

INTERNATIONAL LABOUR CONFERENCE

**FORTY-FOURTH SESSION
GENEVA, 1960**

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, 1960**

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INTRODUCTION

Article 22 of the Constitution of the International Labour Organisation provides that "each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request." Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 22, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

The present Summary, which covers the period from 1 July 1958 to 30 June 1959, contains information on the Conventions in force at that time. Information covering the preceding reporting period (1 July 1957 to 30 June 1958) 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.

As decided by the Governing Body at its 142nd Session, and endorsed by the Conference at its 43rd Session (both held in Geneva in June 1959), governments need supply detailed reports only every two years. For this purpose Conventions in force have been divided into two groups and detailed reports are requested in alternate years on one of these groups. The present Summary covers primarily the reports on the Conventions in the first of these groups as well as other reports which are also due under the above-mentioned decision: (a) first reports; (b) cases of serious divergencies between the national law and practice and the provisions of a ratified Convention observed by the Committee of Experts or the Conference Committee.

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. As indicated above, these reports cover a period which expired on 30 June 1959.

Information supplied in the first reports received from *Guinea*, as well as from the *Central African Republic*, the *Republic of Chad*, the *Republic of the Congo*, the *Gabon Republic*, the *Republic of the Ivory Coast*, the *Republic of the Niger*, the *Republic of the Upper Volta*, and the *Malagasy Republic*, is summarised only in so far as it has not already previously appeared in the non-metropolitan territories section of this Summary, under *France*.

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 1960. 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 1960.

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, 43rd Session, Geneva, 1959: *Record of Proceedings* (Geneva, I.L.O., 1960)).

APPLICATION OF CONVENTIONS IN METROPOLITAN COUNTRIES

(ARTICLE 22 OF THE CONSTITUTION)

1. Hours of Work (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Argentina	30.11.1933
Austria ¹	12. 6.1924
Belgium	6. 9.1926
Bulgaria	14. 2.1922
Burma ²	14. 7.1921
Canada	21. 3.1935
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	20. 9.1934
Czechoslovakia	24. 8.1921
Dominican Republic.	4. 2.1933
France ¹	2. 6.1927
Greece	19.11.1920
Haiti	31. 3.1952
India	14. 7.1921
Israel	26. 6.1951
Italy ¹	6.10.1924
Luxembourg	16. 4.1928
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Pakistan ³	14. 7.1921
Peru	8.11.1945
Portugal	3. 7.1928
Rumania	13. 6.1921
Spain	22. 2.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944

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

Spain.
 For the Government's reply to the observation of the Committee of Experts see *Report of the Committee*, p. 678.

Venezuela.
 Constitution of 15 April 1953 (*Gaceta Oficial*, Special No. 372, 15 Apr. 1953).
 Labour Act of 16 July 1936 (*L.S.* 1936—Ven. 2), as amended on 4 May 1945 (*L.S.* 1945—Ven. 1) and on 21 October 1947 (*L.S.* 1947—Ven. 2).
 Regulations of 30 November 1938 issued under the Labour Act of 16 July 1936.

Article 1 of the Convention. The concept of "industrial undertaking" refers both to industrial and to commercial activities. There are legislative provisions covering all aspects of navigation. Section 5 of the Labour Regula-

tions on agriculture and stockbreeding of 4 May 1945 defines the line of division which separates industry and commerce from agriculture.

Article 2. Section 54 of the Labour Act lays down the principle of the eight-hour working day and the 48-hour week.

(a) Section 55 of the Labour Act states that the working hours of persons holding positions of supervision or management or employed in a confidential capacity may exceed eight in the day up to a maximum of 12. Sections 55 and 56 of the Labour Regulations state the categories to whom this exception may apply.

(b) Section 59 of the Labour Act allows for a weekly half holiday to be established. In that case the limit of hours of work may be exceeded by one hour on the other days of the week, provided that the hours of work shall not exceed 48 in the week.

(c) Section 60 of the Labour Act states that when persons are employed in shifts it shall be permissible to employ persons in excess of eight hours in any one day and 48 hours in any one week, if the average number of hours over a period of three weeks does not exceed eight per day and 48 per week.

Article 3. In accordance with section 58 of the Labour Act the limit of the normal hours of work may be exceeded in case of accident, actual or threatened, or in case of urgent work to be done or in similar cases of *force majeure*, but only in so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

Article 4. Under Venezuelan legislation the prescribed limit of hours of work may not be exceeded even in the case of continuous work.

Article 5. No such provisions exist in Venezuelan legislation.

Article 6. No permanent exceptions are allowed with regard to the maximum working day. Section 62 (c) of the Labour Regulations admits *temporary* exceptions to the working day, in those cases where it is necessary to perform exceptional tasks due to particular circumstances, such as a rise in public demand. Before the Labour Regulations were promulgated the employers and the workers' organisations were consulted. The labour inspectorates

may authorise overtime of not more than two hours per day, on up to 100 days a year. Under section 72 of the Labour Act overtime shall be paid at not less than 25 per cent. above the normal rate.

Article 8. Sections 52 and 64 of the Labour Act and section 71 of the Labour Regulations state that the employer must post up in conspicuous places notices respecting hours of work, and where applicable the hours of shifts. Section 63 of the Labour Act declares that the hours of actual work shall be interrupted by at least one break of half an hour, and under section 71 of the Labour Regulations this break must also be mentioned in the notices. Sec-

tion 69 of the Labour Regulations states that employers shall keep a register of overtime worked.

The Ministry of Labour is responsible for application of the Convention, acting through its Social Welfare Directorate and its Labour Directorate.

* * *

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

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

¹ See footnote 2 to Convention No. 1.
² The Government of the Federal Republic of Germany informed the Office on 16 December 1951 that it remained bound by the 17 Conventions (Nos. 2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26 and 27) which were ratified in the first place by the German Reich.
³ Has denounced this Convention.

Austria.

In reply to the observation made by the Committee in 1959, concerning measures to ensure co-ordination of public and private employment agencies (Article 2, paragraph 2, of

the Convention), the Government repeats its earlier statement that a draft law to this effect has been prepared but has not yet been placed before the legislative authorities.

Chile.

In reply to the observation made by the Committee of Experts in 1959 the Government states that Congress has not yet acted on the Bill introduced for the purpose of bringing Chilean legislation into line with the provisions of the Convention. A draft Resolution will be submitted to the Ministry of Labour in the near future providing for the setting up of advisory committees with a view to advising the Directorate-General of Labour on the placement of salaried employees.

Denmark.

An agreement concerning unemployment benefit was concluded with the Federal Republic of Germany on 1 August 1959 and is due to be ratified very shortly.

France.

Ordinance No. 59-129 of 7 January 1959 respecting measures in favour of unemployed workers (*Journal officiel*, 9 Jan. 1959).
Decree No. 59-316 of 16 February 1959 to lay down the functions and composition of the National Advisory Manpower Board and of the Regional Advisory Manpower Boards provided for in section 1 of the above-mentioned Ordinance (*Journal officiel*, 20 Feb. 1959).

Federal Republic of Germany.

Act of 18 June 1958 to apply the provisions of the Act of 23 December 1956 amending and supplementing the Placement and Unemployment Insurance Act in the Saar (*Amtsblatt des Saarlandes*, 1958, p. 1249) (L.S. 1957—Ger. F.R. 3.)

Following the reintegration of the Saar Territory into Germany the five existing local employment offices have continued to function in that area under the authority of the newly

created Saar Regional Employment Office. Since 1 January 1959 the provisions of the Placement and Unemployment Insurance Act apply also in the Saar.

An agreement on unemployment insurance was concluded with Denmark on 1 August 1959.

Iceland (First Report).

Unemployment Insurance Act No. 29 of 1956 (*Stjórnartíðindi*, 1956, A.7, p. 145).

Act No. 52 of 1956 respecting placement (*Stjórnartíðindi*, 1956, A.7, p. 206).

Regulation No. 130 of 1956 respecting placement (*Stjórnartíðindi*, 1956, A-B, B.9, p. 278).

Article 1 of the Convention. In accordance with the provisions of the Act (No. 52 of 1956) respecting placement, registration of unemployed persons takes place four times a year in every town and village with 300 or more inhabitants.

Article 2. There exists now an employment office in every town or village with at least 300 inhabitants. Employment offices are conducted by the local board or a person appointed by it. In each place where there is an employment service a committee shall be appointed to advise on all matters concerning the operation of the employment service. These committees consist of four members, two of whom are appointed by the local trade unions, one by the Employers' Federation of Iceland or its local section or member, and one by the Co-operative Employers' Federation or its local section or member. Should one of these parties fail to appoint its representative on the committee, he shall be elected by the local city or parish council from among the workers or employers respectively.

During the period under review there has been practically no unemployment in Iceland and those who have sought the assistance of employment offices have been employed almost instantly. The employment problem in this country is rather one of labour shortages.

Article 3. The right to receive unemployment insurance benefits in accordance with the provisions of the Unemployment Insurance Act No. 29 of 1956 is subject to trade union membership, but not to Icelandic citizenship.

An agreement was signed on 8 September 1959 between the Ministers for Social Affairs of Denmark, Finland, Iceland, Norway and Sweden, according to which periods during which insured persons have paid contributions to unemployment funds of a given country, and also the periods during which they have worked in that country, are recognised in the other countries for the receipt of unemployment benefits.

The application of the Acts and Regulation indicated above is under the supervision of the Ministry of Social Affairs.

Ireland.

In reply to a direct request made by the Committee of Experts at its 1959 Session the Government states that (a) the functions of Consultative Committees set up in connection with the application of the Employment Service to juveniles are confined, by the Statutory Rules under which they operate, to advising

only on matters concerning juveniles; and (b) the need for special arrangements to ensure consultation with representatives of employers and workers in connection with other aspects of the activities of the Employment Service has not so far arisen but, should it do so, such arrangements could readily be made.

Italy.

An agreement ensuring equality of treatment as regards unemployment benefit was concluded with Norway on 12 June 1959.

Regulations Nos. 3 and 4 of the European Economic Community, respecting social insurance for migrant workers, came into force on 1 January 1959.

Luxembourg.

As yet there is no unemployment insurance scheme in the Grand Duchy. However, under the Treaty establishing the European Economic Community, alien and stateless unemployed workers from any member country of the Community are entitled to preferential treatment in some respects.

Norway.

On 21 January 1959 an agreement relating to unemployment insurance was concluded with Finland; it came into force on 1 April 1959.

Spain.

Decree No. 1254/1959 of 9 July 1959 to establish "Organic Regulations for the Workers' Placement Services" in application of the Act of 10 February 1943 (*Boletín Oficial del Estado*, 24 July 1959).

Turkey.

The findings and recommendations of the I.L.O. unemployment insurance consultant who spent two months in Turkey in the summer of 1959 will be taken into account by the Government in deciding upon the nature and the scope of an unemployment insurance scheme to be established in Turkey.

United Arab Republic.

Labour Code of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B) (L.S. 1959—U.A.R. 1), Part I, Chapter 3.

Application of the Labour Code has been extended to the Syrian Region where there are now 11 public employment offices. A permanent and tripartite National Committee on Unemployment was recently established to deal with questions of employment policy. For information on advisory committees of the Employment Service see under Convention No. 88.

Uruguay.

Act No. 12570 of 23 October 1958 to institute a scheme of general unemployment insurance (*Diario Oficial*, 5 Nov. 1958, No. 15541, p. 271-A).

Section 23 of the Act provides for the establishment of employment offices in places where the number of applications and vacancies justify it. Section 24 provides that a Bill for the organisation of such employment offices is to

be submitted to the General Assembly by the Executive Power within 120 days of the promulgation of the Act.

Venezuela.

The Labour Act of 21 October 1947 (sections 236 to 248) and the Regulations of 30 November 1938 (sections 385 to 403) issued under the Labour Act of 16 July 1936 provide for the creation of a National Employment Institution, to be under the authority of the Ministry of Labour and to consist of local employment offices and subsidiary agencies; it is required to act free of charge. Private profit-making employment agencies are to be abolished and the other private agencies are to be registered at the National Institution. According to the Regulations (section 397), when the circumstances permit, the Director of the National Institution, with the authorisation of the Director of the National Labour Office, may establish honorary committees composed of representatives of the employers and workers and may consult these regarding the operation of the employment service. According to section 399 he is to send the National Labour Office monthly

reports on the work of the National Employment Institution.

