand, that in certain countries special distinctions are made in respect of certain organisations, especially with regard to public officials, workers employed in undertakings in the public or semi-public sector, agricultural workers<sup>140</sup>, workers belonging to certain races<sup>141</sup>, and employers<sup>142</sup>, and certain individuals.<sup>143</sup>

75. Similarly, in countries in which the formalities relating to the establishment of primary organisations may be assimilated to previous authorisation, these formalities would also appear to be applicable to the establishment of federations and confederations.<sup>144</sup> In the countries in which the establishment of primary organisations is subject to previous authorisation or to formalities which are equivalent to it, the previous authorisation is also necessary to enable a federation or confederation to be established.<sup>145</sup> The same is true in those countries in which, as was indicated earlier, the establishment of primary organisations is subject to previous authorisation by inter-union organisations. In these countries indeed, the fact that only the trade union organisations registered with the inter-union organisations can style themselves trade unions and act as trade unions and the fact that a primary trade union which might wish to separate from the inter-union organisation to which it belongs in order to establish a new trade union organisation would naturally be deregistered by its original inter-union organisation, which would terminate its legal existence, make the establishment of new federations or confederations impossible.<sup>146</sup> In certain cases this previous control by existing inter-union organisations is, as noted earlier, supplemented by an administrative control, in view of the fact that the convocation of any meeting is subject to previous authorisation by the administrative authorities.<sup>147</sup> It would appear further that in one country in respect of which, on the basis of the information available, it has not been possible to establish whether the primary trade union organisations are or are not subject to previous authorisation, the formation of federations or confederations is subject to previous authorisation.<sup>148</sup> Finally, in another country, the establishment of federations and confederations by trade unions is prohibited.<sup>149</sup>

76. According to the information available, it would appear that in the countries in which individuals, workers and employers, do not seem to be able to choose freely the organisation which they wish to establish, the primary trade union organisations also do not possess any freedom of choice with respect to the federation or confederation which they wish to establish.<sup>150</sup>

<sup>140</sup> See paras. 16, 17 and 18.

<sup>141</sup> See para. 21.

<sup>142</sup> See para. 23.

<sup>143</sup> See para. 24.

<sup>144</sup> See para. 31.

<sup>145</sup> See para. 32.

<sup>146</sup> See para. 33.

<sup>147</sup> See para. 34.

<sup>148</sup> Union of South Africa (Industrial Conciliation Act, No. 28 of 1951, section 80).

<sup>149</sup> El Salvador (Decree No. 353 of 1951: Preamble). A similar situation exists in Ceylon in respect of organisations of public officials; the Government states in its report that it has been decided to amend the Trade Unions Ordinance so as to permit organisations of public officials to federate between themselves.

<sup>150</sup> See para. 35.

77. The same is true in respect of those countries in which individuals may be obliged, *by virtue of legislation*, to join a trade union which they have not chosen or may be denied any possibility of choice of membership as between different organisations: in these countries the primary trade union organisations also do not appear to be able to choose in freedom the inter-union organisation to which they wish to affiliate.<sup>151</sup>

#### *Right of Organisations to Affiliate with International Organisations.*

78. The right of organisations to affiliate with international organisations established by Article 5 of Convention No. 87 appears to be free from any particular formality in almost all reporting countries.<sup>152</sup> However, it would seem that in certain cases this right may be limited indirectly in countries in which there is an absolute and general prohibition of organisations from engaging in political activities or when this prohibition results, as seen above, from legislative or constitutional provisions which closely associate organisations with the political party in power.<sup>153</sup> Moreover, it would seem that in countries in which there exist limitations on the right of organisations to establish or join federations or confederations, the same rules are applicable with respect to affiliation with international organisations: thus it is that, for example, in countries in which a trade union may not legally exist unless it is affiliated to a national inter-union organisation, the trade union could not freely adhere to an international trade union organisation without first obtaining the previous consent of its original national inter-union organisation which, if it were opposed to the affiliation, could terminate its legal existence by cancelling its registration.<sup>154</sup> Finally, it would seem that in certain countries the affiliation of organisations with international organisations is subject to previous authorisation<sup>155</sup> or is prohibited.<sup>156</sup>

#### *Suspension and Dissolution of Organisations.*

79. Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) provides that organisations shall not be liable to be dissolved or suspended "by administrative authority". However, while it would appear from the information available that the prohibition of the dissolution or suspension of an organisation by administrative authority is a necessary condition for

<sup>151</sup> See para. 40.

<sup>152</sup> This is the case in the following *member States*: Australia, Austria, Belgium, Canada (federal legislation), Denmark, Finland, France, Federal Republic of Germany, Republic of Guinea, Honduras (adherence need only be notified), Iceland, India, Ireland, Italy, Japan, Luxembourg, Mexico, Morocco, New Zealand, Norway, Pakistan, Sweden, Switzerland, Tunisia, United Kingdom, Uruguay. *Non-metropolitan territories*: Denmark: Faroe Islands, Greenland; France: all non-metropolitan territories; United Kingdom: St. Helena, where United Kingdom legislation is applicable, *mutatis mutandis*, with certain exceptions (see end of paragraph 78) it appears that in most of the non-metropolitan territories of the United Kingdom there are no legislative provisions prohibiting organisations from adhering to international organisations.

<sup>153</sup> See paras. 69 and 70.

<sup>154</sup> See para. 33.

<sup>155</sup> *Member States*: Brazil (Act No. 2802 of 18 June 1956); Brunei (Ordinance No. 15 of 1951); China (Trade Union Law, section 34); Turkey (Act of 1947, section 5). *Non-metropolitan territories*: United Kingdom: Hong Kong (Ordinance No. 8 of 1948, section 14), North Borneo, Sarawak (Ordinance No. 7 of 1950, section 4).

<sup>156</sup> Portugal (Legislative Decree No. 23050 of 23 Sep. 1933, section 10).



ensuring respect for freedom of association and protection of the right to organise, this procedural guarantee does not necessarily constitute an adequate condition: in fact, according to the terms of Article 8, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 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 . . .". Here again, therefore, it would seem that the extent of the guarantees against arbitrary suspension or dissolution enjoyed by trade union organisations is liable to vary considerably according to the extent of the freedoms enjoyed in fact by the inhabitants of a country.

80. It would also seem from the information available that, in some cases, the cancellation of the registration of an organisation may have the same results as does a suspension or even a dissolution. Nevertheless, it is clear that the effect of such a measure of cancellation of registration will vary according to whether registration constituted or did not constitute a formality necessary to enable the organisation to achieve its objectives (see paragraphs 25 to 34) and according to the grounds on which the decision may be taken. For this reason, the information available with respect to the cancellation of registration of organisations will be examined at the same time as that which relates to suspension and dissolution properly so called.

81. *Suspension of organisations.* According to the information available, suspension by administrative authority appears to be impossible in nearly all the countries considered.<sup>157</sup> In some of these countries the power of suspension is accorded to the judicial authorities in cases in which organisations contravene the national legislation which, itself, does not seem to contain any provision which may infringe the guarantees laid down in the Conventions. In other countries, the suspension or cancellation of registration of organisations may be ordered by an administrative or quasi-administrative authority, but the suspension may be the subject of an appeal to the courts and the grounds on which such a decision may be taken are not likely to infringe the rights and guarantees enjoyed by organisations.<sup>158</sup> In other cases the order of suspension has no effect unless, within a fairly brief period, it has been confirmed by the judicial authorities<sup>159</sup>, or unless a petition for dissolution is brought immediately before the courts of law.<sup>160</sup> Finally, in certain cases, it would appear that there exists a possibility of administrative suspension for a more or less limited period.<sup>161</sup>

<sup>157</sup> This is the case in the following *member States*: Belgium, Canada, France, Republic of Guinea, Ireland, Israel, Italy, Luxembourg, Norway, Sweden, Tunisia, United Kingdom. *Non-metropolitan territories*: France: all the non-metropolitan territories; United Kingdom: Isle of Man, St. Helena.

<sup>158</sup> *Member States*: Ceylon, India, Pakistan, Sudan. *Non-metropolitan territories*: Italy: Trust Territory of Somaliland (Ordinance No. 2 of 1954, section 3, and Ordinance No. 5 of 1956, section 1); the majority of the territories of the United Kingdom (it would appear that cancellation of registration does not entail dissolution unless it is confirmed by the Supreme Court or unless no appeal is lodged within the period prescribed). It appears that the same situation exists in the Cook Islands (New Zealand).

<sup>159</sup> Cuba (Associations Act, 1888, section 12).

<sup>160</sup> *Member States*: Austria (section 28, Act of 1951); Denmark (Constitution, Article 78 (3)); Finland (Act of 1919, section 21); Iceland (Article 73 of the Constitution). *Non-metropolitan territories*: Denmark: Faroe Islands (section 78 of the Constitution), Greenland (ibid.).

<sup>161</sup> *Member States*: Brazil (Labour Code, section 553); Haiti (section 76, Act of 1947); New Zealand (Industrial Arbitration and Conciliation Act, 1954). *Non-metropolitan territories*: United Kingdom: Kenya (Ordinance No. 23 of 1952, section 17).

82. *Dissolution of organisations.* In the majority of the countries in respect of which information was available, it would seem that dissolution can be ordered only by the judicial authorities and the grounds on which such a decision may be given, according to the legislation in force, do not appear likely to infringe the rights and guarantees accorded by the Conventions to trade union organisations and their members.<sup>162</sup> Thus, in certain countries, the dissolution of organisations results from cancellation of their registration by the competent authority, but it would seem that such a decision can be taken only where the organisation contravenes trade union legislation (which does not seem to contain any provision likely to infringe the prescribed rights and guarantees) or its own rules and that, further, the decision to deregister can always be the subject of an appeal to the courts.<sup>163</sup> In certain cases, the dissolution is preceded by an order of suspension made by the competent administrative authorities, which results in the case coming immediately before the judicial authorities (or, alternatively, if the order is not immediately referred to such authorities, it becomes null and void) and it is for the judicial authorities to decide whether or not there should be a dissolution; in the event of a negative decision, the order of suspension appears automatically to be terminated.<sup>164</sup>

83. In countries in which the founder members of primary trade union organisations must obtain previous authorisation or comply with equivalent formalities, the authority responsible for effecting registration or approving the rules may order dissolution.<sup>165</sup> Likewise, where primary trade union organisations are obliged to register with higher inter-union organisations, it would seem that it is these bodies which, by cancelling the registration, terminate the legal existence of the organisation.<sup>166</sup> Here again, it should be pointed out that in all the countries considered there exists a single inter-union organisation which, in each case, is very closely associated with the political party in power. Finally, in a number of countries, it would seem that dissolution can be ordered by the administrative authorities or by the government.<sup>167</sup>

#### *Protection of Organisations against Acts of Interference by Each Other.*

84. According to Article 11 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), States shall "take all necessary and appropriate measures to ensure that

<sup>162</sup> This is the case in the following *member States*: Belgium, Canada (federal legislation), Denmark, Finland, France, Republic of Guinea, Iceland, Ireland, Italy, Luxembourg, Norway, Sweden, Tunisia, United Kingdom, Uruguay. *Non-metropolitan territories*: Denmark: Faroe Islands, Greenland; France: all non-metropolitan territories; United Kingdom: Guernsey, Jersey, Isle of Man, St. Helena.

<sup>163</sup> This is the case in the countries referred to in footnote 158 to para. 81, with the exception, as regards the *non-metropolitan territories* of the United Kingdom, of Jamaica (where appeal is not always possible (Chapter 382 of the Laws of Jamaica, section 22)), Southern Rhodesia (idem, Act of 1945, section 18 (2)).

<sup>164</sup> This is the case in the countries referred to in footnotes 159 and 160.

<sup>165</sup> See para. 32.

<sup>166</sup> See para. 33.

<sup>167</sup> *Member States*: Byelorussia (Civil Code, section 18); Portugal (Legislative Decree No. 23050, section 20); Ukraine (Civil Code, section 18); Union of South Africa (in certain cases—Industrial Conciliation Act 1956, sections 12 and 13); U.S.S.R. (Russian S.F.S.R.: Civil Code, section 18). *Non-metropolitan territories*: United Kingdom: Brunei (Societies Act, 1948, section 9 (1)).

workers and employers may exercise freely the right to organise". One aspect of this protection is defined in Article 2 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), according to the terms of which workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. Paragraph 2 of this Article assimilates to acts of interference the establishment of workers' organisations dominated, controlled or supported by financial or other means by an employer or an employers' organisation. Finally, Article 3 of the same Convention provides for the establishment "where necessary" of machinery appropriate to national conditions for the purpose of protecting organisations against acts of interference.<sup>168</sup> Here again, it should be observed that according to Article 6 thereof, the last mentioned Convention "does not deal with the position of public servants engaged in the administration of the State"; but nevertheless it would appear that any act of interference by the State with organisations of officials would, in fact, contravene the provisions of Article 3, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which is applicable to officials and which provides that the public authorities shall refrain from any interference which would restrict the rights of organisations or impede the lawful exercise thereof.

85. Although, in principle, the first paragraph of Article 2 is intended to protect both employers' organisations and workers' organisations, the information available does not refer, in the majority of cases, to the protection of employers' organisations against acts of interference. In certain cases, nevertheless, the generality of the terms employed in the reports suggests that, as provided for in the Convention, all occupational organisations—both of employers and of workers—enjoy measures of protection prescribed by the legislation. The information available in respect of certain countries, on the other hand, refers directly only to the protection of workers' organisations. Finally, certain governments indicate in their reports that no special protection for employers' organisations exists.<sup>169</sup>

86. In a number of countries this protection appears to be ensured by general or special legislative provisions: principles of the law relating to incorporation<sup>170</sup>, penal code<sup>171</sup>, legislation relating to freedom of association<sup>172</sup>, provisions to this effect included in labour legislation or labour codes<sup>173</sup> (including texts regulating the registration of organisations or collective agreements, etc.).

<sup>168</sup> See footnote 95.

<sup>169</sup> This is the case, for instance, in respect of Canada (federal legislation).

<sup>170</sup> Greece, Italy, Switzerland, Turkey.

<sup>171</sup> India.

<sup>172</sup> Belgium, Finland, Japan, Turkey.

<sup>173</sup> *Member States*: Australia (federal legislation), Brazil, Byelorussia, Canada (federal legislation), Colombia, Costa Rica, Cuba, Finland, France, Federal Republic of Germany, Republic of Guinea, Honduras, Japan, Nicaragua, Philippines, Turkey, Ukraine, U.S.S.R., United States (federal legislation, and the legislation of about one-half of the states). *Non-metropolitan territories*: France: Algeria (Labour Code, Book I, section 31 (f)), French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.), Camerouns (Labour Code of 1952, section 73), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.); *United States*: Hawaii, Puerto Rico.

87. It is evident that in so far as the right to lodge a complaint against acts of interference belongs to the actual members of an organisation or to a certain proportion of them as fixed by law, the measures of control prescribed, for the most part entrusted to the judicial authorities, do not appear to be of such a nature as to infringe the freedom of action of the organisations. This seems to be the case, for instance, in countries in which protection against acts of interference is ensured by application of the principles of the law dealing with incorporation.

88. On the other hand, it would seem that the effect of the supervisory measures prescribed is often difficult to ascertain when, for instance, it is provided that trade unions which do not offer sufficient guarantees of their independence may be refused registration or be deprived of the right to negotiate collective agreements. The protection of trade union organisations against acts of interference by each other through the medium of administrative supervision may give rise to the same difficulties as were indicated earlier in connection with the supervision of the administration of organisations.<sup>174</sup> While such a tutelage on the part of the State may be justified to some extent in countries in which trade unions are just beginning to develop, such measures should, it would seem, only be transitional in character and should be abrogated as soon as circumstances permit.

89. In a certain number of countries, it would seem that there exist no legislative provisions for the purpose of ensuring protection of organisations against acts of interference by each other and that the guarantees prescribed by the Convention are applied in practice: certain governments indicate in this connection in their reports that the strength and development of the trade union organisations or the maturity of the trade union leaders are sufficient to shelter these organisations from any act of interference.<sup>175</sup> In some countries this factual situation is also enshrined in a kind of contractual Charter which determines the relations which shall exist between organisations of employers, on the one hand, and organisations of workers, on the other, and which, for many years, has served as a basis for all collective negotiations.<sup>176</sup>

90. Finally, it would seem difficult to assess to what extent acts of interference are possible—and in what manner these acts of interference might manifest themselves—in countries in which employers or directors of undertakings belong to the same organisations as the workers of the undertakings managed by them.<sup>177</sup>

#### C. RIGHTS AND GUARANTEES OF HIGHER ORGANISATIONS

91. According to Article 6 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), federations and confederations shall enjoy the same rights and guarantees as are prescribed in the Convention in the case of primary organisations. It would appear from the information available that in almost all the countries considered

<sup>174</sup> See paras. 63 and 64.

<sup>175</sup> Austria, Ghana, Israel, Federation of Malaya, Netherlands, Tunisia, United Kingdom, Viet-Nam.

<sup>176</sup> Denmark, Norway, Sweden. A similar situation appears to exist in Morocco in virtue of compliance by organisations with the recommendations of the Higher Collective Agreements Council.

<sup>177</sup> Byelorussia, Portugal (for certain industries), Spain, Ukraine, U.S.S.R.

the provisions applicable to primary organisations also apply to federations and confederations.

92. If reference is made to the preceding analysis it will be observed that in a large number of countries federations and confederations may freely draw up their constitutions and rules, elect their representatives, organise their administration and activities, formulate their programmes and affiliate with international organisations. Further, it is to be noted that they are not liable to be suspended or dissolved by administrative authority and that they enjoy adequate protection against acts of interference by other organisations.

93. In a number of other countries, the restrictions placed on primary organisations apply also to federations and confederations. The result is that in certain cases the rules of these inter-union organisations must be the subject of approval<sup>178</sup>; that they may not for various reasons choose certain persons as leaders as, for example, by reason of the fact that they do not belong to the occupation<sup>179</sup> or by reason of the political opinions of the persons concerned<sup>180</sup>; that the administration of these inter-union organisations is the subject of more or less strict supervision<sup>181</sup>; that their activities and their means of action are more or less restricted<sup>182</sup>; that they may be suspended or dissolved by administrative authority<sup>183</sup>; finally, that they may not freely adhere to international organisations.<sup>184</sup>

94. Finally, in a few countries inter-union organisations appear to be subject to stricter rules than are the primary trade union organisations. Thus, in one country, federations established by works unions or by unions of agricultural workers may have only cultural or welfare objects.<sup>185</sup> In two countries federations and confederations appear to be subjected to financial control of a stricter nature than is applied to primary organisations.<sup>186</sup> In certain countries inter-union organisations may not declare a strike or lockout.<sup>187</sup> Finally, it would seem that in one country the competent Minister may, in certain cases, cancel the registration of federations or confederations, that is to say, in effect, order their dissolution.<sup>188</sup> It should also be remembered that in one country trade union organisations are prohibited from establishing federations and confederations.<sup>189</sup>

## Chapter II. Collective Bargaining and Collective Agreements

95. More or less detailed provisions regarding collective bargaining and collective agreements may be found in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84), and in the Collective Agreements Recommendation, 1951 (No. 91). As already indicated (see paragraph 11), the scope of these two Conventions

does not extend to all the workers covered by the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). As for the Collective Agreements Recommendation, 1951 (No. 91), it contains no provision defining its scope as regards workers. Nevertheless, this would not seem to entail the impossibility for associations of certain of these workers, e.g. public officials, to negotiate on behalf of their members with a view to defending or promoting their interests; as already indicated, public officials are free in many countries to establish associations which represent them in their relations with the administration.

96. The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), provides, in Article 4, that measures appropriate to national conditions shall be taken when necessary to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations with a view to the regulation of terms and conditions of employment by means of collective agreements. The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) provides, in Article 3, that all practicable measures shall be taken to assure to trade unions which are representative of the workers concerned the right to conclude collective agreements with employers or employers' organisations. It also provides, in Articles 5, 6 and 7, that the procedures for investigating and settling disputes must be as simple and expeditious as possible and that representatives of workers and employers must be associated in these procedures. Moreover, in Article 4, it provides for the consultation and association of representatives of employers' and workers' organisations in the establishment and application of provisions for ensuring the protection of workers and the application of labour legislation. As regards the Collective Agreements Recommendation, 1951 (No. 91), it deals with collective bargaining machinery, the definition of collective agreements, their effects, extension and interpretation and the supervision of their application, as well as various other questions (publicity measures, etc.).

97. It appears from the information available, and particularly from the information supplied on the application of the Right of Association (Non-Metropolitan Territories) Convention, 1947, that frequently the procedure for the settlement of disputes, and even sometimes the procedure for the investigation of disputes, is generally established on a contractual basis and merely constitutes one of the aspects of voluntary collective bargaining machinery. Moreover, the agreements concluded by parties in the course of, or at the end of, a procedure for the settlement of a collective labour dispute, are generally assimilated to collective agreements concluded in accordance with the normal procedure. It therefore seems to be extremely difficult, if not impossible, to make a clear distinction between machinery for drawing up collective agreements on the one hand, and procedures for the investigation and settlement of conflicts on the other hand: these two types of procedures, which in some countries are entirely separate, may both be considered from the point of view of an international comparative analysis as falling within the general framework of collective bargaining machinery, in its widest sense.<sup>190</sup> Consequently, it appears that the information available may be analysed by examining,

<sup>178</sup> See para. 54.

<sup>179</sup> See paras. 60 and 61.

<sup>180</sup> See para. 62.

<sup>181</sup> See para. 64.

<sup>182</sup> See paras. 67, 68, 69 and 71.

<sup>183</sup> See paras. 81 and 82.

<sup>184</sup> See para. 78.

<sup>185</sup> Chile.

<sup>186</sup> Egypt and Turkey.

<sup>187</sup> Colombia (section 434 of the Labour Code), Honduras (Legislative Decree No. 101 of 6 June 1955, section 33).

<sup>188</sup> Union of South Africa (Industrial Conciliation Act, No. 28 of 1956, section 80).

<sup>189</sup> See para. 75.

<sup>190</sup> In view of the fact that the Committee has not been called upon to examine the effect given to the Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92), the present general remarks relate more specifically to collective agreements.

one after the other, the three following questions: collective bargaining machinery, the scope and effect of collective agreements and the application of such agreements. Finally, as regards non-metropolitan territories, it will be possible to examine the information available regarding collaboration and consultation with employers' and workers' organisations and their association in the establishment and working of provisions which are to ensure the protection of workers and application of the labour legislation.

#### A. COLLECTIVE BARGAINING MACHINERY

98. Neither the two Conventions under consideration nor the Recommendation specify exactly what procedure should be adopted or followed in regard to collective bargaining. Paragraph 1 of the Recommendation provides that appropriate machinery should be established, by means of agreement or legislation, to negotiate, conclude, revise and renew collective agreements or to assist the parties in such action. It is appropriate, therefore, to examine first of all the manner (contractual or legislative) in which collective bargaining machinery is established and then the nature of this machinery.

##### *Manner in Which Machinery is Established.*

99. As already noted by the Committee in 1956, collective bargaining machinery may, in accordance with the Recommendation, be established either by means of agreements between the parties or by means of legislation. This does not mean, of course, that either of these methods should be adopted in any country to the exclusion of the other, and the two systems generally exist side by side. Consequently it is not possible to draw a line of division between the countries where collective bargaining machinery is set up by agreement between the parties, and those where it is established by law. Nevertheless, the various countries may be classified, *grosso modo*, in three groups: those in which the contractual system predominates; those where both the contractual and the legislative system exist or supplement one another; and finally those in which collective bargaining machinery is generally established by legislative measures.

100. *Predominantly contractual system.* A typical example of the contractual procedure for negotiating collective agreements may be found in a country where the organisations of employers and workers have themselves established a network of joint committees and similar bodies on a local, regional and national level and where special importance is attached to those clauses of collective agreements which relate to collective bargaining machinery.<sup>191</sup> In a certain number of other countries where parties have adopted a different method of obtaining similar results, the point of departure is a national or basic agreement by which the central employers' and workers' organisations determine the principles to be followed in collective bargaining, which principles are subsequently embodied in collective agreements.<sup>192</sup> Predominantly contractual procedures for the establish-

ment of collective bargaining machinery, with official machinery playing a very minor role and with legislation generally limited to providing a legal framework for collective agreements, are to be found in a certain number of other countries.<sup>193</sup>

101. *Mixed procedures.* In most countries contractual collective bargaining machinery is to be found side by side with machinery established by legislation. The importance of the two types of machinery varies considerably in the countries in question. As a rule it seems that the object of the relevant legislative provisions is invariably to promote free joint negotiation between employers and workers or their representatives, and these legislative measures do not preclude the conclusion of agreements negotiated directly by the parties without recourse to the official machinery, nor the establishment of collective bargaining machinery through collective agreements. In general the object of all such machinery established by law is either to assist the parties in negotiations or to help them establish for themselves collective bargaining machinery. Moreover, in certain cases it appears that the standard-setting provisions merely give legal recognition to existing machinery. Nevertheless it would seem that a distinction may be made between three principal types of machinery.

102. In a certain number of countries there does not appear to be any permanent collective bargaining machinery established by law. The national legislation merely provides that the government or the competent administrative services may set up machinery to assist the workers and employers in their negotiation, when necessary.<sup>194</sup>

103. In other countries the legislation provides for the setting up of joint committees or councils in all or most occupations and the collective agreements concluded within the framework of this machinery cover the majority of workers.<sup>195</sup>

104. Finally, in some countries in addition to the contractual machinery it would seem that employers' and workers' organisations may have recourse to legally established machinery, provided that they have first been registered. Although certain privileges may thus be obtained (in particular the possibility of obtaining the sole right to represent the workers in question), this procedure also entails certain restrictions since registered organisations must renounce the right to having recourse to strikes or lockouts as a method of action.<sup>196</sup>

<sup>193</sup> For example Federal Republic of Germany, India, Ireland, Pakistan, Switzerland, United States.

<sup>194</sup> This is the case for example in the following *member States*: France (Labour Code, Book I, section 31 (f)), Republic of Guinea (Act of 1952, section 73), Honduras (Legislative Decree of 14 March 1955 section 3), India (Bombay, Industrial Relations Act, 1946), Ireland (Industrial Relations Act, 1946, Parts IV and V), Japan (Law No. 174 of 1949, sections 20 et seq.), Morocco (Dahir of 17 April 1957, sections 20 and 22), Philippines (Act of 17 June 1953, sections 20 et seq.), Viet-Nam (Labour Code of 1956, section 77); and in the following non-metropolitan territories: France: Algeria (Labour Code, Book I, section 31 (f)); French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.), Cameroons (Labour Code of 1952, section 73), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.).

<sup>195</sup> For example Belgium (Legislative Decree of 9 June 1945), Luxembourg (Grand Ducal Order of 6 November 1945), Netherlands (Decree of 5 October 1945), Union of South Africa (Act No. 36 of 1937, sections 18 et seq. (respecting non-Natives only)).

<sup>196</sup> For example Australia and New Zealand (Industrial Conciliation and Arbitration Act, 1954).

<sup>191</sup> United Kingdom. A similar tendency may be found in a certain number of non-metropolitan territories for whose international relations the United Kingdom is responsible: according to information supplied in reports, the officials of the local labour departments make every effort to encourage employers and workers to establish collective bargaining machinery by means of collective agreements.

<sup>192</sup> Denmark (Agreement of September 1899 and General Rules of 21 December 1956), Norway (National Agreement of 1935), Sweden (Basic Agreement of 1938).

105. *Predominantly legislative procedures.* In a certain number of countries where the authorities wished to encourage employers' and workers' organisations to fix working conditions and wages by means of collective agreements, a legislative framework was established for this purpose by the enactment of detailed provisions regarding collective bargaining, grievance procedure, the effect of agreements, etc.<sup>197</sup>

106. Finally, in certain other countries the legislation provides for the conclusion of collective agreements through which the full and concrete application of legislative standards is to be ensured.<sup>198</sup>

#### *Methods Utilised.*

107. In countries where collective bargaining machinery is predominantly established on a contractual basis, collective agreements establish certain procedural rules (time limits, periods of notice, etc.), and also provide for the setting up of joint negotiation committees. Moreover, in some of these countries collective agreements sometimes include provisions for the protection of the trade union (closed shop, union shop, etc.).<sup>199</sup>

108. In countries where there are mixed procedures the legislation also sometimes prescribes procedural rules, the establishment of joint committees, which may be permanent or not, and in some cases provides for the assistance of officials from the labour department, etc.

109. As part of the measures to assist parties to collective agreements and help them in the conclusion of collective agreements, the national legislation of some countries prescribes rules regarding the representative bargaining agent which is to negotiate in the name of all the workers. In some cases the representative character of several organisations may be recognised.<sup>200</sup> In other cases the legislation provides specifically that only one organisation may be recognised for the purpose of concluding collective agreements for a given industry or region.<sup>201</sup> The decision regarding the recognition of an organisation is sometimes general in scope (regional or industrial level), and sometimes is limited to a specified undertaking, plant or part of an undertaking. Finally, in some countries the legislation provides that only one trade union may represent the workers in each undertaking but establishes no rule regarding the manner in which the organisation in question is to be selected<sup>202</sup>, probably in view of the fact that all the other trade unions must be affiliated to an all-union organisation and because of the fact that there is only one all-union organisation in each of these countries.

110. It should be stressed that collective bargaining machinery established—either contractually or in virtue of legislation—for the purpose of concluding

collective agreements, may also, in practice, serve as conciliation machinery in many countries. Conversely, in many cases the conciliation bodies set up by law are required, in particular, to assist parties who have reached a deadlock in the course of negotiations regarding collective agreements<sup>203</sup>; in other countries the competence of the conciliation services extends to all types of disputes and particularly to disputes arising in the course of bargaining.<sup>204</sup>

#### B. SCOPE AND EFFECT OF COLLECTIVE AGREEMENTS

111. The Collective Agreements Recommendation, 1951 (No. 91) contains, in Part II, a definition of collective agreements; in Parts III and IV, provisions regarding the effects of collective agreements; and in Part V, provisions regarding the extension of collective agreements. The analysis of the information available will be made with reference to each of these points.

#### *Definition of Collective Agreements.*

112. The Recommendation defines collective agreements as agreements in writing relating to working conditions and terms of employment concluded between employers, or a group of employers, or one or more employers' organisations on the one hand, and one or more representative workers' organisations or, in the absence of such organisations, workers' representatives on the other hand.

113. In most of the countries in question the definition given by the national legislation is in conformity with that established by the Recommendation; in countries where the expression is not defined by any legislative text, the collective agreements which are concluded in practice between employers' and workers' organisations correspond with the definition given by the Recommendation. Nevertheless, certain divergencies exist in some countries: these divergencies relate in some cases to the persons or organisations which may be parties to a collective agreement and in others to the contents of collective agreements.

114. *The parties to collective agreements.* As regards workers, the most common difference is due to legislative provisions in virtue of which workers' representatives, as opposed to workers' organisations, are not entitled to conclude collective agreements.<sup>205</sup> This implicit exclusion of the possibility for workers' representatives to conclude collective agreements may doubtless be explained in countries where these

<sup>203</sup> This is the case for example in Greece (Act No. 3239 of 1955, section 9), Haiti (Act of 23 October 1947), Ireland (Industrial Relations Act, 1946, Parts IV and V), Israel (Settlement of Labour Disputes Act, 1957), United Kingdom (Conciliation Act, 1956).

<sup>204</sup> This is the case for example in Brazil (Labour Code, section 650), Finland (Act No. 570 of 1946), United Arab Republic (Egypt) (Legislative Decree No. 318 of 1952).

<sup>205</sup> This is the case for example in the following *member States*: Costa Rica (Labour Code of 1943, section 54), Dominican Republic (Labour Code of 1943, section 92), France (Labour Code, Book I, section 31 (a)), Republic of Guinea (Labour Code 1952, section 68), Indonesia (Act No. 21 of 1954, section 1), Japan (Law No. 174 of 1949, section 14), Mexico (Labour Code of 1931, section 42), Nicaragua (Labour Code of 1945, section 22), Thailand (Act of 1 November 1949, section 112), United Arab Republic (Egypt) (Act No. 97 of 1950, section 1), Viet-Nam (Labour Code of 1956, section 70); and in a number of *non-metropolitan territories*: France: Algeria (Labour Code, Book I, section 31 (a)), French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.); Camerouns (Labour Code of 1952, section 68), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.).

<sup>197</sup> This would appear to be the case in many countries of Latin America.

<sup>198</sup> This is the case, in particular, in Byelorussia, Ukraine and the U.S.S.R.

<sup>199</sup> In particular see para. 38.

<sup>200</sup> This is the case for example in France (Labour Code, Book I, section 31 (e)) and in all non-metropolitan territories of France (Labour Code of 1952, section 73).

<sup>201</sup> This is the case for example in Canada (Industrial Relations and Industrial Disputes Act, 1948, sections 7 et seq.), the United States (Labor-Management Relations Act, 1947, section 10 (9)), Mexico (Labour Code, 1931, section 43), New Zealand (Industrial Conciliation and Arbitration Act, 1954, sections 60 et seq.).