During the period covered by the report action has been taken to set up four regional employment offices and 13 local agencies. In this connection the Manpower Division of the Directorate of Social Welfare (Ministry of Labour), which is responsible for the employment service, had the advice of I.L.O. technical assistance experts.

There is no unemployment insurance system in Venezuela.

* * *

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, Finland, Greece, Netherlands, New Zealand, Poland, Sweden, Union of South Africa, United Kingdom, Yugoslavia.

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

Bulgaria, 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 ¹	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 ²	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 2.

² Has denounced this Convention.

Venezuela.

Constitution of 15 April 1953.

Labour Act of 16 July 1936 (*L.S.* 1936—Ven. 2) as amended on 4 May 1945 (*L.S.* 1945—Ven. 1) and on 21 October 1947 (*L.S.* 1947—Ven. 2).

Regulations of 30 November 1938 issued under the Labour Act of 16 July 1936.

Decree No. 119 of 4 May 1945 to issue regulations governing employment in agriculture and stockbreeding (*L.S.* 1945—Ven. 2).

Organic Decree of 5 October 1951 establishing a compulsory social insurance scheme.

General Regulations issued under the above-mentioned Organic Decree.

Article 1 of the Convention. The national legislation is of general application and does not distinguish in any way between industrial, commercial and agricultural establishments (Labour Act). Moreover, section 5 of the Decree of 4 May 1945 to issue regulations governing employment in agriculture and stockbreeding distinguishes between industry and commerce on the one hand and agriculture on the other.

Article 2. The term "woman" and the term "child", although not expressly defined in Venezuelan social legislation are, however, in current use in the legislation and the sense in which they are so used is in accordance with that of the Convention.

Article 3. Under section 109 of the Labour Act, on production of the relevant medical certificate a pregnant woman shall be entitled to cease work from a date six weeks before her confinement to a date six weeks after it. She shall be entitled to an allowance sufficient for the maintenance of herself and her child during that period, but this allowance is not to be payable until a maternity insurance system has been set up in accordance with the Act. Venezuelan legislation makes no exceptions for family undertakings.

Under section 9 of the Decree respecting compulsory social insurance a woman is entitled, in the event of confinement, to obstetrical care and to cash benefits equal in amount to sickness benefits. The Government states that the

social security scheme established by the aforementioned decree does not yet apply to the whole country, but that it is being steadily extended to other areas and undertakings so that there are only a few places that are not yet covered by the scheme.

Under section 111 of the Labour Act nursing mothers are entitled to two breaks a day, of half an hour each, at times fixed by themselves, for the purpose of nursing their infants.

Article 4. Section 110 of the Labour Act provides that during the period of maternity leave, or during any longer period of absence resulting from a sickness medically certified as a consequence of pregnancy or confinement, the woman shall retain her right to her post and

that her discharge during that period shall be deemed to be unlawful.

The authorities responsible for applying the provisions with regard to maternity protection are the Venezuelan Social Insurance Institute and the Ministry of Labour. The Ministry of Labour exercises its activities in this field through a body of federal or regional inspectors. The inspection services also include women whose particular duty it is to ensure the application of the provisions with regard to the protection of women and children in the various industrial centres.

* * *

The report from *Chile* supplies information on the practical effect given to the Convention.

4. Night Work (Women) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Afghanistan	12. 6.1939
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium ¹	12. 7.1924
Brazil ¹	26. 4.1934
Bulgaria	14. 2.1922
Burma ²	14. 7.1921
Ceylon ³	8.10.1951
Chile	8.10.1931
Colombia	20. 6.1933
Cuba	6. 8.1928
Czechoslovakia	24. 8.1921
France ¹	14. 5.1925
Greece ³	19.11.1920
Guinea ⁴	21. 1.1959
Hungary ³	19. 4.1928
India	14. 7.1921
Ireland ¹	4. 9.1925
Italy	10. 4.1923
Luxembourg	16. 4.1928
Morocco ⁵	13. 6.1956
Netherlands ¹	4. 9.1922
Nicaragua	12. 4.1934
Pakistan ⁶	14. 7.1921
Peru	8.11.1945
Portugal	10. 5.1932
Rumania ¹	13. 6.1921
Spain	29. 9.1932
Switzerland ¹	9.10.1922
Tunisia	15. 5.1957
Union of South Africa ¹	1.11.1921
United Kingdom ⁷	14. 7.1921
Uruguay ¹	6. 6.1933
Venezuela ³	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia ¹	1. 4.1927

¹ Has denounced this Convention and has ratified Convention No. 89.

² See footnote 2 to Convention No. 1.

³ Has denounced this Convention and has ratified Convention No. 41.

⁴ Has confirmed its obligations under this Convention which France has previously declared applicable.

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

⁶ See footnote 3 to Convention No. 1.

⁷ Has denounced Conventions Nos. 4 and 41.

Austria.

See under Convention No. 89.

Bulgaria.

Steps are being taken to restrict progressively such employment of women on night work as still exists. The possibility of ratifying Convention No. 89 is being studied.

Czechoslovakia.

See under Convention No. 89.

Guinea (First Report).

Overseas Labour Code of 15 December 1952 (*Journal officiel de la République française*, 15-16 Dec. 1952) (L.S. 1952—Fr. 5).

Decree No. 5254/IGTLS-AOF of 19 July 1954 (*Journal officiel de l'Afrique Occidentale française*, 31 July 1954).

Order No. 3126 of 15 July 1953 (*Journal officiel de la Guinée*, 16 July 1953).

Article 1 of the Convention. Section 1 of Decree No. 5254/IGTLS-AOF of 19 July 1954 covers all workplaces.

Article 2. Section 114 of the Labour Code adopts as a definition of "night work" that given in the Convention.

Article 3. The distinction is based not on the work the woman does but on her age and condition.

Article 4. Section 4 of Decree No. 5254 cited above provides for the derogation mentioned in paragraph (b) of this Article.

Nicaragua.

In reply to an observation by the Committee of Experts the Government states that a draft Bill designed to prohibit the employment of women at night has been prepared and is ready for submission to Parliament.

Portugal.

An Order dated 22 November 1958 sanctions the insertion in collective agreements of a clause forbidding women to work between 8 p.m. and 7 a.m.

Spain.

In reply to a direct request by the Committee of Experts the Government states that it intends to issue instructions limiting the application of the special timetables, authorised for women employed in certain textile undertakings under section 9 (2) of the Decree of 15 August 1927, to the cases provided for in Article 4 of the Convention (cases of *force majeure* and where the work has to do with perishable materials).

Tunisia.

In reply to the direct request of the Committee of Experts the Government states that article 48 of the Constitution of 1 June 1959 provides that, in the event of a conflict between a treaty and a municipal law, the provisions of the treaty shall prevail. The mere ratification of a treaty is sufficient to incorporate it into the municipal law.

The last paragraph of section 12 of the Decree of 6 April 1950 therefore became void when the Convention was ratified.

Apart from the fact that the possibility provided for in the Decree, namely the enactment of a system derogating from the principle of night rest for women, has never been translated into practice, the Tunisian Government, animated by a desire to clarify the position, has taken steps to avoid any hesitation.

After receiving the observations made by the Committee of Experts on the Application of

Conventions and Recommendations with regard to the said report, the Tunisian Government endeavoured to eliminate the divergences pointed out between Articles 4, 6 and 7 of the Convention on the one hand and, on the other hand, the last paragraph of section 12 of the Decree of 6 April 1950 relating to health and safety and to the employment of women and children in commercial and industrial establishments and in the establishments of persons in the liberal professions.

A Bill has been prepared to limit the number of cases in which exceptions are allowed to the prohibition of night work of women and to do away with any possibility of increasing the number of cases in which such exceptions may be authorised.

This text is to be submitted to the competent authority in the very near future with a view to its promulgation and its publication in the Official Gazette of the Tunisian Republic.

As soon as that formality has been completed, four copies of the text will be forwarded to the International Labour Office.

* * *

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

Argentina, Chile, Italy, Luxembourg, Peru, Portugal.

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

Afghanistan, India, 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
Guinea ¹	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

Countries	Date of registration of ratification
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 ²	6. 6. 1933
Venezuela	20. 11. 1944
Viet-Nam	6. 6. 1953
Yugoslavia	1. 4. 1927

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

Guinea.

A draft for a Labour Code has been introduced into the National Assembly and will be voted on immediately. The draft has been

drawn up taking account of the effective conditions of work and the development of industry and agriculture in Guinea.

Haiti.

Act of 13 September 1947.
Act of 17 September 1958 regulating conditions of work.

The Act of 17 September 1958 has adopted the classification of "industrial undertakings" contained in Article 1 of the Convention.

With regard to the observation made by the Committee of Experts in 1959, the Government states that amendments to the labour legislation now being drafted include one under which the minimum age for employment in industrial undertakings would be raised from 12 to 14 years. The Bill will be submitted to Parliament at its next session, in 1960.

There are, in actual fact, very few persons under 12 years of age employed in industrial undertakings, owing to the extent of unemployment in the country and the general industrial underdevelopment.

Section 5 of the Act of 13 September 1947 requires that every industrial, agricultural or commercial undertaking employing more than three persons shall keep a register showing, among other details, the names and ages of all employees.

Venezuela.

Labour Act of 21 October 1947 (*Gaceta Oficial*, 76th Year, No. 200, Extraordinary, pp. 1-19) (*L.S.* 1947—Ven.2).
Young Persons Act of 30 December 1949.

Article 1 of the Convention. There is no statutory dividing line in Venezuela between undertakings engaged in industrial activities

on the one hand and those engaged in commercial activities on the other. Section 5 of the regulations governing employment in agriculture and stockbreeding draws a dividing line between commercial or industrial activities and agricultural or stockbreeding activities.

Article 2. Under section 103 of the Labour Act children under the age of 14 years, irrespective of sex, may not in any case be employed in industrial, commercial or mining undertakings, businesses and establishments (Article 98 of the Labour Act of 4 May 1945).

This prohibition is also embodied in section 89 of the Young Persons Act.

Article 3. The exception relating to the work done by children under the age of 14 years in technical schools is not specifically mentioned in the country's social legislation.

Article 4. Under section 114 of the Labour Act every employer has to keep a special register of the young persons employed by him who are under the age of 18 years and has to enter therein the date of birth of each.

The supreme authority responsible for the application of these provisions is the Ministry of Labour. Inspection services coming under the Ministry are to be found in the capital of the Republic, in the state capitals and in the federal territories.

* * *

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

Guinea, Haiti, Venezuela.

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Burma ¹	14. 7.1921
Ceylon ²	26.10.1950
Chile	15. 9.1925
Cuba	6. 8.1928
Denmark	4. 1.1923
France	25. 8.1925
Greece	19.11.1920
Guinea ³	21. 1.1959
Hungary	19. 4.1928
India	14. 7.1921
Ireland	4. 9.1925
Italy	10. 4.1923
Luxembourg	16. 4.1928
Mexico ⁴	20. 5.1937
Netherlands ⁴	17. 3.1924
Nicaragua	12. 4.1934

Countries	Date of registration of ratification
Pakistan ⁵	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 ²	14. 7.1921
Uruguay ⁴	6. 6.1933
Venezuela	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia ⁴	1. 4.1927

¹ See footnote 2 to Convention No. 1.
² Has denounced this Convention and has not ratified Convention No. 90.
³ See footnote 4 to Convention No. 4.
⁴ Has denounced this Convention and has ratified Convention No. 90.
⁵ See footnote 3 to Convention No. 1.

Bulgaria.

With reference to the observation made by the Committee of Experts last year, a Circular issued on 26 May 1959 by the Directorate for the Protection of Labour specifies the exceptional circumstances under which persons over 16 years may be authorised to do night work (section 112 of the Labour Code as amended). The Circular defines "exceptional circumstances" to mean cases of *force majeure* which could not have been foreseen or avoided, which are not of a recurring character and which interfere with the normal working of the enterprise, establishment or organisation.

A Circular dated 5 November 1958 issued by the same Directorate also obliges the managements of all undertakings employing persons under 18 years of age to maintain a list of all such workers showing, among other things, the name and the date of birth of each worker under 18 years of age.

Guinea (First Report).

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5).