<sup>202</sup> This is the case for example in Byelorussia (Labour Code, section 157), Ukraine (Labour Code, section 157) and the U.S.S.R. (Labour Code, section 157).

matters are regulated by statute law, by the need to define collective agreements otherwise than individual contracts and, in certain cases, by the prohibition of concluding contracts on behalf of other persons; this exclusion has certain disadvantages in countries where the trade union organisations have not yet reached a sufficient degree of development: in the first place the conclusion of collective agreements is rendered impossible, and in the second place it may be felt that in the absence of trade unions the fact that some workers should be chosen by their fellow workers as their representatives in collective bargaining should facilitate the setting up of trade unions. However, the importance of these factors should not be exaggerated: in countries where the legislation contains no provisions restricting the rights and guarantees necessary to ensure freedom of association, there may be a tendency towards a proliferation in the number of trade unions.<sup>206</sup>

115. As regards employers, a difference may exist either because the legislation makes no provision for the conclusion of collective agreements by an individual employer<sup>207</sup> or because there are no employers' organisations in the countries concerned which, as indicated above, may be due to legislative provisions.<sup>208</sup> Finally, special reference should be made to a case where collective agreements are concluded on behalf of employers and workers by their respective representatives within the one organisation.<sup>209</sup>

116. *Contents of collective agreements.* The information available shows that in a considerable number of countries no legislative provision exists to restrict in any way the right of the contracting parties to insert in collective agreements any question of mutual interest which they wish to settle by this procedure.<sup>210</sup> However in a certain number of countries the legislation establishes to some extent the minimum contents of collective agreements by providing, for example, that they should include clauses on a certain subject such as wages, dismissal, grievance procedure or questions of form; however such enumeration is not exclusive.<sup>211</sup> In practice considerable variety is to be found in the contents of collective agreements which may set out detailed rules covering all matters respecting working conditions and labour relations in a given industry or trade or which may be limited to a single problem such as holidays with pay; these two extreme types of collective agreements frequently exist side by side in a single country.

<sup>206</sup> See in this connection more particularly I.L.O.: *Record of Proceedings*, Fourth Asian Regional Conference, New Delhi, November 1957 (Geneva, 1958), Appendix VI: Report of the Committee on Labour-Management Relations; and *idem*: *African Labour Survey*, (Geneva, 1958), Ch. VII.

<sup>207</sup> Austria (Act of 26 February 1947, section 2), Brazil (Labour Code, section 611).

<sup>208</sup> This is the case for example in Byelorussia, Ukraine and the U.S.S.R. (see para. 24).

<sup>209</sup> Spain (Act of 28 April 1958, section 6).

<sup>210</sup> This is the case for example in Sweden, the United Kingdom and the United States.

<sup>211</sup> This is the case for example in the following *member States*: Brazil (Labour Code of 1943, section 619), France—as regards collective agreements which may be extended (Labour Code, Book I, section 31 (c) and (g)), Republic of Guinea (Act of 12 December 1952, sections 70 and 74), Tunisia (Decree of 5 November 1949, section 16); and in the following *non-metropolitan territories*: France: Algeria (Labour Code, Book I, section 31 (c) and (g)), French Guiana (*ibid.*), Guadeloupe (*ibid.*), Martinique (*ibid.*), Réunion (*ibid.*); Cameroons (Labour Code of 1952, sections 70 and 74), Comoro Islands (*ibid.*), French Equatorial Africa (*ibid.*), French Polynesia (*ibid.*), French Somaliland (*ibid.*), French West Africa (*ibid.*), Madagascar (*ibid.*), New Caledonia (*ibid.*), St. Pierre and Miquelon (*ibid.*), Togoland (*ibid.*).

117. It also appears from the information available that, even if this is not specifically prescribed by law, collective agreements may not contain clauses which are unlawful or which are contrary to legislative provisions of a public nature (*dispositions d'ordre public*).<sup>212</sup> There are also frequent cases in which collective agreements may not fix wage rates lower than the minimum rates established by some other method.<sup>213</sup>

118. In certain countries legislation restricts to a certain extent the right of parties to determine the contents of collective agreements. Thus in one country the competent minister may withhold his approval of a collective agreement if it is contrary to the government's economic or social policy<sup>214</sup>; in another country collective agreements may not contain any clause conflicting with the State's economic policy and the terms of the agreements are drafted by a public service<sup>215</sup>; in yet other countries collective agreements may not include clauses which are seriously prejudicial to the national economy<sup>216</sup>; in another country the wage rates set out in collective agreements may not be lower than a minimum, nor higher than a maximum determined by a national board<sup>217</sup>; finally, in a certain number of countries, collective agreements may not include clauses respecting wage rates, these being fixed by the economic plan, but they must on the other hand contain provisions respecting the individual and collective standards of production so as to ensure that the objectives fixed by the economic plan shall be attained or even exceeded.<sup>218</sup>

#### *Effects of Collective Agreements.*

119. Part III of the Recommendation indicates how the principle of non-derogation from collective agreements should be applied, describing the effect of a collective agreement on individual contracts and the extent to which clauses differing from those of a collective agreement may be maintained in contracts. It is therefore appropriate to examine successively: the binding effect of collective agreements as regards the parties; the binding effect of collective agreements as regards workers who are not members of the trade union having concluded the agreement; and finally, the effect of collective agreements on individual contracts.

120. *Binding effect as regards the parties.* It appears from the information available that the main differences between the reporting countries as regards the effects of collective agreements are due to the systems of law, that is whether collective agreements are governed by common law or statute law. Under the common law system, where collective agreements lack any statutory basis, they are excluded from the jurisdiction of the courts and may be regarded as having the character of "gentlemen's agreements" which are the basis of individual contracts. This is the only system existing in a limited number of countries<sup>219</sup>; it may also be

<sup>212</sup> This is the case, in particular, in the countries mentioned in para. 37 in which union security clauses are prohibited.

<sup>213</sup> This matter was dealt with in detail in the Committee's report for 1958, which contained general conclusions regarding "Minimum Wage-Fixing Machinery".

<sup>214</sup> Greece (Act No. 3239 of 1955, section 20 (2)).

<sup>215</sup> Portugal (Legislative Decree No. 36173, sections 8 and 26).

<sup>216</sup> Spain (Act of 24 April 1958, section 2); the position appears to be similar in Brazil (Labour Code, section 518).

<sup>217</sup> Netherlands.

<sup>218</sup> Byelorussia, Ukraine, U.S.S.R.

<sup>219</sup> United Kingdom and the majority of this country's non-metropolitan territories.



found in other countries in company with, but independently of, collective bargaining machinery established by law.<sup>220</sup>

121. In countries where these matters are governed by statute law, the legislation generally provides that the two signatory parties to a collective agreement and the persons on whose behalf they acted are bound by the agreement and must ensure its application and respect its provisions for as long as the agreement remains in force. In certain countries the legislation expressly authorises damage suits by and against either party for breach of collective agreements.<sup>221</sup> In other countries the collective agreement has not the same effect in the case of employers as in that of workers; thus as regards the management of the undertaking the collective agreement constitutes a legal obligation, whereas in the case of the workers it constitutes moral and political obligations.<sup>222</sup>

122. *Binding effect as regards third parties who are employed in the undertaking.* The purpose of Paragraph 4 of the Recommendation is to solve the practical difficulties which may arise where an employer bound by a collective agreement has among his employees workers who are not members of the trade union which is a party to the agreement in question. In many countries the law expressly provides that an employer shall be bound by the terms of a collective agreement to which he is a party even as regards those of his workers who are not members of the contracting organisation.<sup>223</sup> Nevertheless in some cases this rule is only applicable if a certain proportion of the workers in the undertaking are members of the organisation having concluded the collective agreement<sup>224</sup>, or if the collective agreement does not otherwise provide<sup>225</sup>, or if it is specifically ordered by decision of the minister.<sup>226</sup>

123. In the absence of specific legislative provisions on this subject, the question of the extension of collective agreements to workers who are not

members of the contracting organisations is frequently ensured either by arbitration awards or on an entirely voluntary basis by the employers themselves<sup>227</sup>; this practice may be subject to the right of the contracting parties to specify in the collective agreement that it shall be applicable only to members of the contracting organisations.<sup>228</sup>

124. In a certain number of countries the problem of the application of collective agreements to workers who are not members of the contracting organisations does not arise in view of the fact that the organisations are considered as representing all the workers employed in the undertaking in question; in some cases this is the result of a procedure of recognition in virtue of which any trade union may claim the quality of bargaining agent in a specified unit<sup>229</sup>, and in other cases it is due to the legal monopoly of representation.<sup>230</sup>

125. *Effect of collective agreements on individual contracts.* The effect of collective agreements on the individual contracts of workers covered by a collective agreement varies from country to country. In some cases legislative provisions prescribe that the collective agreement is binding and constitutes an integral part of these contracts<sup>231</sup>; in other cases the law provides that any clause in a contract which is less favourable than a provision of a collective agreement shall be null and void and replaced by the corresponding provisions of the collective agreement.<sup>232</sup> In yet other cases the legislative provisions specify that the standard fixed by the collective agreements shall constitute minimum standards.<sup>233</sup> In certain cases the law does not prohibit clauses in an individual contract which are contrary to a collective agreement provided this is permitted by the agreement itself.<sup>234</sup>

126. Most countries recognise the validity of clauses in individual contracts which are more favourable than those in the collective agreement in so far as they relate to clauses specifying minimum standards

<sup>220</sup> For example Australia, Ireland, New Zealand, Union of South Africa.

<sup>221</sup> This is the case, in particular, in the United States (Labor-Management Relations Act of 1947, section 301).

<sup>222</sup> See for example Byelorussia, Ukraine, U.S.S.R.

<sup>223</sup> This is the case for example as regards the following member States: Argentina (Act No. 14250, section 1), Austria (Act of 26 February 1947, section 10), Canada (Industrial Relations and Disputes Investigation Act, 1948, section 18), Dominican Republic (Labour Act of 1951, section 109), Finland (Act No. 436 of 1946, section 4), France (Labour Code, First Book, Part II, section 31 (e)), Guatemala (Labour Code of 1947, section 50 (b)), Republic of Guinea (Act of 1942, section 72), Israel (Collective Bargaining Law of 1957, sections 15 and 16), Mexico (Labour Code of 1931, section 48), Netherlands (Decree of 5 November 1945, section 17), New Zealand as regards some cases (Government Service Tribunal Act of 1948 and Government Railway Act of 1949), Tunisia (Decree of 5 November 1949, section 2), and also as regards the following non-metropolitan territories: France: Algeria (Labour Code, Book I, section 31 (e)), French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.); Cameroons (Labour Code of 1952, section 72), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.).

<sup>224</sup> For example Costa Rica (Labour Code of 1943, section 55), Colombia (Labour Code of 1950, section 471), Japan (Law No. 174 of 1949, section 17), United Arab Republic (Egypt) (Act No. 97 of 1950, section 14).

<sup>225</sup> This is the case for example in the following member States: Ceylon (Act of 1950, section 8 (2)), France (Labour Code, Book I, section 31 (e)), Honduras (Decree of 29 August 1957, section 8), Morocco (Dahir of 17 April 1957, sections 5 and 13), Viet-Nam (Labour Code of 1956, section 73); and in the non-metropolitan territories indicated in footnote 223.

<sup>226</sup> For example Indonesia (Law No. 21 of 1954, section 11 (1)).

<sup>227</sup> For example Denmark, Federal Republic of Germany, Norway, United Kingdom.

<sup>228</sup> For example Belgium, India.

<sup>229</sup> For example India, United States.

<sup>230</sup> For example Bulgaria, Byelorussia (Labour Code, section 157), Poland (Act of 1 July 1949 respecting trade unions, section 5), Ukraine (Labour Code, section 157), U.S.S.R. (Labour Code, section 157).

<sup>231</sup> For example as regards member States: Argentina (Decree No. 2739, section 7), Austria (Act No. 76 of 1947, section 6), Brazil (Labour Code of 1943, section 444), Chile (Labour Code of 1931, section 18), France (Labour Code, Book I, section 31 (e)), Greece (Act No. 3239, section 3), Republic of Guinea (Labour Code, 1952, section 72), Israel (Collective Agreements Law, 1957, section 19), Morocco (Dahir of 17 April 1957, section 5); and as regards non-metropolitan territories: France: Algeria (Labour Code, Book I, section 31 (e)), French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.); Cameroons (Labour Code of 1952, section 72), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.).

<sup>232</sup> For example Finland (Act No. 436 of 1946, section 6), Federal Republic of Germany (Act of 9 April 1949, section 4), Honduras (Decree of 29 August 1957, section 8), Indonesia (Law No. 21 of 1954, section 9), Japan (Law No. 174 of 1949, section 16), Netherlands (Act of 24 December 1927, section 12, and Decree of 5 October 1945, section 17), Switzerland (Code of Obligations, section 323bis), Turkey (Code of Obligations, sections 311 and 316), United Arab Republic (Egypt) (Act No. 97 of 1950, section 9).

<sup>233</sup> For example Spain (Act of 24 April 1958, section 3).

<sup>234</sup> For example Denmark, Sweden (Act of 22 June 1928, section 4), Union of South Africa.

of protection.<sup>235</sup> Nevertheless a number of differences exist either in virtue of the collective agreements themselves or in virtue of legislative provisions. Some restrictions are due to provisions specifying that the parties to a collective agreement may specify that its clauses shall be considered as maximum standards, in which case the individual contracts may not of course contain any clause which is more favourable than those of the collective agreement<sup>236</sup>, or to provisions specifying that the collective agreement may, by special clause, preclude any variations.<sup>237</sup> In some countries the legislative prohibition of inserting stipulations, in individual contracts, which are contrary to a collective agreement is interpreted as applying also to more favourable clauses.<sup>238</sup> Finally in one country the legislation specifically prohibits the insertion in contracts of conditions more favourable for the workers than those contained in an approved collective agreement.<sup>239</sup>

#### *Extension of Collective Agreements.*

127. Part IV of the Recommendation provides that, where appropriate, measures to be determined by national laws or regulations should be taken to extend all or certain stipulations of collective agreements so that they become generally binding on all the employers and workers included within the industrial and territorial scope of the agreements. According to the information available, the national legislation and regulations of a large number of countries provide for the extension of collective agreements to third parties who are not directly bound by them, usually by conferring on the government, a minister, or a special body, the power to make collective agreements generally binding for all the employers and all the workers falling within the occupational or territorial scope of the collective agreement in question.<sup>240</sup> In most cases the legislation

prescribes conditions for extension which are in conformity with those prescribed in Paragraph 5 (2) of the Recommendation.

128. The most widespread of the required conditions relates to the representative character of the collective agreement, i.e. provisions requiring that the agreement should be of predominant importance in the opinion of the authorities<sup>241</sup>, that it has been concluded by sufficiently representative organisations<sup>242</sup> or that it covers at least a given proportion of the workers and sometimes also of the employers in the trade and region concerned.<sup>243</sup>

129. In certain cases the procedure for the extension of collective agreements can only be initiated at the request of one of the parties to the collective agreement<sup>244</sup> or of both parties<sup>245</sup> and/or at the request of a representative organisation or joint body.<sup>246</sup> These provisions do not necessarily exclude the right of public authorities to initiate the procedure for the extension of collective agreements when this is considered desirable.<sup>247</sup> Application for the extension of an agreement may even, in one country, be made by any member of an association which is a party to the agreement.<sup>248</sup>

130. A third condition to the extension of collective agreements which exists in many countries and which is intended to safeguard the interests of third parties, is that the employers and workers to whom the agreement is to be made applicable by its exten-

Morocco (Dahir of 17 April 1957, section 23), Netherlands (Act of 25 May 1937 and Decree of 5 October 1945, section 12), New Zealand (Industrial Conciliation and Arbitration Act 1954, section 107), Portugal (Legislative Decree of 23 September 1933, section 33), Switzerland (Act of 28 September 1956), Tunisia (Decree of 5 November 1949, section 11), Union of South Africa (Act No. 36 of 1937, section 48); *non-metropolitan territories*: France: all non-metropolitan territories.

<sup>241</sup> For example Austria (Act of 26 February 1947, section 14), Canada (Collective Agreements Act of Quebec), Ireland (Industrial Relations Act of 1946, section 27 (3)), Israel (Collective Agreements Law of 1957, section 25), Union of South Africa (Act No. 36 of 1937, section 48 (2)).

<sup>242</sup> For example Belgium (Legislative Decree of 9 June 1945), Ceylon (Industrial Disputes Act of 1950, section 10), Tunisia (Decree of 5 November 1949, section 12).

<sup>243</sup> For example Colombia (Labour Code of 1950, section 472), Costa Rica (Labour Code of 1943, section 63 (b)), Federal Republic of Germany (Act of 9 April 1949, section 5), Greece—in certain cases—(Act No. 3239, section 5 (2)), Guatemala (Labour Code of 1947, section 54), Japan (Law No. 174 of 1949, section 18), Mexico (Labour Code of 1931, section 58), Morocco (Dahir of 17 April 1957, section 23), Netherlands (Act of 25 May 1957, section 2), New Zealand (Industrial Conciliation and Arbitration Act of 1954, section 106), Switzerland (Act of 28 September 1956, section 2 (3) subject however to certain exceptions), Uruguay (Act No. 9675 of 1937, section 2).