Article 2 of the Convention. Any worker between 14 and 18 years of age not covered by the provisions of collective agreements may do night work with the previous authorisation of the Labour Inspector.

Article 3. In principle night work is any work done between 10 p.m. and 6 a.m.

Article 4. This Article does not apply.

Article 7. This contingency has never arisen in Guinea.

Spain.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 679.

Tunisia.

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1).

A Bill has been drafted for the modification of section 12 of the above Decree. It is proposed to delete the final paragraph, which states that exceptions to the ban on child labour during the night rest period may be authorised by Order.

Article 1 of the Convention. Whereas section 1 of the Decree of 6 April 1950 refers in absolute terms to industrial establishments at large, legal practice distinguishes between the various commercial and industrial occupations. Transport is thus considered as a commercial activity, since only transfer is involved and no transformation of raw materials.

Article 2. The Decree of 6 April 1950 provides for exceptions to the regulations concerning night work for children, but in practice the prohibition remains absolute.

Article 3. The night rest period for children is at least 12 consecutive hours, including the interval between 10 p.m. and 5 a.m.

Article 4. The night rest of children may

not be interfered with because of exceptional pressure of work.

Article 7. The prohibition of night work has never been suspended.

The Labour Inspectorate is responsible for the administration of the Decree of 6 April 1950.

The courts of law have given no decisions on questions of principle relating to the night rest of children.

No infringement of the legislation protecting the night rest of children has been reported by the Labour Inspectorate.

Venezuela.

For legislation see under Convention No. 1.

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

Article 2. Section 105 of the Labour Act permits work by young persons under the age of 18 years between 6 a.m. and 7 p.m. only. Section 110 of the Labour Regulations authorises exceptions to the general rule with regard to employment of young persons under 18 years only in the case of undertakings in which only members of the same family are employed. The same section permits the night work of young persons between 16 and 18 years of age only in cases of *force majeure*. The exceptions provided for in Article 2, paragraph 2, of the Convention are authorised in national legislation.

Article 3, paragraph 1. Section 57 of the Labour Act states that night work shall be understood as that done between 7 p.m. and 5 a.m.

Paragraph 3. Section 108 of the Labour Regulations states that night work of young persons under 18 years of age in the exceptional cases provided for in section 105 of the Labour Act may not go on beyond midnight. Order No. 29 of 12 February 1946 prohibits night work in bakeries during the interval between 10 p.m. and 4 a.m.

Paragraph 4. Under section 113 of the Labour Regulations, in places where day work is difficult in view of the heat, the period during which night work is prohibited for young persons may be reduced by not more than two hours, provided that those concerned are granted equivalent additional rest during the day.

Article 4. See above, under Article 2, the passage relating to section 110 of the Labour Regulations

Article 7. Section 110 of the Labour Regulations authorises night work by young persons under 18 years of age but over 16 in the case of serious emergency or when public interest demands it.

The Ministry of Labour is responsible for the application of the Convention, acting through its Social Welfare Directorate and its Labour Directorate.

* * *

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, Denmark, France, Ireland, Italy, Nicaragua, Portugal, Switzerland, Venezuela, Viet-Nam.

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

Chile, Greece, India, Luxembourg, Pakistan, Poland.

7. Minimum Age (Sea) Convention, 1920

This Convention came into force on 27 September 1921

Countries	Date of registration of ratification
Argentina	30.11.1933
Australia	28. 6.1935
Belgium	2. 2.1925
Brazil	8. 6.1936
Bulgaria	16. 3.1923
Canada	31. 3.1926
Ceylon	2. 9.1950
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	6. 8.1928
Denmark	12. 5.1924
Dominican Republic	4. 2.1933
Finland	10.10.1925
Federal Republic of Germany ¹	11. 6.1929
Greece	16.12.1925
Hungary	1. 3.1928
Ireland	4. 9.1925
Italy	14. 7.1932
Japan	7. 6.1924
Luxembourg	16. 4.1928
Mexico ²	17. 8.1948
Netherlands ²	26. 3.1925
Nicaragua	12. 4.1934
Norway	7.10.1927
Poland	21. 6.1924
Rumania	8. 5.1922
Spain	20. 6.1924
Sweden	27. 9.1921
United Kingdom	14. 7.1921
Uruguay ²	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 2.

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

Venezuela.

Labour Act of 21 October 1947 (*Gaceta Oficial*, 76th Year, No. 200, Extraordinary, pp. 1-19) (L.S. 1947—Ven. 2).

Regulations of 30 November 1938 issued under the Labour Act of 16 July 1936.

Article 1 of the Convention. Venezuelan labour legislation frequently uses the term "vessel" with the same meaning as the Convention.

Article 2. Section 103 of the Labour Act entirely prohibits work by children under the age of 14 years in industrial, commercial or mining undertakings, businesses and establishments.

Article 3. No corresponding provisions exist in Venezuelan legislation.

Article 4. Section 114 of the Labour Act states that every employer shall keep a special register of the young persons under the age of 18 years employed by him, and shall enter therein the date of the birth of each.

The supreme authority responsible for the application of these provisions is the Ministry of Labour. Inspection services coming under the Ministry are to be found in the capital of the Republic, in the state capitals and in the federal territories.

* * *

The report from *Venezuela* 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 :

China, Nicaragua.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Countries	Date of registration of ratification
Argentina	30.11.1933
Australia	28. 6.1935
Belgium	2. 2.1925
Bulgaria	16. 3.1923
Canada	31. 3.1926
Ceylon	25. 4.1951
Chile	18.10.1935
Colombia	20. 6.1933
Cuba	6. 8.1928
Denmark	15. 2.1938
Finland	20. 1.1950
France	21. 3.1929
Federal Republic of Germany ¹	4. 3.1930
Greece	16.12.1925
Ireland	5. 7.1930
Italy	8. 9.1924
Japan	22. 8.1955
Luxembourg	16. 4.1928

Countries	Date of registration of ratification
Mexico	20. 5.1937
Netherlands	15.12.1937
Nicaragua	12. 4.1934
Norway	21. 7.1936
Poland	21. 6.1924
Rumania	10.11.1930
Spain	20. 6.1924
Sweden	1. 1.1935
United Kingdom	12. 3.1926
Uruguay	6. 6.1933
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 2.

The report from *Chile* supplies information on the practical effect given to the Convention.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Countries	Date of registration of ratification
Argentina	30.11.1933
Australia	3. 8.1925
Belgium	4. 2.1925
Bulgaria	16. 3.1923
Chile	18.10.1935
Colombia	20. 6.1933
Cuba	6. 8.1928
Denmark	23. 8.1938
Finland	7.10.1922
France	25. 1.1928
Federal Republic of Germany ¹	6. 6.1925
Greece	16.12.1925
Italy	8. 9.1924
Japan	23.11.1922
Luxembourg	16. 4.1928
Mexico	1. 9.1939
Netherlands	9. 1.1948

Countries	Date of registration of ratification
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	23.11.1921
Poland	21. 6.1924
Rumania	10.11.1930
Spain	23. 2.1931
Sweden	27. 9.1921
Uruguay	6. 6.1933
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 2.

The report from *Nicaragua* supplies information on minor changes in its application.

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

Countries	Date of registration of ratification
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
Peru	1. 2.1960
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

*Australia (First Report).**Northern Territory.*

Education Ordinance No. 43 of 26 December 1957
(The Northern Territory of Australia No. 43 of
1957—separate sheet).

Australian Capital Territory.

Education Ordinance (1937-1956) amended by the
Ordinance of July 1958.

New South Wales.

Public Instruction (Amendment) Act, 1916-1956.

Victoria.

Education Act, 1958.

Queensland.

State Education Acts, 1875-1951.

South Australia.

Education Act, 1915-1958.

Western Australia.

Education Act, 1928-1957.

Tasmania.

Education Act, 1932-1958.

Article 1 of the Convention. Application of this Article is ensured by legislation concerning compulsory public instruction.

In the *Northern Territory*, and in the States of *Victoria*, *Queensland*, *South Australia* and *Western Australia*, school attendance is compulsory for children aged from 6 to 14 years. In the *Australian Capital Territory* and in the State of *New South Wales*, the age limits for compulsory school attendance are 6 and 15 years, while in *Tasmania* they are 6 and 16 years.

The laws of all the states or territories provide for exemptions from compulsory school attendance. However, in *Tasmania*, children under 15 years of age are very rarely exempted.

In each state or territory there are exemptions for children living in remote areas, for those who are sick or infirm, etc. Except for *Tasmania*, exemptions are available in all states and territories for children who receive suitable instruction at home or elsewhere. In addition, in the *Australian Capital Territory* and in the State of *New South Wales*, proof is required that the child receives regular suitable instruction for at least 85 days in each half year.

In all states except *Western Australia* the Minister of Education may exempt a child from attendance if he thinks this is desirable.

In the *Australian Capital Territory*, and in the States of *Victoria*, *South Australia*, *Western Australia* and *Tasmania*, legislation forbids the employment during school hours of children who are subject to compulsory education. In the States of *Victoria*, *South Australia* and *Tasmania*, this restriction also applies to hours outside normal school attendance if such employment may adversely affect the daily progress of the child in school.

The report states, in so far as *New South Wales* is concerned, that parents or any other legal guardian of a child aged between 6

and 15 years will be liable to prosecution if they do not send children to school for half of each day unless some valid excuse is given.

Article 2. No arrangements of this type have been made in any of the states.

Article 3. In the State of *New South Wales* some children under 15 years of age attend district rural schools and pre-apprenticeship classes where instruction is given in technical subjects in addition to their general education.

In the State of *South Australia* any agricultural work which may be performed by children attending a school of the Education Department is undertaken under the supervision of a teacher as part of the normal curriculum which has been approved by the Department.

In the State of *Western Australia* the Education Department operates junior agricultural schools in which agricultural methods are taught in addition to the normal curriculum.

The minimum age limit for attendance at strictly technical schools is 14 years in each state.

The authorities of each state are responsible for the application of the above-mentioned provisions.

Austria.

Notification of 19 May 1959.

The notification in question superseded the Provincial Act of 12 February 1937 in the province of Carinthia.

Byelorussia.

In a covering letter regarding all reports on ratified Conventions the Government supplies the following information.

The successful economic and cultural development in Byelorussia makes it possible to take further measures with a view to improving conditions of work of all workers.

New labour legislation is being now drafted in the Republic which will contain a number of new provisions aimed at further improvement of conditions of work.

Federal Republic of Germany.

The Government of the Federal Republic of Germany has added to its report for the period 1957-58 a statement that in the Saar the National Act of 6 July 1938 concerning compulsory school attendance (*Reichsgesetzblatt*, Part I, p. 799) is also applicable as an item of provincial legislation as amended by the Act of 16 May 1941 (*Reichsgesetzblatt*, Part I, p. 282) and as amended by Act No. 422 of 7 July 1954 (*Amtsblatt des Saarlandes*, p. 831) and Act No. 621 of 14 February 1958 (*Amtsblatt des Saarlandes*, p. 297).

Netherlands.

Act of 10 December 1958 modifying the Compulsory Education Act (*Staatsblad*, 1958, No. 615).

The above-mentioned Act repeals sections 13 and 14 of the Compulsory Education Act.

Nicaragua.

To enable children under 14 years of age to take part in agricultural work without interrupting their school work the country has been divided into four areas. In the "general" area the school year begins on 1 May and ends during the second half of February; in the coffee and cotton areas it begins on 5 February and ends on 30 November; while in the rainy area it begins on 1 December and ends on 30 September. In some regions where combined educational syllabuses for both adults and children are in use children attend school only between 8 a.m. and 12 noon.

Norway.

Act of 10 April 1959 respecting elementary schools (*Norsk Lovtidend*, 5 May 1959, No. 17).

The above Act replaces the Act on the same subject of 16 July 1936.

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

Article 1 of the Convention. Section 13 of the above-mentioned Act contains provisions intended to prevent work done by children outside school hours from prejudicing their school work. The instructions given to employers refer also to parents using their children's labour in agriculture. In the instructions regarding absence from school, issued together with the general plan for rural elementary schools, it is stated that "absence from school for any other reasons than those specified above is unlawful, as is failure to attend in order to help at home". Section 12 of the Act also provides for penalties in the case of parents or guardians who fail to send children to school. In accordance with sections 7 and 19 of the Act, regulations respecting elementary schools have been elaborated.

Article 2. Permits have been given on various occasions so that pupils in the sixth and seventh classes of the elementary school may take part in harvest work, but under both previous and current legislation children are ensured school attendance exceeding the minimum of eight months laid down in the Convention.

Article 3. There are no agricultural technical schools in Norway for children under 14 years of age.

The directors of schools and the municipal and county authorities are responsible for compliance with the obligation to attend school.

Spain.

In reply to a request by the Committee of Experts the Government states that the supervision of the employment of young persons to ensure that such employment shall not hinder school attendance is carried out under the Circular of 11 November 1935, which makes inspectors of primary education responsible for the full implementation of the provisions of the Decree of 25 September 1934.

U.S.S.R.

In a covering letter regarding all reports on ratified Conventions the Government supplies the following information.

Draft Principles of Labour Legislation in the U.S.S.R. and in the Constituent Republics were published in October 1959; these Principles, after prior discussion on a wide scale, will consolidate in a single federal Act the main legislative provisions in force as the U.S.S.R. enters a period of developed construction of communist society, and will lay down a number of new provisions designed to improve labour conditions further. The Government's next reports will refer to all the proposed changes in the labour legislation relevant to the I.L.O. Conventions ratified by the Soviet Union.

* * *

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

Argentina, Australia, Chile, France, Federal Republic of Germany, Ireland, Netherlands, Poland.

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

Belgium, Bulgaria, Czechoslovakia, Dominican Republic, Italy, Japan, Luxembourg, New Zealand, Switzerland, Uruguay.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	26. 5.1936
Australia	24.12.1957
Austria	12. 6.1924
Belgium	19. 7.1926
Brazil	24. 4.1957
Bulgaria	6. 3.1925
Burma ¹	11. 5.1923
Byelorussia	6.11.1956
Ceylon	25. 8.1952
Chile	15. 9.1925
China	27. 4.1934
Colombia	20. 6.1933
Cuba	22. 8.1935
Czechoslovakia	31. 8.1923
Denmark	20. 6.1930
Finland	19. 6.1923
France	23. 3.1929
Federal Republic of Germany ²	6. 6.1925
Greece	13. 6.1952
Guinea ³	21. 1.1959
Iceland	21. 8.1956
India	11. 5.1923
Ireland	17. 6.1924
Italy	8. 9.1924
Luxembourg	16. 4.1928
Federation of Malaya	11. 1.1960
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 ⁴	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
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 1.
² See footnote 2 to Convention No. 2.
³ See footnote 4 to Convention No. 4.
⁴ See footnote 3 to Convention No. 1.

Victoria.

Trade Unions Act, 1928.
Employers and Employees Act, 1928.

Queensland.

Trade Union Acts, 1915-1922.
Industrial Conciliation and Arbitration Acts, 1932-1955.

South Australia.

Trade Union Act, 1876-1935.
Industrial Code, 1920-1955.

Western Australia.

Trade Unions Act, 1902-1924.
Industrial Arbitration Act, 1912-1952.

Tasmania.

Trade Unions Act, 1889-1924.

Article 1 of the Convention. Employers and workers without any 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 are common law rights. Organisations which register under the Trade Union Acts have to conform to the requirements of these Acts (and Regulations thereunder). The Arbitration Acts confer additional rights to organisations eligible and desirous of registering under those Acts for purposes of arbitration. In no case is there any distinction between agricultural and industrial workers.

Chile.

In reply to the observation made by the Committee of Experts in 1959 the report states that the legislation proposed in order to bring the provisions of the law into line with the Convention has not yet been drafted. Two deputies have proposed similar legislation to Parliament. During the period covered by the report three agricultural unions were dissolved and none were set up.

Nicaragua.

In reply to the observation made by the Committee of Experts in 1959 the report states that, although the regulations of 1951 have not been amended, the legislation that applies is the Labour Code, the provisions of which are in conformity with those of the Convention.

Peru.

In reply to the Committee of Experts' direct request in 1959 the report states that an Agricultural Workers' Bill is now before Congress. Chapter VIII of that Bill relates to trade unions.

Australia (First Report).

Commonwealth:

Conciliation and Arbitration Act, 1904-1958.
Seat of Government Acceptance Act, 1909-1938
(Section 6) as to the Australian Capital Territory.
Northern Territory Acceptance Act, 1910-1952
(Section 7) as to the Northern Territory.
Trade Union Ordinance, 1922 (Northern Territory).

States:

New South Wales.
Trade Union Act, 1881-1936.
Industrial Arbitration Act, 1940-1958.

United Arab Republic (Egypt).

Labour Code of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B) (L.S. 1959—U.A.R. 1).

In reply to the observation made by the Committee of Experts in 1957 the report states that section 231 of the Code provides for the imposition of penal sanctions on employers who dismiss a worker or impose on him any punishment in order to compel him to join or not to join a trade union.

Venezuela.

Labour Act of 4 May 1945 (L.S. 1945—Ven. 1), as amended on 21 October 1947 (*Gaceta Oficial*, 3 Nov. 1947) (L.S. 1947—Ven. 2).

Decree No. 119 of 4 May 1945 to issue regulations governing employment in agriculture and stock-breeding (*Gaceta Oficial*, 10 May 1945) (L.S. 1945—Ven. 2).

The report transmits copies of the two Acts mentioned above and includes a table showing how the sections of the Labour Act correspond with those of the regulations governing employment in agriculture.

* * *

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

Chile, Venezuela.

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. 6.1950
Denmark	26. 2.1923
Finland	20. 1.1950
France	4. 4.1928
Federal Republic of Germany ¹	6. 6.1925
Haiti	19. 4.1955
Hungary	8. 6.1956
Ireland	17. 6.1924
Italy	1. 9.1930
Luxembourg	16. 4.1928
Mexico	1.11.1937
Morocco	20. 9.1956
Netherlands	20. 8.1926
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
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

¹ See footnote 2 to Convention No. 2.

Finland.

See under Convention No. 17.

France.

Decree No. 59-487 of 27 March 1959 respecting certain provisions with regard to agricultural old-age insurance and agricultural employment injuries (*Journal officiel*, 4 Apr. 1959).

The Decree states that compensation by a third party responsible for an agricultural employment injury resulting in permanent in-

capacity or death shall be provided in the form of a pension to be paid by the National Provident Fund. Where the total pension granted in respect of an employment injury is less than the above pension, the additional pension may be paid in a lump sum.

New Zealand.

See under Convention No. 17.

El Salvador.

In reply to the request made in 1959 for information concerning progress in extending the compulsory social security scheme to cover agricultural workers, the Government states that the Social Insurance Institute of El Salvador is making every effort possible within its economic limitations in order to bring new groups of workers or new regions under the scheme, and that further workers were included in compulsory social insurance arrangements in 1957. The Government points out that El Salvador receives I.L.O. technical assistance in this field and that neither the actuarial studies of the above-mentioned Institute nor the recommendations of the expert have so far made possible the inclusion of agricultural workers in the compulsory insurance scheme.

United Kingdom.

See under Convention No. 17.

Yugoslavia (First Report).

Act of 24 November 1954 respecting health insurance for wage and salary earners (*Službeni List*, No. 51/54) (L.S. 1954—Yug. 2).

Decree of 29 December 1954 to implement the above-mentioned Act (*Službeni List*, No. 55/54).

Act of 10 December 1958 respecting invalidity insurance (*Službeni List*, No. 49/58).

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

Under the Act respecting health insurance all wage and salary earners employed on Yugoslav territory enjoy compulsory health insurance, irrespective of sex, age or nationality, and whatever the industry or occupation.

It is expressly stipulated that "agricultural labourers shall be insured under this Act on the same conditions as other wage earners".

The Decree to implement the above-mentioned Act states that the provisions of the Act shall similarly apply to members of agricultural co-operatives provided they have established an employment relationship with the co-operatives, and to persons employed by private farmers, provided they are in full-time employment and have completed at least 15 days' effective work during the 30 days preceding the sickness or injury.

The Act respecting invalidity insurance provides cover against all invalidity, whatever the cause, in the case of all persons in regular employment working full-time (or part-time, if this is the prescribed practice for the work in question). It also covers invalidity due to occupational injury—disease or accident—in the case of other persons on a reduced working week, persons in temporary employment, etc. (including agriculture, as stated in the Act respecting employment relationships of 1957).

Agricultural workers are thus insured against industrial injuries under the two above-mentioned Acts.

Application of the legal provisions respecting insurance is the responsibility of the local insurance institutions, which come under the central social insurance institutions, the appropriate public bodies (district people's committees, executive councils of constituent republics or federal executive council, as the case may be) and the labour inspectors.

* * *

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

Argentina, Austria, Chile, Czechoslovakia, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Mexico, 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, 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
Guinea ¹	21. 1.1959
Hungary	8. 6.1956
Italy	22.10.1952
Luxembourg	16. 4.1928
Mexico	7. 1.1938
Morocco ²	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 ³	12. 6.1956
Uruguay	6. 6.1933
Venezuela	28. 4.1933
Viet-Nam	6. 6.1953
Yugoslavia	30. 9.1929

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

Argentina.

In reply to the question put to it by the Committee of Experts in 1958 and repeated in 1959, the Government mentions the current legislation relating to certain provisions of the Convention and states that the inspection services of the Ministry of Labour and Social Security have ensured strict application, throughout Argentine territory, of the provisions of Legislative Decree No. 7601 of 5 July 1957.

Bulgaria.

In reply to the direct request of the Committee concerning the practical application of this Convention, the Government states that white lead is not used in the painting work specified therein.

Guinea (First Report).

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5).
Ordinance No. 1 of 3 October 1958.
General Order No. 8822/IGTLS/AOF of 14 November 1955 to lay down the precautions to be taken to protect workers engaged in the application by spraying of paint or varnish.
General Order No. 8827/IGTLS/AOF of 14 November 1955 to lay down the special hygiene measures applicable in French West Africa in establishments where the personnel is liable to exposure to lead poisoning.

Article 1 of the Convention. A joint technical committee of employers and workers sitting under the chairmanship of the Inspector-General of Labour, with the assistance of a representative of the Department of Public Health, is responsible for investigating particular cases in which the use of lead sulphate and white lead is authorised.

Article 2. The exceptions provided for in Article 2 of the Convention have not been included in the regulations in force.

Article 3. No measures have yet been taken to allow apprentices to be employed on painting work with a view to their education in their trade.

Article 5, point I (a). The prohibition of the use of white lead and lead sulphate is absolute, and does not permit any exception as regards either indoor or outdoor work connected with house painting.

Points I (b) and (c). The measures are provided for in General Order No. 8822.

Points II (a), (b) and (c). The measures are provided for in the same General Order.

Points III (a) and (b). The measures are provided for in General Order No. 8827.

Point IV. The measures relating to the special precautions have not yet been taken.

Article 6. The competent authority, which in this case is the Labour Inspectorate, issues injunctions, and if necessary makes a report with a view to a prosecution, in cases in which the protective measures referred to in this Article have not been observed.

No case of occupational lead poisoning has been reported for the period 1958-59.

Italy.

In reply to the Committee's direct request the report states that the Bill previously announced has been approved by the Council of Ministers and transmitted to Parliament.

Mexico.

In reply to the question put by the Committee of Experts the Government reiterates the statement that it is useless to lay down regulations concerning substances which are not used in Mexico; this situation, it declares, is not affected by the fact that, according to article 133 of the Constitution, the provisions of the Convention have force of law from the date of ratification.

Poland.

In reply to the Committee of Experts' direct request in 1959 with regard to the statistics of lead poisoning, the Government states that the matter will be dealt with in connection with statistics of occupational diseases. The Ministry of Health was recently instructed to submit a Bill on this subject.

Venezuela.

Labour Act of 16 July 1936 (*L.S.* 1936—Ven. 2), as amended on 4 May 1945 (*L.S.* 1945—Ven. 1) and on 21 October 1947 (*L.S.* 1947—Ven. 2). Regulations of 30 November 1938 issued under the Labour Act of 16 July 1936.

Article 1 of the Convention. Section 120 of the Labour Act reproduces the wording of this Article.

Article 2, paragraph 1. Section 121 of the Act specifies that the prohibition contained in Article 1 of the Convention does not apply to artistic painting or fine lining.