<sup>244</sup> For example Canada (Collective Agreements Act of Quebec), Ceylon (Industrial Disputes Act of 1950, section 10 (6)), Costa Rica (Labour Code of 1943, section 63 (D)), Federal Republic of Germany (Act of 9 April 1949, section 5), Ireland (Industrial Relations Act 1946, section 27), Israel (Collective Agreements Act 1957, section 25), Japan (Law No. 174 of 1949, section 18), Luxembourg (Grand Ducal Order of 6 October 1945, section 22), Morocco (Dahir of 17 April 1957, section 23), Tunisia (Decree of 5 November 1949, section 12).

<sup>245</sup> For example Switzerland (Act of 28 September 1956, section 1).

<sup>246</sup> For example Austria (Act No. 76 of 1947, section 14), Belgium (Legislative Decree of 9 June 1945, section 12), France (Labour Code, Book I, section 31 (f)), Netherlands (Act of 25 May 1937, section 4), Union of South Africa (Act No. 36 of 1937, section 48).

<sup>247</sup> For example *member States*: France (Labour Code, Book I, section 31 (f)), Israel (Collective Agreements Law of 1957, section 25), Morocco (Dahir of 17 April 1957, section 23); *non-metropolitan territories*: France: all non-metropolitan territories.

<sup>248</sup> New Zealand (Industrial Conciliation and Arbitration Act, 1954, sections 105 and 107).

<sup>235</sup> This is the case for example in the following *member States*: Argentina (Decree No. 2739, section 7), Austria (Act of 26 February 1947, section 2), France (Labour Code, Book I, section 31 (e)), Federal Republic of Germany (Act of 9 April 1949, section 4), Greece (Act No. 3239, section 3), Republic of Guinea (Act of 1952, section 72), Honduras (Decree of 29 August 1957, section 8), Morocco (Dahir of 17 April 1957, section 5), Switzerland (Code of Obligations, section 323 *quater*), United Arab Republic (Egypt) (Act No. 97 of 1950, section 9); and as regards *non-metropolitan territories*: France: Algeria (Labour Code, Book I, section 31 (e)), French Guiana (ibid.), Guadeloupe (ibid.), Martinique (ibid.), Réunion (ibid.); Cameroons (Labour Code of 1952, section 72), Comoro Islands (ibid.), French Equatorial Africa (ibid.), French Polynesia (ibid.), French Somaliland (ibid.), French West Africa (ibid.), Madagascar (ibid.), New Caledonia (ibid.), St. Pierre and Miquelon (ibid.), Togoland (ibid.).

<sup>236</sup> For example Japan.

<sup>237</sup> For example Israel (Collective Agreements Law of 1957, sections 21 and 22).

<sup>238</sup> For example Norway (Act of 5 May 1927, section 3 (3), Sweden (Act of 22 June 1928, section 3).

<sup>239</sup> Netherlands (Decree of 5 October 1945, section 17).

<sup>240</sup> For example *member States*: Austria (Act of 26 February 1947, section 14), Belgium (Legislative Decree of 9 June 1945), Brazil (Labour Code, section 612), Canada (Collective Agreements Act of Quebec), Ceylon (Industrial Disputes Act of 1950, section 10), Colombia (Labour Code of 1950, section 472), Costa Rica (Labour Code of 1943, section 63), Cuba (by special Presidential Decrees), France (Labour Code, Book I, Part II, section 31 (f)), Federal Republic of Germany (Act of 9 April 1949, section 5), Greece (Act No. 3239, section 5 (2)), Guatemala (Labour Code of 1947, section 54), India (Bombay Industrial Relations Act, section 114 and Central Provinces and Berar Industrial Disputes Settlement Act, section 54), Indonesia (Law No. 21 of 1954, section 11 (2)), Ireland (Industrial Relations Act 1946, section 26), Israel (Collective Agreements Law of 1957, section 25), Japan (Law No. 174 of 1949, section 18), Luxembourg (Grand Ducal Order of 6 October 1947, section 22), Mexico (Labour Code of 1931, section 58),



sion be given an opportunity of submitting their observations. Thus, for example, it may be provided that the collective agreements in question should be published or posted up<sup>249</sup> or that a joint body should be consulted prior to extension.<sup>250</sup>

131. In a certain number of countries it has not been considered necessary to provide for the possible extension by legislation of the provisions of collective agreements to all workers and employers in a given industry or region. As a rule this is the result of the conception of collective agreements in these countries, where they are considered primarily as instruments for regulating terms of employment by direct negotiation and are not therefore appropriate for subsequent extension to persons who were not parties to the agreement.<sup>251</sup> This does not, of course, prevent the authorities from issuing regulations on conditions of work in a given branch of industry or region which are based on the collective agreements in force. Finally, effects similar to the legal extension of agreements are sometimes obtained by regulations concerning contracts placed by public authorities which provide that the undertakings affected must ensure for their workers wages and conditions of work that are not less favourable than those prescribed by the collective agreements in force for the industry or occupation in question.<sup>252</sup> It should be noted that this system also exists in certain countries side by side with the system for the extension of collective agreements, described above.<sup>253</sup>

132. In a certain number of cases, no measures exist as regards the extension of collective agreements and this is due to the fact that the provisions set out in these collective agreements do not constitute so much a set of standards applicable to all undertakings as a system of mutual obligations assumed by the management and the representatives of the workers in a given undertaking, in which due account is taken of the special problems and requirements of the said undertaking.<sup>254</sup>

### C. APPLICATION OF COLLECTIVE AGREEMENTS

133. Part V of the Recommendation provides for an appropriate procedure for the settlement of disputes arising out of the interpretation of a collective agreement; Part VI of the Recommendation provides that the supervision of the application of collective agreements should be ensured by the parties to the agree-

ment or by the bodies existing in each country for this purpose, or by bodies established *ad hoc*; finally, Part VII of the Recommendation deals with measures of publicity, registration and the minimum duration of collective agreements. The information available with regard to these measures will be examined below.

#### *Interpretation of Collective Agreements.*

134. According to the Recommendation a procedure for the settlement of disputes arising out of the interpretation of collective agreements should be established by agreement between the parties or by law. As in the case of collective bargaining machinery, the fact that the procedure for the settlement of disputes arising out of the interpretation of a collective agreement may be established either by agreement between the parties or by legislation does not mean that either of these methods should be adopted in a given country to the exclusion of the other. In this respect also there are many countries in which the two systems are to be found side by side. Nevertheless, the part played by statutory procedures seems to vary considerably: it may merely encourage the setting up of a voluntary contractual procedure or it may provide for the establishment of conciliation and arbitration boards, labour courts or other machinery.

135. It is usual for collective agreements themselves to contain clauses for the adjustment of disputes regarding their interpretation generally; by these provisions the parties may even undertake to accept the awards on such legal disputes handed down by the bodies established for this purpose by mutual agreement. While in certain countries this disputes machinery is set up entirely voluntarily by the parties<sup>255</sup>, in others legislative provisions require each collective agreement to provide for the settlement of disputes concerning interpretation.<sup>256</sup> Nevertheless even in the countries where disputes are generally settled through contractual disputes machinery, it has often been found useful to provide other machinery to which recourse may be had as a last resort and after resort to the contractual machinery<sup>257</sup>; this procedure takes the form of mediation, conciliation or arbitration.

136. In a fairly large number of other countries, the settlement of disputes regarding the interpretation of collective agreements is ensured by the establishment of labour courts or other machinery performing similar functions.<sup>258</sup> As in the above-mentioned case,

<sup>249</sup> For example *member States*: Austria (Act of 26 February 1947, section 14), Canada (Collective Agreements Act of Quebec), Ceylon (Industrial Disputes Act of 1950, section 10 (4)), Costa Rica (Labour Code of 1943, section 63 (D)), France (Labour Code, Book I, Part II, section 31 (k)), Guatemala (Labour Code of 1947, section 54), Ireland (Industrial Relations Act of 1946, section 27), Israel (Collective Agreements Law of 1957, section 26), Mexico (Labour Code of 1931, sections 59 and 61), Morocco (Dahir of 17 April 1957, section 24), Netherlands (Act of 25 May 1937, section 4), Switzerland (Act of 28 September 1956, section 9), Viet-Nam (Labour Code of 1956, section 86); *non-metropolitan territories*: France: all non-metropolitan territories.

<sup>250</sup> For example Federal Republic of Germany (Act of 9 April 1949, section 5), Greece (Act No. 3239, sections 5 (2) and 28), Tunisia (Decree of 5 November 1939, section 12).

<sup>251</sup> See for example Canada (excluding Quebec), Finland, Norway, Sweden, United Kingdom (except in individual cases), United States.

<sup>252</sup> For example United Kingdom and many non-metropolitan territories for whose international relations the United Kingdom is responsible.

<sup>253</sup> For example France and many non-metropolitan territories for whose international relations France is responsible.

<sup>254</sup> For example Byelorussia, Ukraine, U.S.S.R.

<sup>255</sup> For example Ceylon, Denmark, Federal Republic of Germany, India, Japan as regards private industry, Luxembourg, New Zealand, Norway, United Kingdom, United States, Viet-Nam.

<sup>256</sup> For example *member States*: Canada (Industrial Relations and Disputes Investigation Act 1948, section 19), France—as regards collective agreements liable to extension—(Labour Code, Book I, section 31 (2)), Republic of Guinea, Japan—as regards public corporations, etc.—(Law No. 257 of 1948, section 19), Thailand (Act of 1 November 1956, section 114), Tunisia (Decree of 5 November 1949, section 16); *non-metropolitan territories*: France: all non-metropolitan territories.

<sup>257</sup> For example Israel (Settlement of Labour Disputes Law 1957), Luxembourg (Grand Ducal Order of 6 October 1945, section 27), United States (Labor-Management Relations Act, 1947, section 204), United Kingdom (Industrial Disputes Act 1951, Industrial Courts Act 1919, Conciliation Act 1896).

<sup>258</sup> For example Argentina (Act No. 14250, Ch. II), Brazil (Labour Code of 1943, section 625), Chile (Labour Code of 1931, Book IV), Costa Rica (Labour Code of 1943, section 497), Finland (Act No. 437 of 1946), Federal Republic of Germany (Act of 3 September 1953, section 2), Mexico (Labour Code of 1931, section 336), Sweden (Act of 22 June 1928, section 11), Turkey (Act of 30 January 1950).

the labour courts frequently may not hear actions until negotiation through the contractual procedure has proved unfruitful.

137. In countries where these matters are governed by statute law, the ordinary courts are not always called upon to play the same part; it appears from the information available that this procedure is only one of various methods of settling disputes. In general, it is utilised mainly for settling individual disputes<sup>259</sup>, but in some countries the ordinary courts may be required to settle collective disputes even if the legislation grants certain immunities to the organisations involved.<sup>260</sup>

138. In a certain number of countries it is usual for the competent minister or the labour departments to give interpretations on questions concerning the application of collective agreements.<sup>261</sup>

139. In certain cases where a special procedure has been established as regards collective agreements having been extended and having acquired force of law, questions of interpretation may either be brought before the ordinary courts<sup>262</sup> or may fall within the jurisdiction of the labour courts.<sup>263</sup>

#### *Supervision of the Application of Collective Agreements.*

140. Part VI of the Recommendation provides that the supervision of the application of collective agreements should be ensured by the parties themselves or by bodies already existing or established for this purpose.

141. It appears from the reports that in many countries the parties to collective agreements are alone responsible for the supervision of their application, whether they act directly or through machinery set up by them for this purpose.<sup>264</sup> In other cases, in addition to the supervision exercised by the parties themselves, the control of the application of collective agreements is ensured by the labour department or ministry concerned<sup>265</sup>, by the inspection services<sup>266</sup> or by a special service set up for this purpose<sup>267</sup>; such supervision by official bodies may, however, be subject to a specific request by the parties.<sup>268</sup>

142. Special mention should be made of the case of collective agreements having been given force of law.

<sup>259</sup> For example Belgium.

<sup>260</sup> For example *member States*: Netherlands, Sweden (Collective Agreements Act of 1928, section 8), United States (Labor-Management Relations Act of 1947, section 301); *non-metropolitan territories*: United States: Alaska, Hawaii, Puerto Rico, Virgin Islands.

<sup>261</sup> For example Ceylon (Industrial Disputes Act, 1950, section 10 (a)), Cuba, Greece, Spain, Uruguay (Decree of 26 February 1946).

<sup>262</sup> For example Union of South Africa.

<sup>263</sup> For example Ireland (section 33 of Industrial Relations Act, 1946).

<sup>264</sup> For example Belgium, Canada, Federal Republic of Germany, Greece, Japan, Iceland, Norway, Sweden, Switzerland (Code of Obligations, sections 322bis and 323ter), United Kingdom, United States.

<sup>265</sup> For example Ceylon (Industrial Disputes Act, 1950, sections 41 and 44), Chile, Cuba, Dominican Republic (Labour Code of 1951, sections 390 and 391), Spain, United Arab Republic (Egypt).

<sup>266</sup> For example Austria (Act No. 147/1957, section 3), Guatemala (Labour Code of 1947, section 278), Luxembourg (Grand Ducal Order of 6 October 1945, section 28), New Zealand (Industrial Conciliation and Arbitration Act, 1954, sections 199 et seq.).

<sup>267</sup> For example Netherlands.

<sup>268</sup> For example Morocco (Dahir of 17 April 1957, section 21), Union of South Africa (Act No. 36 of 1937, section 62).

There are countries in which, even for such agreements, the parties bear the full responsibility for ensuring their application<sup>269</sup>, but in others the supervision of the application of extended agreements, as opposed to that of agreements valid only as regards their signatories, is always entrusted to official bodies.<sup>270</sup>

#### *Miscellaneous.*

143. Part VII of the Recommendation deals with the publicising, registration and minimum duration of collective agreements. These provisions were intended to serve as examples to governments of the measures of application which might usefully be adopted. As the Recommendation refers specifically in this connection to action through national laws and regulations, no mention is made below of the many countries where similar results are obtained through contractual measures or by the prevailing practice.

144. The attention of workers is frequently drawn to the collective agreement applicable in their undertaking by the posting up of the text of the collective agreement in question or of a statement that the collective agreement is applicable and may be consulted on the premises, this measure being required by law.<sup>271</sup> The registration or deposit of collective agreements is required by the national legislation in the great majority of countries<sup>272</sup> although special reference is not made in all cases to registration of subsequent changes made in agreements. Occasionally the relevant legislative provisions refer only to collective agreements having been given force of law<sup>273</sup>

<sup>269</sup> For example Switzerland.

<sup>270</sup> For example Belgium (Legislative Decree of 9 June 1945, section 14), Canada (Collective Agreements Act of Quebec), France (Labour Code, Book I, Part II, section 31 (y)), Ireland (Industrial Relations Act, 1946, section 32 (1)).

<sup>271</sup> For example Austria (Act of 26 February 1947, sections 7 and 8), Ceylon (Industrial Disputes Act of 1950, section 10 (b)), Dominican Republic (Labour Code of 1951, section 104), Finland (Act No. 436 of 1946, section 12), France (Labour Code, Book I, section 31 (u)), Federal Republic of Germany (Act of 9 April 1949, section 7), Honduras (Decree of 29 August 1957, section 12), Morocco (Dahir of 17 April 1957, section 6), New Zealand (Industrial Conciliation and Arbitration Act, 1954, section 183), Union of South Africa (Act No. 36 of 1937, section 58 (c)).

<sup>272</sup> For example *member States*: Argentina (Decree No. 6582/1954, section 5), Austria (Act of 26 February 1944, section 7), Brazil (Labour Code of 1943, section 613), Canada (Industrial Relations and Disputes Investigation Act, 1948, section 52), Ceylon (Industrial Disputes Act, 1950, section 6), Chile (Labour Code of 1931, section 19), Colombia (Labour Code of 1950, section 469), Costa Rica (Labour Code of 1943, section 57), Cuba (Decree No. 446 of 1934, sections II and IV, and Decree No. 798 of 1938, section 86), Dominican Republic (Labour Code of 1951, section 104), Finland (Act No. 436 of 1946, section 2), France (Labour Code, Book I, section 31 (d)), Federal Republic of Germany (Act of 9 April 1949, section 6), Greece (Act No. 3239, section 2), Guatemala (Labour Code of 1947, section 52), Honduras (Decree of 29 August 1957, section 5), India (Central Industrial Disputes Act, 1947, section 2 (p)), and Relevant Rule of the Corresponding Rules of 1957, section 75), Indonesia (Government Order No. 49/1954, section 5), Israel (Collective Agreements Law, 1957, section 10), Mexico (Labour Code of 1931, section 45), Morocco (Dahir of 17 April 1957, section 3), Netherlands (Decree of 5 October 1945, section 13), Nicaragua (Labour Code of 1945, section 25), Norway (Act of 5 May, 1927, section 3), Pakistan (Industrial Disputes Act, 1947, section 2 (p)), Philippines (Act of 17 June 1953, section 19), Portugal (Legislative Decree of 6 March 1947, section 28), Spain (Act of 28 April 1958, Tunisia (Decree of 5 November 1949, section 21), United Arab Republic (Egypt) (Act No. 97 of 1950, section 4), Viet-Nam (Labour Code of 1956, section 83); *non-metropolitan territories*: France: all non-metropolitan territories.