Paragraph 2. These provisions are applied by section 136 of the Regulations. The provisions of that section are reproduced opposite the various points of Articles 5 and 6 of the Convention.

Article 3, paragraph 1. Section 122 of the Labour Act reproduces the wording of the Convention.

Paragraph 2. The legislation provides for no exemptions with regard to apprentices, but the labour inspectors may authorise their employment in certain cases.

Article 5. Paragraph (a) of section 136 of the Regulations issued under the Labour Act reproduces the wording of the Convention.

Paragraph (b) of the same section provides that any spray painting work is to be carried out in a hut or under a hood with a power-driven ventilation system or with a system for exhausting any emanations, and that the workers must wear appropriate respirators provided by the employer unless they are working outside the hut or hood.

Paragraph (c) states that no paint containing lead may be rubbed down or scraped before it has been damped.

Under paragraph (d) of section 136 of the Regulations, the employer must make available to the workers a sufficient quantity of clean water and soap together with brushes and hand towels, and must ensure that they wash before they eat or drink and before they leave their work.

Paragraph (e) of the same section states that the employer must provide his workers with working clothes and headgear and that such articles are to be laundered at regular intervals and are to be used only at work. They must be taken off before the workers leave the workplace.

Paragraph (f) provides that working clothes are to be kept in a clean place away from dust, fumes or vapours.

Under paragraph (g) employers must at their own expense have any workers making regular use of lead pigments medically examined at least once every six months. When an employer suspects that a worker is suffering from lead poisoning he must at his own expense have the worker examined by a physician, who will draw up a report on the worker's physical condition and forward a copy to the responsible labour inspector. Any worker who through a medical examination is found to be suffering from lead poisoning, even in a light form or in its initial stages, is to be regarded as having contracted an occupational disease under the terms of section 103 of the Labour Act of 16 July 1936 (now section 136 of the Act of 21 October 1947) and may not be employed on any work involving a risk of exposure to lead poisoning until a physician declares him cured.

Paragraph (h) of section 136 of the Regulations provides that a copy of that section is to be posted up in a conspicuous place in any workshop where paints with a lead base are used.

Paragraph (i) states that the National Labour Office is to issue painters with clear instructions concerning the health measures to take in the course of their work.

Paragraph (j) of section 136 of the Regulations provides that labour inspectors are to co-operate so far as possible in ensuring the implementation of the above-mentioned provisions.

The Ministry of Labour is the higher authority responsible for applying the labour legislation. It operates through the Directorate of Labour, which has attached to it various regional labour inspection services which keep a

practical check on the implementation of the laws and regulations.

* * *

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, Norway, Poland, Sweden, Viet-Nam, Yugoslavia.

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

Afghanistan, Chile, Czechoslovakia, Finland, France, Greece, Luxembourg, Spain, Tunisia, Uruguay.

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Countries	Date of registration of ratification
Afghanistan	12. 6.1939
Argentina	26. 5.1936
Belgium	19. 7.1926
Bolivia	19. 7.1954
Brazil	25. 4.1957
Bulgaria	6. 3.1925
Burma ¹	11. 5.1923
Canada	21. 3.1935
Chile	15. 9.1925
China	17. 5.1934
Colombia	20. 6.1933
Cuba	20. 7.1953
Czechoslovakia	31. 8.1923
Denmark	30. 8.1935
Finland	19. 6.1923
France	3. 9.1926
Greece	11. 5.1929
Guinea ²	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
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 ³	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

Venezuela.

For legislation see under Convention No. 1.

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

Article 2. Section 49 of the Labour Act provides that Sunday shall be the weekly rest day. It may be deduced from this section that Sunday is the compulsory weekly rest day for the whole personnel of the establishment. The weekly rest day, Sunday, thus coincides with the religious and customary holiday.

Article 3. The Government states that Venezuelan legislation makes no provision for the exception permitted by this Article of the Convention.

Article 4. Section 50 of the Labour Act and section 40 of the Regulations provide for exceptions to the weekly rest; section 50 of the Act makes it compulsory for the opinions of the employers' and workers' organisations concerned to be consulted in this regard. The National Labour Office, the agency which is competent to authorise such exceptions, consults in advance the employers' and workers' organisations concerned in order to obtain their opinion on the advisability of so acting in a given case. Sections 35, 36 and 37 of the Regulations specify the classes of work which, either because of their public utility character or for technical reasons or owing to urgency, cannot be interrupted. Apart from these cases, Venezuelan laws and regulations do not permit any work on Sunday save as provided under section 40 of the Regulations (see above), in which case the employers' and workers' organisations concerned must be first consulted.

Article 5. Section 51 of the Labour Act states that if exceptions to the weekly rest are authorised and the period is suspended or

¹ See footnote 2 to Convention No. 1.

² See footnote 4 to Convention No. 4.

³ See footnote 3 to Convention No. 1.

reduced, compensatory rest shall be granted. Accordingly, section 43 of the Regulations provides for a full day's rest in the following week if the Sunday work lasted for more than four hours, and a half day's rest if it lasted for less than four hours. However, this compensation may be given in the shape of a number of hours each day, provided the workers, in agreement with the employers or in the presence of the labour inspector, consent to this arrangement.

Article 6. See under Articles 3 and 4.

Article 7. Section 52 of the Labour Act requires every employer to post up, in conspicuous places in the establishment concerned, notices respecting the days and hours of rest.

Section 71 of the Regulations requires employers to post different notices if the working hours are different.

The Ministry of Labour, through the Directorate of Social Welfare and the Directorate of Labour, is the authority responsible for enforcement of the provisions in question.

* * *

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

Afghanistan, Chile, Haiti, Peru, Portugal.

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

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification
Argentina	26. 5.1936
Australia	28. 6.1935
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Burma ¹	20.11.1922
Byelorussia	6.11.1956
Canada	31. 3.1926
Ceylon	25. 4.1951
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
Denmark	12. 5.1924
Finland	10.10.1925
France	16. 1.1928
Federal Republic of Germany ²	11. 6.1929
Ghana ³	20. 5.1957
Greece	14. 6.1930
Hungary	1. 3.1928
Iceland	21. 8.1956
India	20.11.1922
Ireland	5. 7.1930
Italy	8. 9.1924
Japan	4.12.1930
Luxembourg	16. 4.1928
Morocco	14. 3.1958
Netherlands	17. 6.1931
New Zealand	26.11.1959
Nicaragua	12. 4.1934
Norway	7.10.1927
Pakistan ⁴	20.11.1922
Poland	21. 6.1924
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
Turkey	29. 9.1959
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Kingdom	8. 3.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on Gold Coast's behalf.

⁴ See footnote 3 to Convention No. 1.

Morocco (First Report).

Maritime Commercial Code of 31 March 1919, as amended on 6 July 1953 (*Bulletin officiel*, 31 July 1953).

Article 1 of the Convention. Navigation is considered to be maritime when it is carried on at sea, in ports and anchorages, on lakes or pools or in canals or parts of rivers where the water is salt and communicates with the sea. A ship is any vessel habitually carrying on such navigation.

Article 2. Under section 176 *quin.* of the Code ships' boys and apprentices may not be employed as trimmers and stokers on merchant ships exceeding 200 gross registered tons.

Under section 166 of the Code any seaman under 16 years of age taken on for deck duty is considered to be a ship's boy. Any seaman over 16 but under 18 years of age taken on for deck duty is considered to be an ordinary seaman.

Article 3. Moroccan school ships are sailing or rowing vessels, or boats (*vedettes*) equipped with diesel engines.

Article 4. The case for which provision is made in this Article can only occur in exceptional circumstances, since ships equipped with coal-heated boilers are now uncommon. If, however, such a case were to occur, the Moroccan maritime authorities would have regard to the provisions of this Article of the Convention.

Article 5. The model register for crews requires that the date of birth and the capacity in which each individual is engaged be indicated.

Article 6. Section 172 *bis* of the Code provides that the texts of laws and regulations governing an agreement, as well as the text of the agreement itself, must be on board the vessel so that the captain may communicate them to the seaman at the latter's request. The general conditions of engagement must be posted in the crew's quarters.

Supervision of application of the provisions governing work on board is entrusted to the harbour police and shipping inspectors, in lieu of the labour inspectors.

New Zealand (Voluntary Report).

Shipping and Seamen Act of 1952 (*New Zealand Statutes*, 1952, Vol. I, p. 305).

Article 1 of the Convention. Section 2 of the Act defines the term “ship” as meaning every description of vessel used in navigation however propelled.

Article 2. According to section 49 (4) of the Act no person under the age of 18 years shall be employed as a trimmer or fireman in any New Zealand steamship or any home trade steamship.

Article 3. Subparagraph (a) of this Article is applied by section 49 (5) of the Act, according to which young persons under 18 years of age may be employed on a training ship if the work is of a kind approved by the Minister and carried on subject to supervision by officers approved or appointed by him.

Subparagraph (b) is applied by section 49 (4) which refers only to steam-propelled vessels.

Article 4. According to section 49 (4) of the Act, when in any port a trimmer or fireman is required for any ship and no person over the age of 18 years is available, two persons over the age of 16 years may be employed as trimmers or firemen to do the work which would

otherwise have been performed by one person over the age of 18 years.

Article 5. Section 49 (6) of the Act provides that, in the case of every ship for which an agreement is required, there shall be included in the agreement a list of persons under 18 years of age who are members of the crew, together with particulars of the dates of their birth. In the case of every home-trade ship for which no agreement is required, the master of the ship shall keep a register of persons under 18 years employed aboard, with particulars of the dates of their birth.

Article 6. Section 49 (7) of the Act provides that there shall be included in the agreement a short summary of the provisions of this section.

The administration of the Shipping and Seamen Act of 1952 is the responsibility of the Marine Department.

* * *

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

Morocco, New Zealand.

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

China, Nicaragua.

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

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	26. 5.1936
Australia	28. 6.1935
Belgium	19. 7.1926
Brazil	8. 6.1936
Bulgaria	6. 3.1925
Burma ¹	20.11.1922
Byelorussia	6.11.1956
Canada	31. 3.1926
Ceylon	25. 4.1951
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
Denmark	23. 4.1938
Finland	10.10.1925
France	22. 3.1928
Federal Republic of Germany ²	11. 6.1929
Ghana ³	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 ⁴	20.11.1922
Poland	21. 6.1924

Countries	Date of registration of ratification
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Kingdom	8. 3.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.
² See footnote 2 to Convention No. 2.
³ See footnote 3 to Convention No. 15.
⁴ See footnote 3 to Convention No. 1.

Belgium.

Royal Decree of 12 December 1957 (*Moniteur belge*, 20 Dec. 1957).

Annex XVIII of this Decree ensures the application of the Convention.

Poland.

Act of 28 April 1952 concerning work on board Polish merchant ships engaged in international trade (*Dziennik Ustaw*, 22 May 1952, No. 25, text 171, p. 264).

Ordinance of the Council of Ministers of 26 September 1958 concerning the list of types of work in which the employment of young persons is prohibited (*Dziennik Ustaw*, No. 64, text 312).

Section 56 of the above-mentioned Act prohibits the employment of young persons under 18 years of age on board ship.

This prohibition does not apply to pupils in vocational and seafaring schools serving practical training periods on board ships in which medical assistance is permanently available. In addition, before being admitted to seafarers' vocational schools applicants have to undergo special examinations to ascertain whether their general state of health and physical condition are such as to allow them to perform work of that kind without difficulty.

* * *

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

Australia, India, Japan, Netherlands, Poland.

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

Argentina, Bulgaria, Byelorussia, Canada, Ceylon, Chile, China, Denmark, Finland, France, Federal Republic of Germany, Ghana, Greece, Ireland, Italy, Mexico, Nicaragua, Pakistan, Spain, Sweden, U.S.S.R., United Kingdom, Uruguay, 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 ¹	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

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

Chile.

In reply to the question of the Committee of Experts concerning the adoption of the Bill to bring section 276 of the Labour Code into conformity with Article 5 of the Convention, the Government states that the position is unchanged and that steps will be taken to facilitate the adoption of this legislation.

Finland.

Act No. 440 of 7 November 1958 to amend the Act respecting accident insurance (*Suomen Asetuskoelma-Finlands Författningssamling* 1959, No. 440).
Act No. 441 of 7 November 1958 respecting increases in compensation for accidents (*Suomen Asetuskoelma-Finlands Författningssamling* 1959, No. 441).