<sup>273</sup> For example Belgium (Legislative Order of 9 June 1945, section 14), Ireland (Industrial Relations Act, 1946, section 26).

or to collective agreements concluded in accordance with a specified procedure or in a given branch.<sup>274</sup>

145. The national legislation prescribes in some cases the minimum period—varying between six months and three years—during which collective agreements should be deemed to be binding in the absence of any provision on this subject in the agreement itself.<sup>275</sup> Similar effects are obtained by legislative provisions fixing a long period of notice<sup>276</sup>, or authorising suspension of the legal effect of notices.<sup>277</sup>

#### D. CONSULTATION AND COLLABORATION WITH EMPLOYERS' AND WORKERS' ORGANISATIONS

146. The Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) provides, in Article 4, that all practicable measures shall be taken to consult and associate the representatives of employers' and workers' organisations in the establishment and working of arrangements for the protection of workers and the application of labour legislation. Since the two other Conventions selected by the Governing Body of the I.L.O., on which reports were due this year under article 19 of the Constitution, do not contain any similar provisions, the only information available relates, therefore, to non-metropolitan territories. Nevertheless, the Committee noted with interest that the more general problem of collaboration between the public authorities and employers' and workers' organisations on the industrial and national level has been included in the agenda of the 43rd Session of the Conference, to which the present report will also be submitted. Moreover, a number of Conventions of general application, adopted by the Conference since 1919, provide for consultation of employers' and workers' organisations as regards certain points and collaboration with these organisations in some cases: this is the case, in particular, of the Conventions concerning minimum wage-fixing machinery in regard to which the Committee was called upon to submit general remarks in 1958.<sup>278</sup>

147. It appears from the information available that in the majority of non-metropolitan territories, the employers' and workers' organisations or their representatives are consulted on most of the questions regarding the protection of workers and are associated in the application of the measures adopted for this purpose. The manner in which such consultation and collaboration is ensured varies from territory to territory.

<sup>274</sup> For example Australia (Conciliation and Arbitration Act, section 175), Haiti (Act of 23 October 1947, section 3), New Zealand (Industrial Conciliation and Arbitration Act, 1954, section 103 (6)), Union of South Africa (Act No. 36 of 1937, section 31), United States (Railway Labor Act, section 5).

<sup>275</sup> For example Argentina (Legislative Decree No. 2739/1956, section 8), Canada (Industrial Relations and Disputes Investigation Act, 1948, section 20), Colombia (Labour Code of 1950, section 477), Costa Rica (Labour Code of 1943, section 58), Guatemala (Labour Code of 1947, section 53), India (Industrial Disputes Act, section 19 (2)), Israel (Collective Agreements Law, 1957, section 14), Netherlands (Act of 24 December 1927, section 19), Norway (Act of 5 May 1927, section 3), Pakistan (Industrial Disputes Act, 1947, sections 2 (p) and 19 (2)), Spain (Act of 24 April, 1958, section 12), Switzerland (Code of Obligations, section 322ter), Turkey (Code of Obligations, sections 316-317).

<sup>276</sup> For example Finland (Act 436 of 1946, section 3).

<sup>277</sup> For example Greece (Act No. 323, section 4).

<sup>278</sup> I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 42nd Session, Geneva, 1958 (Geneva, 1959), pp. 106 ff.

148. In a large number of territories<sup>279</sup> the methods of collaboration of the public authorities with employers and workers developed in an arbitrary manner; originally this collaboration occurred in connection with the setting up of minimum wage-fixing machinery and in accordance with the local conditions and requirements. It was only at a later date that labour advisory boards were instituted: the representatives of employers and the representatives of workers or of their respective organisations, if any exist, meet in equal numbers and on equal terms. The competence of the advisory boards varies considerably from territory to territory and in the light of the social development and constitutional situation in each territory.

149. In other territories the labour legislation provides for the setting up of various committees, boards and councils.<sup>280</sup> Thus, in each territory there are "labour advisory committees" composed of equal numbers of representatives of employers and workers. The competence of these committees is of a general character; in some cases they must necessarily be consulted by the governments on draft regulations by which the application of labour legislation is to be ensured. In addition there are also technical advisory committees which examine industrial health and safety problems, and in which employers and workers are represented on equal terms, together with technical experts acting in an advisory capacity. Finally, in these territories the collaboration of representatives of employers and workers in the application of measures for the protection of workers is ensured in particular within the tripartite boards of the manpower offices, and in special courts, such as labour tribunals<sup>281</sup>, which are required to settle individual disputes.

150. In some territories the consultation of employers' and workers' organisations is ensured at the pre-legislative stage when the competent parliamentary committees give a hearing to all the persons concerned.<sup>282</sup>

151. It appears from the information available that the question of collaboration between the public authorities and employers' and workers' organisations, particularly when it is necessary to associate these organisations in the application of protective measures, is closely linked with that of determining the organisations to be regarded as representative. It follows that if the selection of the organisations which are to be called upon to collaborate in applying measures for the protection of workers is made in an arbitrary fashion, the trade union rights of workers and employers, or of some of them, may be adversely affected. It would, therefore, seem that neither the manner in which such collaboration between the public authorities and employers' and workers' organisations is effected, nor the rules drawn up in this connection, should be such as to impair the principle of freedom of association and protection of the right to organise.

<sup>279</sup> This is the case, in particular, in a large number of territories for whose international relations the United Kingdom is responsible.

<sup>280</sup> For example France: Cameroons (Labour Code of 1952, sections 145 et seq.), Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

<sup>281</sup> These courts consist of a chairman and two assessors representing employers, and two representing workers.

<sup>282</sup> This appears to be the case in a certain number of non-metropolitan territories for whose international relations the United States is responsible.

### Conclusions

152. The scope of the general conclusions which can be drawn from the information available to the Committee is evidently different in respect of questions relating to collective bargaining and collective agreements, on the one hand, and questions relating to freedom of association and protection of the right to organise, on the other.

153. The voluntary negotiation of collective agreements is one of the essential means open to workers and employers and their respective organisations of "furthering and defending" their interests. The study of these questions, therefore, is the natural outcome of any study of freedom of association and protection of the right to organise. It is from this aspect and having regard to the contents of the other instruments which were selected by the Governing Body for reports under article 19 of the Constitution that the Committee has viewed this problem. Admittedly, the examination of the situation in the different countries in the field of collective bargaining and collective agreements might have been carried out from a different angle: the voluntary negotiation of collective agreements may also be regarded as a point of departure for a study of the problem of labour-management relations. Such a study, supplementing the examination made by the Committee this year, would certainly give a fuller and more precise picture of the situation in the different countries with regard to collective bargaining. It would nevertheless appear that, in order to make it possible to carry out an examination in this way, it would be necessary that the information furnished by the governments should not be limited to information amounting, in essence, to a description of the legislation in force, as was the case, with a few exceptions, both in 1956 and this year.

154. One case cited from the information available gives a striking example of the difference which may exist, in respect of voluntary negotiation of collective agreements, between the situation of law and the situation of fact in the different countries: thus, in one country<sup>283</sup>, in which the legislation has for many years contained very detailed provisions concerning collective agreements, it would seem that the first collective agreement to be concluded did not enter into force until 1957; in another country<sup>284</sup>, on the other hand, in which the legislation contains only a very few provisions dealing with this question, 125,000 collective agreements protecting 17 million workers were in force in 1956. That is why the Committee expresses the hope that, if it should in the future be asked to undertake a new examination of this question, a special appeal will be addressed to governments urging that the information which they furnish should not be limited to a description of their law but should also include as many data as possible with respect to the factual position: statistics (number of collective agreements in force and number of workers to whom they are applicable), factors which favour or hinder the development of collective agreements, reasons which militate in favour of the system of bargaining in operation in the country concerned, attitude of the parties, etc.

155. In the field of freedom of association and protection of the right to organise, the Committee has already had occasion to emphasise on several occasions, and especially in its General Remarks in

1957, that actual practice is of exceptional importance, inasmuch as such practice necessarily reflects the more general background of the civil and political liberties enjoyed by the inhabitants of a country. In this connection, the Committee has noted with interest that, pursuant to a decision of the Governing Body, a study of the practice in respect of freedom of association in the various States Members of the Organisation has just been embarked upon by the I.L.O., which will also be responsible for maintaining up-to-date documentation on these matters. It has also noted with interest that the Human Rights Commission of the United Nations has undertaken to assemble documentation on the legislation and practice of the different States in respect of the various rights enunciated in the Universal Declaration of Human Rights.

156. The general survey which the Committee has made this year reveals the importance, in all countries, of maintaining the "rule of law", which alone can ensure respect for fundamental human rights. This is essential, irrespective of the nature of the political, economic and social system.

157. Whenever the information available has permitted it to follow such a course, the Committee has not contented itself with examining merely the legislation relating to trade unions and to associations. In fact, as is laid down in Article 8, paragraph 2, of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), it is necessary that the law of the land and not only the law relating to trade unions and associations should not impair the guarantees provided for. In this connection, it appears to the Committee that it would be extremely useful for separate studies to be undertaken of certain more general aspects of the legislation of the different countries, and also on certain particular aspects of such legislation, in respect of trade union organisations, including, for example, the holding of their general assemblies and meetings, the rules applicable to their administration, the election of their representatives and leaders, etc. Such research, which might usefully be supplemented by a study of the decisions of the courts or other tribunals, in the different countries considered, in respect of freedom of association and protection of the right to organise, would constitute a very useful addition to the work of the Committee.

158. The successive examinations made by the Committee since 1953 of the different Conventions dealing with freedom of association and protection of the right to organise have enabled it to observe that progress (frequently of a very substantial nature) has been realised or is in process of being realised, in applying the rights and guarantees laid down in these Conventions.

159. If one considers, for instance, the number of States which have ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) or the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), it is to be observed that in the last few years the number of ratifications of these Conventions has increased considerably. In 1953, when the Committee was called upon for the first time to examine reports furnished on Convention No. 87 under Article 19 of the Constitution, 14 ratifications had been registered; now, the number of ratifications is 36. In 1953 Convention No. 98 had received only 11 ratifications; the number has now risen to 40. Admittedly, these ratification figures do not always exactly reflect the situation, because the legislation is not always in complete

<sup>283</sup> Dominican Republic.

<sup>284</sup> United States.

conformity with the Conventions. The Committee has nevertheless noted with satisfaction that, in respect of a certain number of countries where the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), is in force, no modifications of national law and practice have been necessary as a result of ratification. Further, among the States in respect of which the Committee has had to point out that certain legislative provisions did not appear to be in conformity with the Convention, the difficulties in question relate in certain cases to relatively small categories of workers: most usually, public officials. In this connection, the Committee has noted with satisfaction that in several of these countries—this is the case, it would seem, in Mexico and Pakistan—the difficulties encountered are being resolved and the governments concerned are now studying new legislative provisions intended to ensure fuller application of the Conventions.

160. It is also interesting to observe that among the States which in 1957 had not yet ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), there are some which, since then, have ratified the Convention and have amended certain provisions in their legislation in order to make them conform more fully to the Convention. This is the case, for example, in Honduras, where the requirement of previous authorisation formerly imposed on organisations as a condition for affiliation with international organisations has been abolished.

161. Progress, sometimes substantial, can also be observed in the case of States which have not yet ratified the Convention. In this connection, it is interesting to note that a fairly large number of States indicate that they are contemplating ratifying the Convention or even, in certain cases, that they have already initiated the domestic procedure to this end: this is the case, for example, in respect of Colombia, Costa Rica, Ecuador, Greece, Iran and Japan. Other countries, on the other hand, indicate that they are encountering certain difficulties and that they cannot, at least for the moment, contemplate ratification. This is the case, for example, of India, Indonesia, the Federation of Malaya (which refers in this connection to the state of emergency in the country) and Morocco (by reason of the fact, as is pointed out in the report, that the establishment of trade union organisations is subject to a certain degree of control by the Government). In a fairly considerable number of cases, it is interesting to observe that, irrespective of the intentions of the government with regard to ratification of this Convention, amendments have already been made to existing legislation, or are on the point of being made, for the purpose of rendering the national legislative situation more in accordance with international standards. Thus, in Ceylon, the Government is studying amendments to the Trade Unions Ordinance in order to render more flexible the regulations applicable to organisations of public officials. Likewise in Haiti and Viet-Nam, draft legislation intended to ensure greater freedom for trade union organisations is

being studied. Finally, in a number of countries in which the legislation does not seem to contain any provisions incompatible with the guarantees prescribed in the Conventions under review, the governments are giving attention to supplementing the existing legislation on collective negotiations: this is the case, for example, in Switzerland, where new legislation relating to collective agreements was recently adopted, and in Luxembourg, where the Government is studying legislative provisions relating to the right to strike and to the exercise of this right.

162. An equally striking example of the considerable increase in the geographical field of application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), is furnished by the increase in the number of non-metropolitan territories to which these Conventions have become applicable, since 1953, without modification. In 1953 the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), was applicable without modification only to six non-metropolitan territories; it is now applicable without modification to 27 non-metropolitan territories, to which it would appear proper to add six or seven other territories in respect of which, although the Convention has been declared applicable with modifications, the modifications appear to relate only to formal matters and are not likely to infringe the rights and guarantees laid down in the Convention.<sup>285</sup> Moreover, the Committee has observed with interest that, in the case of the territories to which the Convention has not yet been declared applicable, the legislation, in a fairly considerable number of instances, does not appear to contain any provision incompatible with the rights and guarantees laid down in the Convention. The Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which, in 1953, was applicable without modification only to three non-metropolitan territories, is now applicable without modification to 23 non-metropolitan territories.

163. All this progress, which has been realised in a relatively short period, constitutes an encouragement to the work accomplished by the International Labour Organisation: the Conference itself has emphasised on several occasions that this work can assume its full significance only if freedom of association is effectively ensured and if governments take the necessary measures to repeal or amend legislative provisions which infringe or are likely to infringe the rights of workers, employers and their respective organisations. The Committee has noted with satisfaction that appreciable results have already been achieved in this connection and that, in numerous cases, the governments indicate that they are endeavouring to continue their activities in this direction.

<sup>285</sup> This is the case, it would seem, with regard to the following territories: *United Kingdom*: Basutoland, Bechuanaland, British Honduras, Grenada, Swaziland.

## II. CO-OPERATION IN THE UNDERTAKING

### GENERAL REMARKS OF THE COMMITTEE CONCERNING THE CO-OPERATION AT THE LEVEL OF THE UNDERTAKING RECOMMENDATION, 1952 (No. 94)

#### Introduction

1. The Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), was the last of a series of instruments adopted by the International Labour Conference between 1948 and 1952 in the field of freedom of association and industrial relations.<sup>1</sup> The earlier instruments had dealt with freedom of association, the right to organise, collective bargaining, collective agreements and conciliation and arbitration. However, it was clear that, in addition to these matters, there existed an extensive field in which the satisfactory operation of industry, as regards both productivity and the well-being of the workers, called for close collaboration and consultation between management and labour. The essential purpose of such co-operation and consultation, even when it takes place within the framework of formally regulated machinery, is not the drawing up of agreements to regulate the relations between the parties or to settle differences, but the provision of an opportunity for the joint determination of the day-to-day problems which arise in the working of an undertaking and for the humanisation of industrial relations by making each side aware of the problems facing the other party.

2. The Recommendation adopted in 1952 consists of only two Paragraphs. Paragraph 1 provides for the promotion of consultation and co-operation between employers and workers at the level of the undertaking on matters of mutual concern not within the scope of collective bargaining machinery, or not normally dealt with by other machinery concerned with the determination of terms and conditions of employment. It thus clearly distinguishes the consultation and co-operation in question from collective negotiations, on the one hand, and conciliation and arbitration, on the other. Paragraph 2 provides that, in accordance with national custom or practice, such consultation and co-operation should be facilitated by the encouragement of voluntary agreements between the parties and/or promoted by laws or regulations which would establish bodies for consultation and co-operation and determine their scope, functions, structure and methods of operation.<sup>2</sup>

#### Supply and Contents of Reports

3. Reports on the Recommendation have been supplied by the governments of 60 States.<sup>3</sup> In those

<sup>1</sup> The question of "Collaboration between Public Authorities and Employers' and Workers' Organisations at the Industrial and National Levels" is on the agenda of the Conference, at its 43rd Session (1959), for a first discussion.