According to Act No. 440, as from 1 January 1959 the cash benefits are to be fixed in proportion to the annual insurable earnings of the insured persons, whereas previously these benefits were divided into ten classes of annual taxable earnings so that the rate of compensation was higher in the lower categories than in the higher categories. Act No. 441 increases and adjusts current pensions to the new system of fixing benefits.

France.

Decree No. 58-962 of 27 September 1958 to revise the Social Security Code (*Journal officiel*, 16 Oct. 1958).
Ordinance No. 59-127 of 7 January 1959 respecting various provisions concerning social security (*Journal officiel*, 9 Jan. 1959).
Decree No. 59-734 of 15 June 1959 respecting certain employment injury pensions (*Journal officiel*, 18 June 1959, and erratum, *Journal officiel*, 25 June 1959).

The Government refers to several other legislative texts which make certain improvements in the social security system.

Greece.

In reply to the request for information made to the Government in 1959 by the Committee of Experts the Government gives a list of areas, factories and undertakings to which the general social insurance scheme introduced by the Act of 1951 was extended during the period 1 July 1957 to 30 June 1959.

Federation of Malaya.

In reply to the request by the Committee of Experts the Government supplies the following information.

Article 2 of the Convention. Not all domestic servants are excluded from the scope of the Workmen's Compensation Ordinance, 1952, but only those employed exclusively in the work or in connection with work of a private dwelling house and not of any trade, business or profession carried on by the employer in such dwelling house. The inclusion of domestic servants without distinction within the scope of the Ordinance was not practicable for a number of reasons. In fact, there are many people in the country who give employment to poor relatives as domestic servants but who might not do so if, in addition, they have to insure themselves against accidents which might occur to these relatives. Moreover, the work of the domestic servant in this country is not a very hazardous one.

Article 5. Under subsections (1), (2) and (7) (a) of section 10 of the Ordinance, the Labour Commissioner has power to withhold lump-sum payments where the beneficiary is a woman, a minor or a person under legal disability, and to order the lump sum to be held and administered in trust. Periodical payments are then made out of the sum. The Commissioner can also withhold such payments due to any other person, but only at the latter's request.

Article 10. The Select Committee which examined the Workmen's Compensation Ordinance in its draft form considered it as unreasonable to place the responsibility on the employer or his insurers for renewal of artificial limbs or surgical appliances, since it was provided that the employer would meet the cost in such cases, but on the initial occasion only. However, in practice the worker is not denied any source of obtaining artificial limbs or other appliances or their renewal, and the Central Welfare Council or local committees would consider any application in this respect.

Article 11. Under section 21 of the Ordinance the amount due in respect of any compensation or liability for compensation is given priority over all debts of the employer. The same applies in the case of insolvency of the employer's insurer. On the other hand, legislation makes it compulsory for an insurance company to deposit with the Government a sum of 200,000 Malayan dollars before it can function.

In addition, the Government states that : (a) as regards the guarantees required to ensure the proper utilisation of compensation paid in a lump sum, the worker has to satisfy the Commissioner that such a payment is more beneficial than periodical payments; the grounds commonly tendered are purchase of land or building of a house, and documentary proofs of the transactions are first inspected before allowing the payment; (b) as regards the worker's right to medical aid and hospital treatment, this is limited to the examination and treatment by a medical practitioner registered, or exempted from registration, under the law.

Mexico.

In reply to an observation by the Committee of Experts the Government's report states that the last paragraph of section 74 of the Social Insurance Act, as amended in 1956, provides for the payment of additional compensation to persons in receipt of invalidity pensions who require the constant assistance of another person.

New Zealand.

Workers' Compensation Amendment Act, 1958 (New Zealand Statutes, 1958, Vol. 1, p. 613). Employers' Liability Insurance (Statutory Regulations, Serial 1959/33).

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

Article 5 of the Convention. The Government is unable to agree that the position outlined in its reply to the Committee's earlier inquiry does not fully meet the requirements of Article 5. This Article imposes an obligation to pay compensation, but it does not specify that compensation shall be paid for any particular term, or for the duration of the incapacity. Provided payment has been made in accordance with the scheme of compensation in operation, there is compliance with the Article, subject to the proviso in regard to lump-sum payments. Although a worker has received his entitlement under the Workers' Compensation Act, and the provisions of the Convention have accordingly been met, there is an *additional* benefit over and above the requirements of the I.L.O. instrument, namely the invalidity benefits under the Social Security Act of 1938.

Article 9. Section 81 of the Social Security Act of 1938 has relevance only in so far as amounts are recoverable by an injured worker under the Workers' Compensation Act of 1956 in respect of hospital, medical, surgical, and pharmaceutical benefits. There is a charge on the cost of such assistance in favour of the Social Security Fund, but the worker himself, as being resident in the country, is entitled to receive such medical attention gratis under the State Social Security scheme from the time of his admission. Because benefits under the New Zealand system are not limited in time, the injured worker may continue in hospital indefinitely without cost to himself, and receive all necessary medical, surgical and pharmaceutical aid required till he is discharged, or placed on out-patient treatment. On the latter he will still be receiving treatment free. The worker therefore receives medical assistance free of charge, but the Social Security Act makes provision for requirement from Workers' Compensation sources of such portion of the expense as can be recovered. This recovery between authorities does not affect the worker, who is therefore afforded the free facilities contemplated by the Convention. Should the worker elect to attend a private practitioner, as may happen where the injury is not of a serious nature, it is improbable, in view of the low scale of fees charged by the majority of doctors in New Zealand (10s. 6d. per visit, of which the worker bears only 3s., the

balance being a charge on the Social Security Fund) that he would exhaust the sum available to him for medical expenses under the Workers' Compensation Act of 1957. Should the worker wish to avoid the nominal charge of 3s. payable on the occasion of each visit, he has only to take advantage of the free facilities provided by the State. As industrial workers covered by the Workers' Compensation Act would ordinarily be resident in this country at the time of the claim, and as there is no means test in respect of eligibility for these particular benefits, their rights are not conditional as suggested by the Committee. The Government of New Zealand considers that it fully complies with the requirements of this Article of the Convention.

Article 10. Under the Workers' Compensation Act an injured worker is entitled to the reasonable cost of an artificial limb or aid, and to the reasonable cost of keeping it in repair for a period not exceeding three years. When this entitlement has been exhausted the worker may claim 80 per cent. of the cost of renewal of such limb or aid, and only the first £1 of any repairs to such limb or aid must be borne by the worker.

The Government considers that this possible small charge on the worker in connection with renewal or repair of artificial limbs or aids constitutes the best method of restraining the making of unwarranted and abnormal claims for renewal and repairs.

Having regard therefore to the requirements of the Article as a whole, and in particular to the necessity for measures to prevent abuses in connection with renewal of appliances envisaged in paragraph 2, the Government considers that it is in compliance with the provisions of the Article. Moreover, the Social Security Department has discretionary powers regarding payment of emergency benefits which would adequately cover any case where a small charge to a worker proved to be unreasonable.

In reply to the Committee's request for information relating to payment of medical aid and the supply of artificial limbs and surgical appliances, without cost, to workers in the service of the Crown, the Government has supplied the information summarised below.

The Workers' Compensation Act of 1956 binds the Crown, and workers in its employ are entitled to all the benefits of the Act equally with other workers in industry generally. Workers in the service of the Crown are, however, more favourably situated than workers in the private sector to the extent that, instead of being paid at workers' compensation rates, they may be granted their full salary rate for a period in line with the normal procedure applicable under the ordinary sick leave provisions, but this in no way operates to deprive them of their full rights to medical aid and, where applicable, the provision of artificial limbs and surgical appliances in terms of the Workers' Compensation Act.

Nicaragua.

Replying to the observations made by the Committee of Experts the Government states that it does not wish to amend the Labour

Code as indicated in the said observations, since it prefers to include the relevant amendments in the Social Security Act. It points out in this regard that the Social Security Institute has already decided to assume liability for compensation in the case of employment accidents. As regards cover for workers under 14 years or over 60 years of age, the Government states that these persons will be covered by the Labour Act until amendment of the Social Security Act extends protection to these persons like any other category of workers not covered by the Social Security Act.

As regards the remaining observations, the Government states that as soon as the amending Bill is approved a copy will be sent to the International Labour Office.

Sweden.

Royal Ordinance No. 461 of 29 August 1958 to amend Royal Ordinance No. 519 of 14 May 1954 respecting free or rebated pharmaceutical supplies (*Svensk Författningssamling*, 1958, No. 461).

Royal Notification of 14 November 1958 to amend Royal Notification No. 715 of 3 December 1954 respecting the application of the Employment Injury Insurance Act to certain persons (*Svensk Författningssamling*, 1958, No. 546).

In response to a direct request made last year by the Committee of Experts the Government states that the two committees set up to study the material co-ordination of various insurance schemes and social insurance administration have not yet concluded their work.

Tunisia.

In reply to the query of the Committee of Experts with regard to the application of the Convention to workers employed as domestic servants in public or private undertakings, the Government states that current economic and social conditions do not allow the workmen's compensation scheme to be extended to this category of workers immediately. However, the Government will not fail to amend the national legislation as soon as circumstances permit in order to bring it into line with the Convention in this regard.

The legislation instituting a special scheme for certain servants of the State is Act No. 59/18 of 5 February 1959 respecting civil and military pensions. The Act applies to officials in the service of the State and of public establishments, members of the judiciary, the armed forces and the police, and the personnel of local authorities and of establishments and offices affiliated to the National Retirement Fund. Any of the above-mentioned workers who are injured in occupational accidents or contract a disease in the course of their duties may be retired on the expiry of their sick leave and accordingly receive an invalidity pension for life in addition to any proportionate pension or long-service pension to which they may be entitled.

United Kingdom.

National Insurance (Industrial Injuries) (Benefit) Amendment Regulation, 1958 (*S.I.* 1958, No. 1083).
National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1958 (*S.I.* 1958, No. 1219).

Family Allowances, National Insurance and Industrial Injuries (Yugoslavia) Order, 1958 (S.I. 1958, No. 1263).

Family Allowances, National Insurance and Industrial Injuries (European Interim Agreement) Order, 1959 (S.I. 1959, No. 292).

National Insurance and Industrial Injuries (Reciprocal Agreement with Malta) Order (Northern Ireland), 1958 (S.R. and O., 1958, No. 118).

National Insurance and Industrial Injuries (Reciprocal Agreement with Italy) Order (Northern Ireland), 1958 (S.R. and O., 1958, No. 130).

In reply to the observation by the Committee of Experts on Article 9 of the Convention the Government states that the Committee of Experts on Social Security which met in Geneva in 1959 studied Convention No. 17 and recommended that it should be substantially amended to meet existing conditions. The Government points out that in particular the Committee stated that the new instrument which is to replace Convention No. 17 should, among other things, recognise that medical care may be furnished to the victims of employment injuries either directly by the employment injury compensation scheme or through a general medical care system or service, and should not contain special provisions covering medical care such that this practical application would be difficult. The Government adds that in these circumstances it does not propose to take any further action for the present.

Uruguay.

In reply to a question of the Committee of Experts concerning the adoption of new legislation to eliminate the divergence from Article 11 of the Convention, the Government states that the Workmen's Compensation Bill is still under consideration by Parliament and that no action has been taken with regard to it in spite of repeated requests from the State Insurance Bank, which is the body responsible for social security.

Yugoslavia.

Invalidity Insurance Act of 10 December 1958 (*Službeni List* No. 49/58).

The new Invalidity Insurance Act covers the contingency of invalidity, whatever its cause, affecting persons in employment, to the exclusion of casual workers who are insured only in respect of invalidity arising out of an occupational accident.

The Act has a very broad scope and does not rely on the exceptions provided for in Articles 3 and 4 of the Convention.

Insured persons who become disabled are classified in three categories according to their degree of invalidity. The extent of the benefits varies according to the category to which the invalid worker belongs.

The invalidity pension rate is based on some 20 pension classes and amounts to between 30 and 100 per cent. of earnings, according to the degree of invalidity.

An insured person whose invalidity was caused by an employment injury becomes eligible for the statutory benefits on the best terms, i.e. irrespective of the completion of the qualifying period for a pension or of a period of employment; such a beneficiary is entitled to the basic pension rate (full pension) under the Yugoslav Retirement Insurance Act.

Under the Pension Insurance Act the heirs of an invalid who is in receipt of a pension acquire rights to that pension.

The benefits are credited to the beneficiary from the very first day of incapacity for work and are paid by the local social insurance offices.

An additional amount is credited to persons whose degree of incapacity is such as to call for the constant assistance of another person.

Insured persons are entitled to full medical care and to whatever treatment is necessary, irrespective of the length of their period of employment. They are also entitled to the supply and renewal of the necessary prosthetic and orthopaedic appliances, which are supplied by the Social Insurance Institute.

* * *

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

Argentina, Austria, Belgium, Bulgaria, Chile, Czechoslovakia, Finland, France, Federal Republic of Germany, Greece, Federation of Malaya, Morocco, Netherlands, New Zealand, Poland, Portugal, Sweden, Tunisia, United Kingdom.

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

Luxembourg, Spain.

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
Australia	22. 4.1959
Austria	29. 9.1928
Belgium	3.10.1927
Bulgaria	5. 9.1929
Burma ¹	30. 9.1927
Ceylon	17. 5.1952
Chile	31. 5.1933
Colombia	20. 6.1933
Cuba	6. 8.1928
Czechoslovakia	19. 9.1932
Denmark	18. 6.1934
Finland	17. 9.1927
France	13. 8.1931
Federal Republic of Germany ²	18. 9.1928
Guinea ³	21. 1.1959
Hungary	19. 4.1928
India	20. 9.1927
Iraq	26.11.1938
Ireland ⁴	25.11.1927
Italy	22. 1.1934
Japan	8.10.1928
Luxembourg	16. 4.1928
Morocco	20. 9.1956
Netherlands ⁴	1.11.1928
Nicaragua	12. 4.1934
Norway	11. 6.1929
Pakistan ⁵	30. 9.1927
Poland	3.11.1937
Portugal	27. 3.1929
Spain	29. 9.1932
Sweden ⁴	15.10.1929
Switzerland	16.11.1927
Tunisia	12. 1.1959
United Kingdom ⁴	6.10.1926
Uruguay ⁴	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 4 to Convention No. 4.

⁴ Has denounced this Convention and ratified Convention No. 42.

⁵ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 42.

Belgium.

See under Convention No. 42.

Bulgaria.

See under Convention No. 42.

Czechoslovakia.

See under Convention No. 42.

Denmark.

Act No. 96 of 25 March 1959, to amend the Employment Injuries Insurance Act.

Article 1 of the Convention. The amendments introduced by the above Act reduce from seven days to four the waiting period in case of short-term incapacity for work. If temporary

incapacity lasts for more than ten days benefit is paid as from the date of the accident. The maximum rate of wages which may be taken into consideration has been increased from 7,500 to 10,000 crowns. In case of death a pension is paid to the widow and dependent children. These provisions apply both to occupational diseases and to accidents.

Article 2. According to the previous legislation compensation in case of the occupational diseases mentioned therein was payable only if the workers affected were employed in certain expressly specified industries or occupations. The new Act provides for a different system of compensation: it merely gives a list of the occupational diseases for which compensation is due, and there is no need for the worker concerned to be employed in any specific industry, occupation or work. The schedule of occupational diseases appended to the new Act has been supplemented by the addition of further substances, and the Act recognises that other occupational diseases may be caused by substances not figuring in the schedule. The Ministry of Social Affairs is authorised to make additions to the schedule after consulting the competent authorities.

France.

See under Convention No. 42.

Federal Republic of Germany.

See under Convention No. 42.

Guinea (First Report).

Ordinance No. 1 of 3 October 1958.

Ordinance No. 37 of 23 June 1959.

Decree of 2 April 1932 to issue regulations respecting industrial accidents in French West Africa (*L.S.* 1932—Fr. 4).

Owing to the recent adoption of a statute providing for the independence of Guinea, a new labour code is now under discussion, which will embody new provisions. As a temporary measure Ordinance No. 1 of 3 October 1958 makes all French laws and regulations in force on 30 September 1958 applicable to Guinea.

Under the Decree of 2 April 1932 industrial accidents which cause incapacity for work for less than five days do not allow entitlement to compensation for loss of earnings. Compensation amounting to half the wage is paid as from the fifth day to persons temporarily incapacitated for between five and ten days. Temporary invalidity lasting more than ten days gives entitlement to compensation amounting to half the wage as from the first day of the accident.

Six months after the day when the patient is cured or his injury is consolidated the degree of permanent incapacity is fixed by an approved

medical expert. The rate ranges from 0 to 100 per cent. In the event of total permanent incapacity the pension is equal to two-thirds of the wage. The maximum wage taken into consideration for the calculation of the pension is 100,000 francs.

Under Ordinance No. 37 of 23 June 1959 coverage in respect of accidents, which was previously provided by insurance companies, became the responsibility of the National Equalisation and Family Allowances Fund.

India.

Act No. 8 of 20 March 1959 to amend the Workmen's Compensation Act of 1923 (*Gazette of India*, No. 5, Extraordinary, Part II, 31 Mar. 1959).

Under section 3 of the Act occupational diseases specified in a schedule to the Act are deemed to be injuries by accident with regard to the conditions of eligibility for compensation and rate of compensation. The schedule gives a more detailed list of occupational diseases and of occupations involving exposure to such diseases. However, the Act provides for the completion of a qualifying period, and states that in the case of some of the above-mentioned diseases compensation is payable only if a workman has been in the service of an employer for a continuous period of not less than six months.

The Government states that this new Act was adopted to bring the list of occupational diseases into line with the requirements of Convention No. 42. It adds that, in pursuance of one of the recommendations in the Second Five-Year Plan, a study group has been set up to implement a recommendation relating to the Government's social policy and that this study group is to examine the question of integrating the various social security schemes in India. The Government also states that the Employees State Insurance Scheme has been extended to a large number of other states within the country.

Iraq.

See under Convention No. 42.

Luxembourg.

In reply to the request made directly by the Committee of Experts the Government points out that the insurance covers "any occupational activity involving contact with animals, animal products or animal excrement" and that the said products cannot be other than the "merchandise" referred to in the Convention. The Government adds that the same form of words is used in German legislation, but that if the Committee of Experts maintains its view the amendment will be initiated.

Morocco.

Replying to requests made by the Committee of Experts in 1958 and 1959 the Government states that the list of operations which may cause anthrax infection (Schedule to the Directorial Order of 31 May 1943) is to be amended so as to refer in general to loading, unloading and transport of merchandise. The

commission to draft this amendment was to meet in October 1959.

Norway.

See under Convention No. 42.

Poland.

See under Convention No. 42.

Spain.

1. In reply to the direct request of the Committee of Experts the Government points out that Spanish legislation on occupational diseases is based on two main instruments, the Act of 13 July 1936 and the Decree of 10 January 1947 (with the Regulations issued under this latter measure of 19 July 1949). These provisions are to be taken together.

2. The Act of 1936, which is considered as the basic measure, defines occupational diseases for purposes of compensation; the following language is used as regards industries involving exposure to anthrax infection: "work in connection with animals infected with anthrax; handling of parts of animal carcasses; loading and unloading or transport of merchandise." The Government points out that the Act thus embodies the actual terms of Convention No. 18.

3. The Decree of 10 January 1947 establishes an occupational diseases compensation scheme which is more favourable in some respects than that of the 1936 Act; it has regard particularly to experience in the country itself. In the Decree the occupational diseases and the work which may give rise thereto are defined on the basis of more scientific criteria, but these definitions are not contradictory to those of the Act of 1936. An occupational disease mentioned in the Act but not in the Decree still gives rise to compensation on the same footing as an employment accident. The Government adds that, as regards anthrax infection, Spanish legislation lays down two different standards: first, that of the special scheme for the forms of anthrax defined by the Decree of 1947—due to "work in connection with animals infected with anthrax, handling of parts of animal carcasses"; and secondly the minimum standards applicable to the cases for which provision is made in the Act of 1936, particularly "loading and unloading or transport of merchandise".

4. The Government also states that the provisions of the Act of 10 July 1936 have never been repealed and that recent decisions by the Supreme Court have recognised their validity.

Switzerland.

In reply to the Committee of Experts' direct request in 1959 with regard to the list of operations corresponding to anthrax, the Government reports that it is contemplating the insertion in the Ordinance of 6 April 1946 of the expression "loading and unloading or transport of merchandise" as indicated by the Committee.

As regards the extension to agriculture of the compensation scheme for occupational diseases, the Government confirms that in

practice such diseases are already covered by the accident insurance scheme, but it cannot indicate at the moment when the Federal Act on the subject will be revised.

Yugoslavia.

Invalidity Insurance Act of 10 December 1958 (*Službeni List*, No. 49/58).

The Act of 10 December 1958 came into force on 1 January 1959. Under that Act compensation is paid for occupational diseases subject to the same qualifying conditions and on the same basis as for occupational accidents. Article 47 of the Act states that invalidity benefit shall be paid even when the accident or disease in question is not due solely to the job of the person concerned but also to any other work done in the interests of the undertaking.

A list of 44 occupational diseases affording entitlement to compensation is appended to the Act. It includes lead and mercury poisoning in any kind of work involving a risk of contact with such substances (items 1 and 2 on the list).

Item 44 of the list covers infectious diseases that can be transmitted from animals to man (anthrax, brucellosis, etc.) in the course of work with contaminated animals, in the care of such animals or in the treatment of their diseases, in work with their meat or their skin or with manufactured products and animal waste.

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

Chile, Denmark, France, Federal Republic of Germany, India, Italy, Japan, Morocco, Poland, Portugal, Switzerland.

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

Austria, Ceylon, Finland, Pakistan.

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

This Convention came into force on 8 September 1926

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	12. 6.1959
Austria	29. 9.1928
Belgium	3.10.1927
Bolivia	19. 7.1954
Brazil	25. 4.1957
Bulgaria	5. 9.1929
Burma ¹	30. 9.1927
Chile	8.10.1931
China	27. 4.1934
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 ²	18. 9.1928
Ghana ³	20. 5.1957
Greece	30. 5.1936
Haiti	19. 4.1955
Hungary	19. 4.1928
India	30. 9.1927
Indonesia ⁴	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 ⁵	11.11.1957
Mexico	12. 5.1934
Morocco ⁶	13. 6.1956
Netherlands	13. 9.1927
Nicaragua	12. 4.1934
Norway	11. 6.1929
Pakistan ⁷	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

Countries	Date of registration of ratification
Switzerland	1. 2.1929
Tunisia ⁸	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

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 15.

⁴ 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.

⁵ See footnote 1 to Convention No. 17.

⁶ See footnote 5 to Convention No. 4.

⁷ See footnote 3 to Convention No. 1.

⁸ See footnote 3 to Convention No. 13.

Argentina.

In reply to the request of the Committee of Experts the Government states that the bilateral treaty concluded with Chile has been ratified by the National Congress. However, the social security convention with Uruguay, concluded in 1958, has not yet been ratified.

Austria.

In reply to the observation made by the Committee of Experts the Government states that this is considered to be valid provided that there is reciprocity and in so far as the special provisions of Part III of the Social Insurance Agreement of 11 July 1953 between Austria and the Federal Republic of Germany are not

applicable. The Austrian Government considers that no change in existing legislation is necessary as the question is simply one of interpretation; in any case, the accident insurance institutions concerned will act in the manner recommended.

Chile

A reciprocity agreement between Chile and Argentina, concerning the payment of industrial accident benefit, was ratified on 7 November 1958.

Czechoslovakia.

In reply to a request for information made by the Committee of Experts the Government states that the payment of benefits abroad still takes place according to instructions issued under the Act concerning national insurance, and which are applicable until 31 December 1956. These instructions lay down that the payment of benefits to States with which no separate Convention has been concluded is made to Czechoslovak nationals and aliens alike, provided that the said States observe reciprocity; thus equal treatment is ensured to Czechoslovak nationals and citizens of States to which Convention No. 19 is applicable. As these instructions are not contrary to the provisions of the Social Security Law, in force since 1 January 1957, no changes in respect of them are likely to appear in the new regulations respecting the payment of benefits abroad which will have to be issued under this law.

France.

The legislation concerning industrial accident compensation for convicted criminals applies to a person of foreign nationality only where there is an agreement with his country of origin guaranteeing that a French national in the same situation will receive equivalent benefits.