<sup>2</sup> For a review of the situation regarding the matters dealt with in the Recommendation immediately prior to its adoption, reference may be made to I.L.O.: *Co-operation in Industry*, Studies and Reports, New Series No. 26 (Geneva, 1951).

<sup>3</sup> Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Federation of Malaya, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Philippines, Poland, El Salvador, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia,

countries which have legislation or agreements at the national level between organisations of employers and workers governing the subject-matter of the Recommendation, the reports generally give an adequate account of the existing provisions. The reports however contain very few indications of the practical application of such legislation or agreements in the countries concerned or of the coverage of voluntary arrangements which may exist in other reporting countries.<sup>4</sup> The Committee is therefore not in a position, on the basis of the reports, to make any general assessment of the degree to which arrangements for consultation and co-operation are proving effective in practice. It is also to be noted that roughly a third of the reports contain no precise information on the present position regarding the matters dealt with in the Recommendation.<sup>5</sup> Finally the Committee wishes to emphasise that the footnotes to the following paragraphs should not be regarded as exhaustive but as giving, as far as possible, representative examples based on the information available to it.

#### Law and Practice in Reporting Countries

##### *Legal Basis for Existing Arrangements for Consultation and Co-operation*

4. The Recommendation leaves each country free to determine, in accordance with national custom or practice, whether and to what extent consultation and co-operation at the level of the undertaking should be promoted through the encouragement of voluntary agreements between the parties or by the enactment of legislation. It would appear that the methods employed in reporting countries for the creation of arrangements for consultation and co-operation within undertakings can be divided into three groups: legislation, national agreements between central employers' and workers' organisations, and particular agreements between the parties at industry or undertaking level.

5. *Legislation.* In 19 reporting countries there exists legislation providing for machinery of general scope for consultation and co-operation between management and labour.<sup>6</sup> In three of these countries

Turkey, Ukraine, Union of South Africa, U.S.S.R., United Arab Republic (Egypt), United Kingdom, United States, Uruguay, Viet-Nam, Yugoslavia. The reports of Brazil and El Salvador, and certain additional information supplied by the Government of Colombia, were received too late to be summarised in Report III (Part II) prepared for the 43rd Session of the Conference.

<sup>4</sup> Information of a statistical nature is contained in the reports of six countries only: India, Japan, Federation of Malaya, Netherlands, Sweden and Switzerland.

<sup>5</sup> Afghanistan, Ceylon, Colombia, Costa Rica, Cuba, Ghana, Greece, Haiti, Iceland, Iran, Mexico, Nicaragua, Philippines, El Salvador, Thailand, Union of South Africa, United States, Uruguay. Moreover, the reports of Canada, Honduras and Turkey, while giving information on action taken to promote consultation and co-operation, give no indication of the results achieved.

<sup>6</sup> Austria (Works Councils Act, 1947, and Agricultural Labour Act, 1948, Part 9), Belgium (Act of 20 September 1948 as amended), Bulgaria (Labour Code and Resolution of 28 March 1958 of the Central Committee of the Bul-



legislation provides in addition for the creation of special bodies concerned with questions of production.<sup>7</sup> Provisions for special bodies concerned with occupational safety and health are to be found in the legislation of eight reporting countries.<sup>8</sup> Two reporting countries refer to the creation by legislation of other kinds of bodies with limited objects.<sup>9</sup>

6. *National agreements between central employers' and workers' organisations.* Three reporting countries refer to the creation of committees in undertakings on the basis of agreements concluded at the national level between central employers' and workers' organisations.<sup>10</sup> In three countries similar agreements have laid down the guiding principles for the establishment of works committees or the appointment of staff representatives as a basis for agreement at industry or local level.<sup>11</sup>

7. *Agreements at industry or undertaking level.* The reports of ten countries refer to the existence of arrangements for consultation and co-operation on the basis of collective agreements at industry level or

agreements between the parties within particular undertakings.<sup>12</sup>

#### *Size of Undertakings to Which Legislation or General Agreements Apply*

8. Where arrangements for consultation and co-operation are prescribed by legislation or provided for in agreements between central employers' and workers' organisations, it is usual to limit the obligations in question to undertakings of a given size.<sup>13</sup> The figure may be as low as five (as in the case of Austria, the Federal Republic of Germany and Poland) and as high as 500, the figure stated to be operative in Spain at the present time. In view of differences in the nature of the arrangements or formal bodies provided for, as well as in the functions and powers which may be vested in such bodies, it is hardly possible to ascertain what might be the optimum figure in this respect. The application of legislation or national agreements to all undertakings of the specified size appears not always to be free from difficulty.<sup>14</sup>

garian Communist Party, the Council of Ministers and the Central Council of Trade Unions), Burma (Trade Disputes Act, 1929, as amended—applicable to industrial establishments), Byelorussia (Labour Code and Decree of 15 July 1958 of the Presidium of the Supreme Soviet of the U.S.S.R.), Finland (Act No. 843 of 30 December 1949—applicable to industrial establishments), France (Ordinance No. 45-280 of 22 February 1945 and Act No. 46-1065 of 16 May 1946, as amended—not applicable to agriculture), Federal Republic of Germany (Works Constitution Act, 1952 and Staff Representation Act, 1955—not applicable to shipping and aviation), India (Industrial Disputes Act, 1947—applicable to industrial establishments), Luxembourg (Grand Ducal Order of 30 October 1958—applicable to industrial, commercial and handicrafts undertakings), Netherlands (Works Council Act, 1950—the building and shipping industries have been exempted), Pakistan (Industrial Disputes Act, 1947, as amended by Act No. XXXI of 1958—applicable to industrial establishments), Poland (Decree of 6 February 1945, as amended (works councils) and Act of 19 November 1956 (workers' councils), the latter applicable only to state industrial and construction undertakings, and state farms), Spain (Decree of 18 August 1947—applicable to production and service undertakings, and excluding agriculture, forestry and stock-raising undertakings), Tunisia (various decrees applicable to public employment, public utility companies, and certain transport undertakings; in addition, under a Decree of 5 November 1949, collective agreements which are given general binding force must provide for workers' representatives), Ukraine (for legislation, see Byelorussia), U.S.S.R. (for legislation see Byelorussia), Viet-Nam (Labour Code), Yugoslavia (Act of 2 July 1950). (For subsidiary legislation in the countries listed above, see Report III (Part II). The legislation of Burma and India does not in itself require the setting up of works committees, but merely empowers the competent authority by general or special order to provide for this.

<sup>7</sup> Byelorussia, Ukraine, U.S.S.R. (Ordinance of 9 July 1958 of the Council of Ministers and the Central Council of Trade Unions of the U.S.S.R.).

<sup>8</sup> Belgium (Order of the Regent of 27 September 1947), Brazil (Ministerial Order No. 155 of 27 November 1953), Guatemala (General Accident Prevention Regulations), Ireland (applicable to factories within the Factories Act, 1955), Israel (applicable to factories within the Factories Ordinance, 1946), Japan (Mine Safety Law 1949—as regards mines), Norway (Workers' Protection Act 1956—not applicable to shipping, aviation and agriculture), United Arab Republic (Egypt: Ministerial Order No. 50 of 12 February 1958—applicable to industrial establishments).

<sup>9</sup> Japan (joint grievance adjustment boards for public employees—Public Corporation and National Enterprise Labour Relations Laws, 1948, and Local Public Enterprise Labour Relations Law, 1952), United Arab Republic (Egypt: special committees to review the establishment's social activities and to decide on the spending of fines funds—Ministerial Order No. 3 of 23 January 1956, as amended).

<sup>10</sup> Denmark, Italy, Norway.

<sup>11</sup> Belgium, Morocco, Sweden.

<sup>12</sup> Argentina, Australia, Brazil, India, Japan, Federation of Malaya, New Zealand, Switzerland, United Kingdom, Uruguay. Moreover, the reports of Brazil and Iran indicate that the safety committees and works conciliation committees provided for in their respective legislation frequently consider questions of a general nature going beyond their strictly statutory functions, and the reports of Canada, Honduras, Ireland (except as regards safety committees; see footnote 8) and the United States indicate that consultation and co-operation in the undertaking are matters to be dealt with by voluntary agreements between the parties, without indicating the present position in this respect.

<sup>13</sup> In Austria, the Federal Republic of Germany and Poland delegates are to be appointed by the workers in all undertakings employing five or more workers, and a works council is to be elected if there are 20 or more workers (Austria) or more than 20 workers (Federal Republic of Germany and Poland); in Poland workers' councils may be set up at the request of the majority of employees. Other minima to be found in the relevant legislation or agreements are: 10 (workers' representatives, Morocco), 15 (workers' committees, Luxembourg), 25 (works committees, Denmark; safety committees, Israel; works councils, Netherlands), 40 (works committees, Italy), 50 (safety committees, Belgium; works committees in Burma and Pakistan; work councils in France and Sweden), 115,000 or 120,000 working hours per annum, equivalent to approximately 50 workers (production committees in Norway and Finland respectively), 100 (permanent production conferences in Byelorussia, Ukraine and U.S.S.R.; safety committees, Brazil, Norway and United Arab Republic (Egypt); works committees, India; workers' representatives, Viet-Nam); 200 (works councils, Belgium); 500 (works councils, Spain).

<sup>14</sup> In Belgium, although the principal legislation provides for the setting up of works councils in all undertakings with 50 or more workers, the orders issued thereunder have hitherto limited this obligation to undertakings with more than 200 employees. Similarly, in Spain the basic decree of 1947 referred to undertakings with more than 50 workers, but when rules to give effect to these provisions were issued in 1953, it was stated that the system of works councils would at first be limited to undertakings with 1,000 workers, and the Government states in its report that the legislation is now applied to undertakings with 500 or more workers. In the Netherlands legislation enacted in 1950 provides for the establishment of works councils in undertakings with 25 or more employees, but by the end of 1956 such councils existed in only 15 per cent. of the undertakings affected. In Sweden, national agreements concerning works councils, which originally related to undertakings with more than 25 employees, were amended in 1958 to refer to undertakings with more than 50 employees because in a number of smaller undertakings works councils had appeared to be an unnecessary or burdensome form of co-operation. It may also be noted that, according to the Norwegian Government, the agreement concluded by the central employers' and workers' organisations in that country in 1954, providing for the establishment of production committees in undertakings with 50 or more employees, has not produced the results expected.

### *Nature and Functions of Machinery for Consultation and Co-operation*

9. A variety of expressions is to be found in reporting countries to describe existing bodies for consultation and co-operation, such as works councils or committees, workers' councils or committees, production committees, staff or trade union representatives or delegates, etc. These expressions, however, do not appear to be used in a uniform sense. Thus the composition and functions of a works council in one country may differ substantially from those of a similarly styled body in another country. Even the test of whether the bodies in question are joint bodies or composed solely of workers or trade union representatives<sup>15</sup> may not give a clear indication of the character of their work. At first sight, it might appear that a spirit of collaboration could be more easily created if employers and workers sat down regularly to discuss common problems than if the parties remained at arm's length and limited their contact to the formal communication of information and suggestions. However, it would appear from the reports that the effectiveness of co-operation machinery in this respect depends very much on the place accorded to workers' and trade union representatives in national policy and on the extent of the powers given to the bodies in question. The extensive rights of consultation and co-decision which committees consisting solely of workers' representatives frequently enjoy (coupled in certain cases with representation on management boards) may make close collaboration between such committees and employers a matter of daily necessity.

10. The functions of the bodies referred to in the reports vary from one country to another, both in nature and in scope. The subjects dealt with may be classified under six broad headings: production, working conditions, welfare, safety and health, individual complaints, and enforcement of legislation and collective agreements.

11. *Production.* Questions of production figure prominently among the functions of co-operating machinery. In practically all cases the bodies concerned are entitled to discuss production matters and to make suggestions to the management in relation thereto. In the majority of cases provision is also made for information to be supplied by the management at regular intervals on specified matters such as output, financial results, the general economic position of the undertaking, the market situation, production plans, etc.<sup>16</sup> In certain cases provision is made for ex-

tensive participation of works councils or similar bodies in the drawing up of production and investment plans<sup>17</sup>, or for representation of employees on boards of directors or supervisory boards, thus enabling them to exercise a general influence on the policies of the undertaking.<sup>18</sup>

12. *Working conditions.* Works councils or other co-operating machinery appear to consider a wide range of questions relating to conditions of work, such as the drawing up of works regulations, wage questions (e.g. bonus, incentive or profit-sharing schemes, the calculation of piece rates, job classification), hours of work (e.g. beginning and end of the working day, rest periods, shift work), holiday arrangements, apprenticeship, staff questions (e.g. engagement, transfer and dismissal of employees, seniority and promotion, disciplinary measures), the removal of the undertaking, etc. Here also wide variations exist between one country and another.<sup>19</sup>

13. The above matters are, of course, also the subject of collective negotiations. However, their treatment within the framework of machinery for consultation and co-operation differs in nature from their discussion in the process of collective bargaining. Whereas the latter is designed to determine conditions of work, the former is concerned rather with adapting these generally agreed conditions to the particular circumstances of the undertaking, regulating questions of purely internal interest, and giving employees a voice in matters (particularly staff questions) which may not be susceptible of regulation by formal agreements. The relevant laws and agreements frequently contain provisions designed to maintain a distinction between collective bargaining, on

<sup>17</sup> Reference may be made in particular to the powers of trade union committees and production conferences in Bulgaria, Byelorussia, Ukraine and U.S.S.R., works committees in France and the Federal Republic of Germany, and workers' councils in Poland and Yugoslavia. Among countries in which co-operation machinery is based on agreements at industry or undertaking level, it may be noted that the report of Australia refers to examples of participation of employee representatives in planning and implementing particular practices and the inclusion of shop stewards in work-study teams, and the United Kingdom report indicates that production matters figure prominently in the discussions of works councils and as the subject for consultation.

<sup>18</sup> In France provision is made for the representation of works committees on boards of directors of limited companies by two of their members, without voting rights. In Austria and the Federal Republic of Germany, provision is made for the representation of works committees on the supervisory boards of companies. In Yugoslavia the administrative committees of undertakings are elected by the workers from among themselves.

<sup>19</sup> It would be difficult, on the basis of the information contained in the reports and of the legislation and agreements referred to in them, to analyse the extent to which works councils and similar bodies are entitled to consider or do in practice deal with the various questions mentioned above. While in some cases (e.g. Austria, Federal Republic of Germany, Netherlands and U.S.S.R.) the powers of these bodies are prescribed in considerable detail, in other cases their functions are stated in very general terms. For example, in France works committees are to be consulted on "questions concerning the organisation, management, and general running of the undertaking"; in India works committees are "to promote measures for securing and preserving amity and good relations between the employer and workmen and to that end comment upon matters of common interest or concern and endeavour to compose any material difference of opinion in respect of such matters"; in New Zealand the model rules for joint consultative committees suggest that such committees should discuss any matters pertaining to the undertaking with which they may agree to deal. It is therefore likely that, in a number of countries, considerable variations will be found to exist in the practices of different undertakings.

<sup>15</sup> The position as regards the composition of the bodies mentioned in the reports, whether established on the basis of legislation or agreements, appears to be as follows. Bodies comprising solely workers' representatives are to be found in Argentina, Austria, Federal Republic of Germany, Italy, Luxembourg, Morocco, Tunisia, Viet-Nam, Yugoslavia. In Switzerland most works committees are stated to consist of workers only. In Bulgaria, Byelorussia, Ukraine and U.S.S.R. co-operation takes place through trade union committees; however, production conferences are representative of management and employees. In Belgium trade union delegations, with certain limited functions, have been set up in certain industries side-by-side with joint works councils and safety committees. In the remaining reporting countries existing machinery for co-operation appears to comprise representatives both of employers and of workers.

<sup>16</sup> Such provisions are to be found in the legislation of Austria, Belgium, Bulgaria, Byelorussia, Finland, France, Federal Republic of Germany, Netherlands, Poland, Spain, Ukraine, U.S.S.R. and Yugoslavia, in the national agreements between central employers' and workers' organisations in Denmark, Norway and Sweden, and in the model rules for joint councils of management and joint consultative committees in India and New Zealand respectively.



the one hand, and consultation and co-operation, on the other.<sup>20</sup>

14. *Welfare.* In most countries the functions of works councils or other co-operating machinery appear to cover welfare questions, and may refer to such matters as pension funds, assistance funds, canteens, works stores, housing, allotments, nurseries, rest homes, holiday centres, recreation and leisure, clubs, libraries, etc. In a number of countries provision is made for participation in management or even exclusive management of welfare schemes by works councils or other representative bodies.<sup>21</sup>

15. *Safety and health.* In paragraph 5 reference was made to the existence in eight reporting countries of special bodies in undertakings concerned with occupational safety and health.<sup>22</sup> Elsewhere, works councils or similar bodies generally concern themselves with these questions, discussing measures to prevent accidents and diseases, investigating the causes of accidents and diseases, bringing to the attention of the competent authorities any insufficiencies in safety and health legislation, promoting safety and health publicity and training, arranging first-aid training, fire drills, etc. In many countries safety committees, works councils or other bodies also play an important part in supervising the observance of legislative and other provisions relating to occupational safety and health<sup>23</sup>, and co-operate with the competent inspection services to this end.<sup>24</sup>

<sup>20</sup> For example, the Austrian works councils may agree on terms to supplement collective agreements only on matters which the latter leave to be settled within the undertaking, and the councils' power to deal with wage questions or rules of employment are also restricted by reference to collective agreements. Similar limitations are placed on the works councils of the Federal Republic of Germany. In Belgium the works councils are to function "within the framework of laws, collective agreements or decisions of joint committees". In certain cases, e.g. France and the Netherlands, the separation of co-operating machinery from collective bargaining would appear to result from the definition of the functions of the bodies concerned in relation to conditions of work and the fact that these functions are of an advisory character. Under the agreements concluded between the central employers' and workers' organisations in Denmark, Italy, Norway and Sweden, works or production committees are precluded from dealing with the regulation of conditions of work and other questions normally the subject of collective bargaining. A similar principle appears to form part of official policy on labour-management co-operation in Australia, Canada, Ghana, India, Japan, New Zealand and the United Kingdom. In contrast to the position in the countries mentioned above, it may be noted that in Bulgaria, Byelorussia, Ukraine and the U.S.S.R. functions of collective bargaining and functions of co-operation and consultation on other matters both devolve upon the works trade union committees, and the same is true of works councils in Spain.

<sup>21</sup> This appears to be the position under the legislation of Austria, Belgium, Bulgaria, Byelorussia, France, Federal Republic of Germany, Luxembourg, Netherlands, Poland, Switzerland (as regards contributory funds only), Ukraine and U.S.S.R., and is also recommended by the model agreement for joint management councils in India.

<sup>22</sup> See footnote 8.

<sup>23</sup> As to the countries in which works councils and other bodies in the undertaking have general responsibilities with regard to the enforcement of legislation, see footnote 28. In addition, particular provisions as to the participation of safety committees, works councils, etc., in securing observance of safety and health requirements are to be found in the legislation of Austria, Belgium, Brazil, Finland, Ireland, Israel, Netherlands, Norway and Viet-Nam, and also in the model agreement for joint councils of management in India.

<sup>24</sup> For example, Austrian legislation provides for the participation of works councils in all official inspections concerning the protection of workers, health and accident prevention; a similar provision concerning safety com-

16. *Complaints.* The consideration of employees' complaints or grievances figures among the functions of works councils and similar bodies in a number of countries.<sup>25</sup> In certain other countries one of the main functions of workers' representatives is the transmission to employers of complaints with a view to a negotiated settlement.<sup>26</sup> In two cases, government policy however favours the separation of grievance machinery from bodies concerned with co-operation in general.<sup>27</sup>

17. *Enforcement of legislation and collective agreements.* Reference was made in paragraph 15 to countries in which provision is made for the participation of works councils, safety committees, etc., in securing observance of safety and health requirements. In certain other countries, the bodies in question are given general responsibilities in the field of enforcement of labour legislation and collective agreements.<sup>28</sup>

#### *Composition and Operation of Machinery for Consultation and Co-operation*

18. The laws, regulations and agreements concerning works councils or other bodies for consultation and co-operation invariably contain provisions governing the composition and operation of the bodies in question. They determine, in varying degrees of detail, such questions as the number of members, the respective representation of management and employees, of different categories of workers, and of different departments in the undertaking, the creation of separate bodies for the various workshops or departments of large undertakings, deputy members, procedure for elections, voting rights, eligibility for membership, term of office of members,

mittees in Israel is supplemented by a requirement that inspectors supply to the committees copies of any communications to the employer concerning safety and health matters which may aid them in carrying out their functions; Finnish legislation provides for the supervision by production committees of the observance of industrial safety regulations in conjunction with the labour inspectors.

<sup>25</sup> This appears to be the case under the legislation of Burma, Finland, Federal Republic of Germany, Netherlands, and Poland and (as regards questions of occupational classification only) in Spain, as well as under the national agreement between the central employers' and workers' organisations in Denmark. In Byelorussia, Ukraine and the U.S.S.R. works trade union committees appear to have an appellate jurisdiction in respect of decisions of the labour disputes board of the undertaking. The Government of Australia refers to employee grievances as one of the matters dealt with by management-worker committees in that country.

<sup>26</sup> Argentina, Belgium, Italy, Luxembourg, Morocco, Tunisia, Viet-Nam.

<sup>27</sup> The model agreement for joint councils of management in India expressly excludes individual grievances from the scope of these councils. The Japanese Government has advocated that a clear distinction should be maintained between machinery for collective bargaining, grievance machinery, and machinery for consultation and co-operation. The separation of grievance machinery from co-operation machinery may also result in practice where provision is made for trade union or workers' delegations in addition to general works councils.

<sup>28</sup> Responsibilities for ensuring observance of both legislation and collective agreements are vested in the trade union committees in Bulgaria, Byelorussia, Ukraine and the U.S.S.R., in the works councils in the Federal Republic of Germany and Poland, and in the elected administrative committees of undertakings in Yugoslavia. In Spain the functions of works councils include the supervision of the application of labour legislation. The Austrian works councils are charged with the duty of supervising observance of collective agreements.

the personal rights and duties of members, the calling and conduct of meetings, the appointment of officers, etc. It is not proposed here to make a detailed analysis of the rules to be found in reporting countries on these matters. Specific reference will however be made to the protection of members in the discharge of their duties and the role of trade unions in the operation of machinery for consultation and co-operation.

19. In some countries, legislation or national agreements lay down the general principle that there shall be no discrimination against a member of a works council or similar body on account of such membership or the discharge of his functions.<sup>29</sup> In a number of cases special provision is made to protect members against dismissal.<sup>30</sup>

20. In a number of countries provision is made for the payment of ordinary remuneration or special compensation in respect of time spent by members of works councils or similar bodies in attending the meetings of these bodies or otherwise carrying out their duties.<sup>31</sup> In six countries legislation provides that in large undertakings of a specified size one or more members shall be released altogether from their normal work, on full pay.<sup>32</sup>

<sup>29</sup> Argentina (where the courts have however held that maximum output and exemplary conduct are due from members of works committees), Austria, Denmark, Federal Republic of Germany, Israel, Morocco, Sweden.

<sup>30</sup> In Austria and Belgium the workers concerned may be dismissed only on specified grounds and subject to a decision by a competent authority; in Belgium this protection extends to unsuccessful candidates for a specified period after the election. In Morocco and Viet-Nam, dismissal of the workers in question is subject to the consent of the labour inspectorate, in Israel to a decision of the Minister of Labour, and in Spain to a decision of the Labour Court. Members of trade union committees in Byelorussia, Ukraine and U.S.S.R., works committees in France, workers' committees in Luxembourg and workers' councils in Poland can be dismissed only with the consent of these respective bodies; in France the matter may, in the absence of such consent, be referred to the labour inspector for final decision. Members of production committees in Finland and Norway may not be dismissed without just cause; in Norway it is, however, specifically provided that in the case of dismissals on account of shortage of work they shall be in the same position as other workers. In cases where no special protection is extended to members of works councils or similar bodies against dismissal, national legislation frequently provides safeguards against the dismissal of workers generally.

<sup>31</sup> Provisions for the treatment of time spent in attending committee meetings as working hours for purposes of remuneration are contained in the legislation of Belgium, France and India, and in the Norwegian national agreement on production committees; such provisions are stated also to be included in most cases in the relevant agreements in Japan. In France, in addition to remuneration for attendance at meetings of works committees, committee members are entitled to payment for time otherwise spent in carrying out their duties, up to a normal maximum of 20 hours per month. In Denmark, Finland and Sweden special rates of payment are prescribed for attendance at meetings outside working hours and no loss of wages is to be incurred in respect of any meetings during working time. In certain other cases council members or workers' representatives, though their office is unpaid, are protected from loss of wages, coupled with a provision that meetings should normally be held in working hours (Federal Republic of Germany), that monthly meetings may be held during working time (Luxembourg), or that workers' representatives shall be allowed the necessary time, up to a normal maximum of ten hours per month, for discharging their functions (Morocco). In Austria and Poland meetings should generally be outside working hours and no remuneration is payable in respect thereof, but workers are protected from any loss of wages which they may otherwise incur in carrying out their duties.

<sup>32</sup> Austria, Byelorussia, Luxembourg, Poland, Ukraine, U.S.S.R.

21. Reference was made in paragraph 13 to the distinction generally drawn in reporting countries between machinery for collective bargaining, on the one hand, and machinery for consultation and co-operation, on the other. One result of this distinction is that, while collective bargaining is essentially a function of the trade unions, arrangements for co-operation and consultation affect the relations between employers and employees rather than those between employers and trade unions. However—quite apart from those cases in which co-operation and consultation in the undertaking do take place through trade union bodies<sup>33</sup>—trade unions are in many instances given important rights in the operation of co-operation machinery. They may have the right to be represented on the bodies in question<sup>34</sup>, to present candidates at elections to these bodies<sup>35</sup>, or to recall members.<sup>36</sup> In certain cases, trade union members enjoy exclusive or special voting rights in elections to works councils or similar bodies.<sup>37</sup>

### *Promotion of Co-operation and Consultation*

22. It is clear from the reports that the principle of encouraging consultation and co-operation between employers and workers is generally accepted. The reports also bring out the considerable legislative developments which have taken place in this field in recent years.<sup>38</sup> In other respects, however, they contain only limited information on the measures taken to implement the above-mentioned principle.

<sup>33</sup> In Bulgaria, Byelorussia, Ukraine and U.S.S.R. co-operation and consultation take place through the works trade union committee and through production conferences directed by these committees. The Spanish works councils constitute trade union agencies. The report of Japan states that the workers' members of joint bodies are generally selected by the trade unions, and the report of Argentina states that members of works committees are normally elected by the trade unions or union members in the undertaking.

<sup>34</sup> In Denmark the trade union shop stewards are ex officio members of works committees. In Norway one workers' member of production committees must be a shop steward. In France and the Federal Republic of Germany provision is made for attendance of representatives of trade unions (without voting rights) at meetings of works committees or councils. In Tunisia workers' representatives may be accompanied by a trade union representative at meetings with the employer.

<sup>35</sup> Belgium, France, Italy, Morocco, Netherlands, Yugoslavia.

<sup>36</sup> Belgium, France, Morocco.

<sup>37</sup> In Sweden only workers belonging to organisations which have accepted the national agreements on works councils are entitled to vote in works council elections. In India, unless the majority of workers belong to registered trade unions, members of works committees are elected in two groups, one by trade union members, the other by workers not belonging to trade unions.

<sup>38</sup> Reference may be made to the redefinition of the powers of managements and works trade union committees in Bulgaria, Byelorussia, Ukraine and U.S.S.R. in 1958 and the setting up of permanent production conferences in the last three countries in the same year, the legislation enacted in the Federal Republic of Germany in 1952 and 1955 concerning works councils and similar bodies in public employment, the legislative decree respecting the General Directorate of Labour issued in Honduras in 1957, the recent conclusion of an agreement concerning staff representatives between central employers' and workers' organisations in Morocco, the Act of 1956 concerning workers' councils in Poland, the introduction of works councils in Spain under regulations made in 1953, the issue of a number of decrees providing for workers' representatives in different employments in Tunisia in recent years, the orders of 1956 and 1958 concerning welfare and safety committees in the United Arab Republic (Egypt), and the provisions concerning workers' representatives in the Viet-Nam Labour Code of 1952.

23. Legislation regarding works councils and similar bodies is normally enforced by the general labour inspection services<sup>39</sup>, but in certain cases special functions of co-ordination and supervision are vested in other bodies.<sup>40</sup> Certain agreements concerning works councils and similar bodies concluded between central employers' and workers' organisations provide for these bodies to be advised and guided in their work by joint boards set up by the signatory organisations.<sup>41</sup>

24. Measures to promote consultation and co-operation are of particular importance in those countries where there exist no laws or national agreements on this subject. A number of these countries indicate in their reports that such promotional activities are undertaken by special government services or bodies<sup>42</sup> or form part of the functions of their labour departments.<sup>43</sup>

25. In India, with a view to implementing recommendations in the Second Five Year Plan for increased association of labour with management, a worker-participation-in-management scheme has been instituted. A seminar organised by the Ministry of Labour made recommendations on the constitution, functions and administration of joint councils in undertakings, and adopted a model agreement for the establishment of such councils. The councils are in the first instance being set up on a voluntary basis in selected undertakings.

26. In two countries the Constitution recognises the right of workers to participate in the management of undertakings.<sup>44</sup>

<sup>39</sup> In the Federal Republic of Germany, enforcement of the legislation concerning works councils is left to the interested parties.

<sup>40</sup> In Austria the functions of the statutory Chambers of Labour include advising works councils or staff representatives on their work and instituting arrangements to further their work. In Finland a Central Advisory Commission for Production Committees has been set up to assist the Ministry of Social Affairs in the application of the Act respecting production committees. In the Netherlands supervision of works councils is entrusted to the Social and Economic Board and the joint industrial councils. In Poland the Fourth Trade Union Congress in 1958 decided to establish a Workers' Management Conference to co-ordinate the activities of workers' councils. In Israel the National Industrial Safety and Hygiene Institute promotes the establishment of statutory safety committees and guides them in their work; a similar role is played by the National Institute of Productivity in respect of productivity boards set up under agreements between employers' and workers' organisations.

<sup>41</sup> Denmark, Norway, Sweden. The Swedish Government's report also refers to considerable educational activity by the central organisations to train members of works councils.

<sup>42</sup> The Federal Department of Labour in Canada has a special division responsible for encouraging and advising labour and management in practising co-operation and consultation, comprising trained industrial relations officers and research and publicity services; a committee representative of employers' and workers' organisations advises the Minister on the work of this division. In New Zealand an Industrial Advisory Council was set up under legislation of 1949 to advise on means of improving industrial relations and industrial welfare; it has recommended the establishment of joint consultative committees on the basis of a model constitution drawn up by it.

<sup>43</sup> Honduras, Turkey, United Kingdom. The report of the last mentioned country states that encouragement and assistance in the setting up of consultative machinery are provided, by means of conferences, leaflets and contacts with individual firms, by the Ministry of Labour and National Service, the regional boards for industry and their district committees, and local employment committees.

<sup>44</sup> Argentina and Italy; in both cases no specific legislation for the application of this principle has yet been enacted.

27. In countries where co-operation depends on voluntary agreement between the parties, a considerable influence can be exerted through the example given by the State in its role as employer. A number of such cases are mentioned in the reports.<sup>45</sup>

### *Federal States*

28. According to the reports, the matters dealt with in the Recommendation fall within federal jurisdiction in Austria, Brazil, Pakistan and Switzerland. In Australia and the United States they are considered as appropriate partly for federal and partly for state action. In Canada the promotion of co-operation and consultation on the basis of voluntary agreements is in practice undertaken by the federal authorities, but it is considered that federal legislative action would not be appropriate. Under the Indian Constitution "labour" is a concurrent subject; legislation on works committees has been enacted by the Central Parliament as well as in certain states; the worker-participation-in-management scheme has been launched by the federal Government within the framework of its Second Five Year Plan.

### *Modifications Contemplated in National Legislation and Practice*

29. It has been noted that there have been many developments in reporting countries in the field covered by the Co-operation at the Level of the Undertaking Recommendation since its adoption in 1952. The reports indicate that in a considerable number of countries further measures are contemplated. In Tunisia, the United Arab Republic (Egypt) and Uruguay legislation respecting joint works councils or works committees is stated to be under consideration. In the Federal Republic of Germany similar legislation is stated to be under consideration for maritime shipping, which is excluded from the existing legislation. In Luxembourg a Bill for the setting up of joint works committees has been drafted, but has given rise to objections from employers' organisations.

30. In Chile the Labour Inspection Department, referring specifically to the action taken by the I.L.O. on the question of co-operation at the level of the undertaking, has sent questionnaires to employers and trade unions to ascertain the extent to which such co-operation is already practised and to obtain the views of the parties as to further measures which might be taken in this field, by legislation or otherwise. The Government of the Dominican Republic indicates that the possibility of further measures regarding labour-management co-operation is being studied. In Belgium the National Labour Council has

<sup>45</sup> In India a number of public undertakings are taking part in the worker-participation-in-management scheme, and the Indian Government's report also refers to staff councils and other arrangements for consultation in the Central Public Works Department and certain other government departments. The report of the Federation of Malaya refers to industrial or office committees in various government departments. In New Zealand the system of works councils appears to have originated in government employment. The Sudan Government also refers to co-operation between the Government and its employees on matters outside the scope of collective bargaining. The Swedish Government refers to works councils in defence and communications undertakings and civil service departments and supplies statistics of works councils in government agencies. In the United Kingdom the nationalisation legislation passed between 1946 and 1949 provided for the establishment of joint consultative machinery wherever existing arrangements were not adequate, and such machinery is stated now to exist in all the nationalised industries.

recommended that the obligation to set up works councils, which at present applies only to undertakings employing more than 200 workers, should be extended to undertakings with 150 or more employees.

31. The Government of Pakistan intends to issue rules to define in greater detail the functions of works committees. In Poland it is proposed to regulate by law the functions of the Workers' Management Conference, which was established by decision of the Trade Union Congress in 1958, for the purpose of co-ordinating the activities of workers' councils.

32. Finally, significant developments may be expected to flow from the worker-participation-in-management scheme in India to which reference was made in paragraph 25 above.

### Conclusions

33. The Committee's task in evaluating the information contained in the reports on the Co-operation at the Level of the Undertaking Recommendation, 1952, has been made difficult by the uneven quality of the reports. Two governments appear to have misunderstood the very purpose of reports under article 19 of the Constitution of the I.L.O.<sup>46</sup> Many others appear to have misinterpreted the provisions of the Recommendation, and have supplied information (at times in great detail) on conciliation and arbitration machinery.<sup>47</sup> In cases where consultation and co-operation in the undertaking are not regulated by legislation or national agreements, the reports have in most cases not supplied precise information either on the scope and functioning of existing arrangements or on the measures by which such arrangements are encouraged. As a result, the Committee's findings, dependent as they are on the volume of information given, may not present an altogether balanced picture of the situation existing in the various reporting countries; disproportionate reference may have been made to those cases in which the Committee could base itself on the texts of particular laws or agreements.

34. Even where co-operation between management and labour in the undertaking is governed by formal texts, the ultimate nature of this co-operation will depend to a large extent on the spirit in which it is undertaken by the parties and on the practices developed by them, factors which acquire all the more importance when the functions of co-operating machinery are defined, as they frequently are, in very general terms.<sup>48</sup> A further limitation of the Com-

mittee's task of evaluation has arisen from the fact that few reports have provided information on the practical application of legislation or national agreements.

35. Having regard to the above-mentioned difficulties, the Committee considers that its present findings should be regarded only as an initial step to determining the true position and prospects in member countries concerning consultation and co-operation in the undertaking, and that a more precise appreciation of these matters could be made only on the basis of detailed research in individual countries. The Committee observes that the resolution concerning labour-management relations adopted by the Conference at its 42nd Session recommends an intensification of research in this field, and trusts that in establishing its research programme the International Labour Office will bear the above comments in mind.

36. The Committee nevertheless ventures to draw certain general conclusions from the information which has been available to it.

37. According to the reports, the principle of labour-management co-operation in the undertaking appears to be generally accepted. The main task facing governments, employers and workers is therefore to define in detail the practices to be built on this agreed basis.

38. The principle in question is of comparatively recent origin. The institution of works councils and similar bodies generally does not go back further than the inter-war years, and the movement experienced considerable extension during the Second World War and the post-war period. The reports moreover bring out that the force of this movement is in no way spent: many developments have occurred in the countries concerned since the Co-operation at the Level of the Undertaking Recommendation was adopted in 1952, and a considerable number of further measures appear to be under consideration. It may thus be anticipated both that arrangements for consultation and co-operation in the undertaking will find geographical extension and that existing machinery will acquire increased importance in the day-to-day running of undertakings. The progressive realisation of the benefits to be derived both by employers and by their workers from arrangements for consultation and co-operation—to which several reports refer—may be expected to hasten these tendencies.

39. Although works councils and similar bodies had their origin and even now find their most extensive application in the highly industrialised countries of Europe, they are already playing an important role in other continents, and in particular in the major Asian countries. Admittedly, great differences exist between the functions of the bodies to be found in the various reporting countries: in one case they may be little more than a channel for bringing complaints to the attention of managements, while in another employees may effectively participate in the direction of their undertaking. However, so far as a general tendency towards enlarging the scope of co-operating machinery should manifest itself, a narrowing of these differences may be expected to follow. The relevance of research and technical assistance in this connection should not be overlooked.

40. Where consultation and co-operation are based on voluntary agreements between the parties, it is desirable that the implementation of official

<sup>46</sup> One of these governments confined itself to saying that the instrument had been referred to the competent authority and was under consideration. The other stated that the Recommendation would not be submitted to the legislature, as it was not the competent authority in relation to the instrument. However, the purpose of reports under article 19 (paragraphs 5 (e), 6 (d) and 7 (b) (iv)) of the Constitution is not to obtain the ratification of a Convention or implementation of a Recommendation, but (in the case of Recommendations) to obtain an indication from governments of "the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them".

<sup>47</sup> See the Committee's comments in paragraphs 1 and 2 above.

<sup>48</sup> See footnote 19.

policy of encouraging such agreements should be made the responsibility of a specific service or body, so that publicity and educational work in this field may be constant and continuous. Employers' and workers' organisations may be able to make a considerable contribution to these promotional activities.

41. Finally, it cannot be sufficiently emphasised that the success of arrangements for co-operation and consultation in the last analysis depends on the spirit

pervading labour-management relations. Good relations between an employer and his workers can be seen here as both cause and effect : not only are they the necessary foundation for effective collaboration, but they in turn are furthered by it. Consequently, policy on the matters covered by the Co-operation at the Level of the Undertaking Recommendation, 1952, cannot be considered in isolation, but must be viewed as one aspect of the general design of industrial relations.

## Appendix. Reports Requested and Reports Received by 18 April 1959

State <sup>1</sup>	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Afghanistan . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Albania . . . . .	—	91, 94	2	—	—	—
Argentina . . . . .	87	91, 94	3	87	91, 94	3
Australia . . . . .	84, 87, 98	91, 94	5	84, 87, 98	91, 94	5
Austria . . . . .	—	91, 94	2	—	91, 94	2
Belgium . . . . .	—	91, 94	2	—	91, 94	2
Bolivia . . . . .	87, 98	91, 94	4	—	—	—
Brazil . . . . .	87	91, 94	3	87	91, 94	3
Bulgaria . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Burma . . . . .	98	91, 94	3	98	91, 94	3
Byelorussia . . . . .	—	91, 94	2	—	91, 94	2
Canada . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Ceylon . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Chile . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
China . . . . .	87, 98	91, 94	4	—	—	—
Colombia . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Costa Rica . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Cuba . . . . .	—	91, 94	2	—	91, 94	2
Czechoslovakia . . . . .	87, 98	91, 94	4	—	—	—
Denmark . . . . .	84	91, 94	3	84	91, 94	3
Dominican Republic . . . . .	—	91, 94	2	—	91, 94	2
Ecuador . . . . .	87, 98	91, 94	4	87, 98	—	2
Ethiopia . . . . .	87, 98	91, 94	4	—	—	—
Finland . . . . .	—	91, 94	2	—	91, 94	2
France . . . . .	—	91, 94	2	—	91, 94	2
Germany (Fed. Rep.) . . . . .	—	91, 94	2	—	91, 94	2
Ghana . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Greece . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Guatemala . . . . .	—	91, 94	2	—	91, 94	2
Haiti . . . . .	87	91, 94	3	87	91, 94	3
Honduras . . . . .	—	91, 94	2	—	91, 94	2
Hungary . . . . .	—	91, 94	2	—	—	—
Iceland . . . . .	—	91, 94	2	—	91, 94	2
India . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Indonesia . . . . .	87	91, 94	3	87	91	2
Iran . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Iraq . . . . .	87, 98	91, 94	4	—	—	—
Ireland . . . . .	—	91, 94	2	—	91, 94	2
Israel . . . . .	—	91, 94	2	—	91, 94	2
Italy . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Japan . . . . .	87	91, 94	3	87	91, 94	3
Jordan . . . . .	87, 98	91, 94	4	—	—	—
Lebanon . . . . .	87, 98	91, 94	4	—	—	—
Liberia . . . . .	87, 98	91, 94	4	—	—	—
Libya . . . . .	87, 98	91, 94	4	—	—	—
Luxembourg . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Federation of Malaya . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Mexico . . . . .	98	91, 94	3	98	91, 94	3
Morocco . . . . .	87	91, 94	3	87	91, 94	3
Netherlands . . . . .	84, 98	91, 94	4	84, 98	91, 94	4
New Zealand . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Nicaragua . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Norway . . . . .	—	91, 94	2	—	91, 94	2
Pakistan . . . . .	—	91, 94	2	—	91, 94	2
Panama . . . . .	87, 98	91, 94	4	—	—	—
Paraguay . . . . .	87, 98	91, 94	4	—	—	—
Peru . . . . .	87, 98	91, 94	4	—	—	—
Philippines . . . . .	—	91, 94	2	—	91, 94	2
Poland . . . . .	—	91, 94	2	—	91, 94	2
Portugal . . . . .	84, 87, 98	91, 94	5	87, 98	91	3
Rumania . . . . .	98	91, 94	3	—	—	—
El Salvador . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Spain . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Sudan . . . . .	87	91, 94	3	87	91, 94	3
Sweden . . . . .	—	91, 94	2	—	91, 94	2
Switzerland . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Thailand . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Tunisia . . . . .	—	91, 94	2	—	91, 94	2
Turkey . . . . .	87	91, 94	3	87	91, 94	3
Ukraine . . . . .	—	91, 94	2	—	91, 94	2
Union of South Africa . . . . .	84, 87, 98	91, 94	5	84, 87, 98	91, 94	5
U.S.S.R. . . . .	—	91, 94	2	—	91, 94	2
United Arab Republic:						
Egypt . . . . .	87	91, 94	3	87	91, 94	3
Syria . . . . .	87	91, 94	3	—	—	—
United Kingdom . . . . .	—	91, 94	2	—	91, 94	2
United States . . . . .	84, 87, 98	91, 94	5	84, 87, 98	91, 94	5
Uruguay . . . . .	—	91, 94	2	—	91, 94	2
Venezuela . . . . .	87, 98	91, 94	4	—	—	—
Viet-Nam . . . . .	87, 98	91, 94	4	87, 98	91, 94	4
Yugoslavia . . . . .	87, 98	91, 94	4	87	94	2
Total . . . . .	6, 50, 44	80, 80	260	5, 36, 29	61, 60	191

<sup>1</sup> Members on 1 July 1958, date for which reports were requested.

**INDEX TO OBSERVATIONS MADE BY THE COMMITTEE  
(CLASSIFIED BY COUNTRIES)<sup>1</sup>**

**Albania:**

General Report, paragraphs 21, 23.  
VII A, and B, Nos. 4, 6.  
IX.

**Argentina:**

General Report, paragraph 23.  
VII B, Nos. 12, 17, 26, 77, 78, 79.  
IX.

**Australia:**

VII A, and B, No. 22.

**Austria:**

VII B, Nos. 2, 4, 19, 33, 89.

**Belgium:**

VII B, Nos. 22, 58, 73.  
VIII A, and B, Nos. 11, 29, 84.

**Bolivia:**

General Report, paragraphs 21, 23, 44.  
VII A.  
IX.

**Brazil:**

VII B, Nos. 3, 11, 16, 92, 98.

**Bulgaria:**

VII B, Nos. 4, 6, 19, 20, 30, 45, 52, 53, 60, 69,  
73, 79, 81.  
IX.

**Burma:**

General Report, paragraph 23.  
VII A, and B, Nos. 52, 63.  
IX.

**Byelorussia:**

VII A, and B, No. 87.  
IX.

**Ceylon:**

VII B, No. 63.

**Chile:**

VII B, Nos. 2, 11, 18, 34.  
IX.

**China:**

General Report, paragraph 55.  
VII B, Nos. 7, 15, 16, 22, 32, 45, 59.  
IX.

**Colombia:**

VII A.  
IX.

**Cuba:**

VII B, Nos. 52, 58, 59, 60, 63, 77, 78, 87, 88, 92,  
101.

**Czechoslovakia:**

VII B, Nos. 4, 35, 36, 37, 38, 39, 40, 43, 49, 63,  
89, 90.  
IX.

**Denmark:**

VII B, No. 102.  
VIII B, No. 5.

**Dominican Republic:**

VII B, Nos. 1, 79, 89.

**Ecuador:**

VII A.  
IX.

**Ethiopia:**

General Report, paragraphs 44, 55.  
IX.

**Finland:**

VII B, Nos. 22, 52, 63.

**France:**

VII A, and B, Nos. 3, 6, 52, 62, 63, 69, 77, 78,  
81, 89, 96, 97, 101.  
VIII A, and B, Nos. 4, 5, 6, 10, 13, 29, 62, 81,  
85, 95, 99, 100, 101.

**Federal Republic of Germany:**

VII B, Nos. 3, 22, 27.

**Greece:**

VII B, Nos. 1, 29, 52, 102.  
IX.

**Guatemala:**

VII B, Nos. 81, 87, 88, 97, 98.  
IX.

**Haiti:**

VII B, Nos. 1, 5, 17, 19, 24, 25, 30, 81.  
IX.

**Honduras:**

IX.

**Hungary:**

General Report, paragraph 23.  
VII B, Nos. 3, 6, 18, 41, 42, 45, 48.  
IX.

**Indonesia:**

General Report, paragraph 21.  
VII A.  
IX.

<sup>1</sup> The roman numerals and the letters refer to the chapters of the report and the arabic numerals to the numbers of the Conventions.

**Iraq:**

General Report, paragraphs 21, 44.  
VII A.  
IX.

**Israel:**

VII B, Nos. 5, 79, 90.

**Italy:**

General Report, paragraph 23.  
VII B, Nos. 3, 19, 26, 32, 52, 59, 60, 77, 78, 79,  
88, 90, 96, 100.  
VIII A.

**Japan:**

VII B, No. 98.  
IX.

**Jordan:**

IX.

**Lebanon:**

General Report, paragraphs 44, 55.  
IX.

**Liberia:**

General Report, paragraph 55.  
VII A, and B, No. 29.  
IX.

**Libya:**

General Report, paragraph 44.  
IX.

**Federation of Malaya:**

VII B, No. 29, 65.

**Mexico:**

VII B, Nos. 17, 22, 32, 63, 87, 90.  
IX.

**Netherlands:**

VII B, Nos. 48, 81, 87.  
VIII A, and B, Nos. 17, 88, 89, 90, 94, 95.

**New Zealand:**

VII B, Nos. 17, 60.

**Nicaragua:**

VII A, and B, Nos. 1, 4, 6, 7, 9, 10, 11, 15, 16,  
17, 18, 22, 23, 27, 30.  
IX.

**Norway:**

VII B, Nos. 8, 30, 63.

**Pakistan:**

VII B, Nos. 81, 87, 89, 90, 96, 98.

**Panama:**

General Report, paragraph 55.  
IX.

**Peru:**

General Report, paragraph 55.  
VII B, Nos. 1, 35, 37, 39.  
IX.

**Philippines:**

VII B, Nos. 88, 89, 100.

**Poland:**

VII B, Nos. 2, 22, 35, 36, 37, 38, 39, 40, 73, 74, 87.  
IX.

**Portugal:**

VII B, Nos. 69, 73, 74, 92.  
VIII A.  
IX.

**Rumania:**

VII B, Nos. 1, 3, 6, 7, 89.  
IX.

**El Salvador:**

IX.

**Spain:**

VII B, Nos. 1, 3, 6, 9, 15, 19, 20, 23, 24, 25, 30,  
33, 48.  
VIII A.  
IX.

**Sweden:**

VII B, Nos. 63, 102.

**Thailand:**

IX.

**Turkey:**

VII B, Nos. 81, 96.

**Ukraine:**

VII A, and B, Nos. 52, 87.  
IX.

**Union of South Africa:**

VIII B, No. 89.

**U.S.S.R.:**

VII B, Nos. 52, 87.  
IX.

**United Arab Republic:**

IX.  
*Egypt*: VII B, Nos. 52, 63, 88.  
*Syria*: General Report, paragraph 23.

**United Kingdom:**

VII B, Nos. 17, 43.  
VIII A, and B, Nos. 26, 29, 64, 65, 81, 84, 85,  
86, 94, 95.

**United States:**

VIII A, and B, No. 55.

**Uruguay:**

VII A, and B, Nos. 2, 15, 16, 22, 23, 24, 25,  
26, 52, 58, 59, 60, 62, 63, 73, 77, 78, 89, 90, 94.  
IX.

**Venezuela:**

General Report, paragraphs 21, 55.  
VII A.

**Viet-Nam:**

VII B, Nos. 6, 52.

**Yugoslavia:**

VII A, and B, Nos. 45, 52, 101, 102.  
IX.