The social security agreement between France and Spain and the supplementary agreement signed on 27 June 1957 came into force on 1 April 1959. The social security agreement between France and Greece and the supplementary agreement signed on 19 April 1958 came into force on 1 May 1959. The agreement between France and Portugal signed on 1 May 1958 came into force on 1 June 1959. As from 1 January 1959 Regulations Nos. 3 and 4 of the European Economic Community, concerning social security for migrant workers, superseded, as regards the persons covered, the provisions of the agreements between the six member States of the Community.

Ghana.

In reply to a request by the Committee of Experts the Government states that no arrangements have been concluded with any other State to ensure payment of benefits due as compensation for industrial accidents to workers transferring their residence to one of those States.

Iraq.

Labour Code of 1958 (*Al-Waqayi'u al'Iraqiya*, No. 4115, 16 Mar. 1958), as amended by Law No. 82 of 1958 (*ibid.*, No. 99, 24 Dec. 1958).

According to the provisions of the Labour Code Iraqi workers and their dependants receive compensation for industrial accidents without any restriction as regards residence. Foreign workers and their dependants are treated equally irrespective of their place of residence if the State of which the worker is a national has ratified Convention No. 19.

Italy.

For the reply of the Government to the observation of the Committee of Experts see *Report of the Committee*, p. 680.

Luxembourg.

Act of 15 July 1958 approving the two Interim European Agreements on Social Security and the additional Protocols thereto and 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).

In reply to a request by the Committee of Experts the Government states that nationals of countries which have ratified the Convention enjoy the same treatment as Luxembourg nationals without any condition as to residence, as laid down in Article 1, paragraph 2, of the Convention. In accordance with the Interim European Agreements of 11 December 1953 and the various bilateral conventions concluded by Luxembourg, and more especially with Regulations Nos. 3 and 4 of the European Economic Community respecting social security for migrant workers, which came into force on 1 January 1959, virtually all foreign nationals are granted the revaluation provided for in section 100, paragraph 5, of the Luxembourg Social Insurance Code, on the same terms as apply to Luxembourg nationals and without any condition respecting residence. From 1 January 1960 revaluation will be extended to nationals of all other countries not covered by the instruments quoted above but which have ratified Convention No. 19.

Federation of Malaya.

In reply to a request for information by the Committee of Experts the Government regrets its inability to furnish copies of agreements with any government with respect to the transfer of compensation as none has been concluded. The report adds if any such claim should arise in the future it would presumably be paid directly to the claimant abroad.

Sweden.

Royal Order No. 446 of 4 September 1959 respecting exemption of nationals of Australia from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (*Svensk Författningssamling*, 1959, No. 446).

The above-mentioned Order grants equality of treatment to nationals of Australia in respect of employment injury compensation.

Tunisia.

In reply to a request from the Committee of Experts the Government states that, under section 32 of the Act of 11 December 1957, all

nationals of States which have ratified Convention No. 19 are entitled to receive accident insurance benefit under the same conditions as Tunisian nationals, irrespective of their place of residence.

United Kingdom.

A social security reciprocal agreement with Yugoslavia, including all industrial injury benefits, has come into force. Similar agreements have been negotiated with the Federal Republic of Germany, Finland and Turkey, but these have not yet been ratified. In addition, under the terms of the European Interim Agreement on Social Security other than Old Age, Invalidity and Survivors, the United Kingdom vouchsafes equality of treatment for industrial injury benefits amongst others to nationals of all countries ratifying that Agreement, and by virtue of the Agreement such countries also benefit from all reciprocal social security agreements made by the United Kingdom. In Northern Ireland a new social security reciprocal agreement with Italy and an amended social security agreement with Malta have come into force.

Uruguay.

In reply to a request of the Committee of Experts the report states that a list of the ratified bilateral treaties on the subject can be obtained from the Ministry of External Relations.

Venezuela.

Constitution of 15 April 1953 (*Gaceta Oficial*, 15 Apr. 1953).
Labour Act of 21 October 1947 (*Gaceta Oficial*, 3 Nov. 1947, No. 200) (L.S. 1947—Ven. 2).
Decree No. 119 of 4 May 1945 to issue regulations governing employment in agriculture and stock-breeding (*Gaceta Oficial*, 10 May 1945, No. 132) (L.S. 1945—Ven. 2).
Decree No. 316 of 5 October 1951 to promulgate the Organic Act respecting compulsory social insurance (*Gaceta Oficial*, 8 Oct. 1951, No. 310) (L.S. 1951—Ven. 2A).

Decree No. 317 of 5 October 1951 to make regulations for the application of the above-mentioned Decree No. 316 (L.S. 1951—Ven. 2B).
Decision of the Governing Body of the Social Insurance Institute dated 25 September 1951.

None of the three workmen's compensation schemes discriminates between aliens and nationals.

The above-mentioned Decision of 25 September 1951 relates to the documents to be produced by foreign workers from countries which have ratified the Equality of Treatment Convention, with a view to proving the existence of any dependants who are not domiciled in Venezuela.

The authority responsible for the application of the compulsory social insurance scheme is the Venezuelan Social Insurance Institute. The Ministry of Labour is responsible for the application of the Agricultural Workers' Compensation Scheme (at the employer's expense) and of the scheme for persons covered by the Labour Act. Inspection services reporting to the Ministry are to be found in the capitals of the various states and federal territories.

* * *

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

Argentina, Austria, Belgium, Chile, China, Denmark, France, Federal Republic of Germany, Greece, Iraq, Italy, Federation of Malaya, Netherlands, Norway, Poland, Portugal, Sweden, Tunisia, United Arab Republic (Egypt), United Kingdom, Uruguay, Venezuela, Yugoslavia.

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

Bulgaria, Dominican Republic, Finland, India, Ireland, Japan, Mexico, Morocco, Pakistan, Peru, Spain, Switzerland, Union of South Africa.

20. Night Work (Bakeries) Convention, 1925

This Convention came into force on 26 May 1928

Countries	Date of registration of ratification
Argentina	17. 2.1955
Bulgaria	5. 9.1929
Chile	31. 5.1933
Colombia	20. 6.1933
Cuba	6. 8.1928
Finland	26. 5.1928
Ireland	15. 3.1937
Israel	26. 7.1951
Luxembourg	16. 4.1928
Nicaragua ¹	12. 4.1934
Spain	29. 8.1932
Sweden	5. 1.1940
Uruguay	6. 6.1933

¹ Has denounced this Convention.

Bulgaria.

In reply to observations made by the Committee of Experts the Government states that the draft ordinance prohibiting night work in bakeries is in preparation ; it will contain certain exceptions which will be in accordance with the provisions of the Convention.

* * *

The report from Chile supplies information on the practical effect given to the Convention.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

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

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 3 to Convention No. 1.

Venezuela.

Constitution of 15 April 1953.
Immigration and Settlement Act of 11 July 1936
(*Gaceta Oficial*, 14 Aug. 1936).

Article 1 of the Convention. There is no definition of the term "emigrant vessel". With respect to the definition of the term "emigrant", the report refers to the definition of the term "immigrant" as laid down in section 4 of the Immigration and Settlement Act.

Articles 2 to 7. The report refers to section 6 of the above-mentioned Act.

* * *

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, New Zealand, Venezuela.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	1. 4.1935
Belgium	3.10.1927
Bulgaria	29.11.1929
Burma ¹	31.10.1932
Canada	30. 6.1938
Chile	18.10.1935
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
Finland	8. 4.1947
France	4. 4.1928
Federal Republic of Germany ²	20. 9.1930
India	31.10.1932
Ireland	5. 7.1930
Italy	10.10.1929
Japan	22. 8.1955
Luxembourg	16. 4.1928
Mexico	12. 5.1934
Morocco	14. 3.1958
Netherlands	15.12.1937
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	29. 3.1940

Countries	Date of registration of ratification
Pakistan ³	31.10.1932
Poland	8. 8.1931
Spain	23. 2.1931
United Kingdom	14. 6.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Belgium.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 684.

The Bill which would amend the Act of 1928 in order to ensure full legislative conformity with Article 9 of the Convention was

approved by the Council of Ministers on 26 June 1959 and transmitted for its opinion to the Council of State.

Bulgaria.

Order No. 1460 of 24 October 1958.

In reply to the direct request made in 1959 by the Committee of Experts the Government transmits a copy of the above Order, which applies Article 9, paragraph 2, of the Convention.

As regards the application of Article 8 a draft document is being prepared.

Federal Republic of Germany.

Replying to a direct request made in 1959 by the Committee of Experts the report supplies the following information.

Article 6, paragraph 3 (10) (b), of the Convention. If the agreement has been made for a voyage, the port of destination and the duration of the agreement, that is the date fixed for its expiry after arrival in the port, must be mentioned in the agreement, in accordance with paragraph 1 (4) and (6) and paragraph 2 of section 24 of the Seamen's Act of 26 July 1957.

Paragraph 3 (10) (c). It is not necessary to mention the required period of notice for rescission of the agreement, since, according to section 10 of the Seamen's Act, no waiver of the provisions of the Act to the disadvantage of a seaman is permitted, and the seaman can at any time, even on board ship, obtain information concerning the provisions of the Act. Effect is therefore given to this provision of the Convention, the purpose of which is to have the seaman clearly informed of the laws in force.

Paragraph 3 (11). The reply of the Government to the question concerning this provision is the same as that under paragraph 3 (10) (c). It adds that no waiver of the provisions of collective agreements to the disadvantage of a seaman is permitted.

Article 13. The seaman is entitled to his wages up to the time of his discharge, in accordance with the general principle of law that remuneration is due until the employment relationship is legally terminated and with the provisions of sections 31, 32, 34 and 37 (1) of the Seamen's Act.

For the reply of the Government to the observation made in 1959 by the Committee of Experts concerning Article 9 of the Convention, see *Report of the Committee*, pp. 680-681.

India.

In reply to a direct request made in 1959 by the Committee of Experts the Government gives in its report the following supplementary information.

Article 6, paragraph 3 (1) and (2) of the Convention. The form to be prescribed by the Government, under section 101 (1) of the Merchant Shipping Act, 1958, concerning agreement with the crew, will contain entries regarding the seaman's name, age, birthplace and also

the place and date at which the articles of agreement are to be executed.

Paragraph 3 (10) (a) and (b). According to section 101, paragraph 2 (b), of the Act, the agreement must contain, as far as practicable, particulars of the duration of the intended voyage or engagement or the maximum period for which a voyage or engagement may last. The running agreement, provided for in section 103, paragraph 2 (a), of the Act, shall terminate either within six months from the date on which it was executed or on the first arrival of the ship at her port of destination in India after the expiration of that period, or on the discharge of cargo consequent upon such arrival, whichever of these dates is the latest. Other provisions of section 103 of the Act are intended to prevent an agreement from continuing for more than six months or after the first arrival of the ship at an Indian port following the expiry of six months.

The Act does not contain any specific provision regarding the time which has to expire after arrival of a ship at port before a seaman can be discharged, since the agreements automatically terminate on return of the seaman to the port of engagement.

Article 7. The Act does not provide for the carrying of a list of crew on board. However, the agreement between the master and the crew must include, according to section 101, paragraph 2 (c), the number and description of the crew of different categories in each department.

Article 10, paragraph (a). Section 121, paragraph 1, of the Act provides for the termination of an agreement by mutual consent.

Paragraph (b). No specific provisions are contained in the Act, as in case of death of the seaman the agreement terminates automatically.

Paragraph (c). Termination of an agreement due to shipwreck, loss or total unseaworthiness of a ship is provided for by section 141, paragraph (1), of the Act.

Paragraph (d). Other provisions concerning termination of agreements are contained in sections 141, paragraph 1 (unfitness or inability of a seaman to proceed on voyage), and 124, paragraph 1 (change of ownership of a vessel).

Article 11. Section 141, paragraph 1, of the Act (if the seaman is unfit or unable to proceed with the voyage or if his ship is wrecked, lost or abandoned) and section 376, paragraph 1 (c) (incompetence or misconduct on the part of a seaman) contain provisions for immediate discharge of a seaman.

Article 12. A seaman can demand his immediate discharge if his ship is unseaworthy (section 141) or if the ship is sold (section 124).

Article 13. Effect has been given to this Article by means of a stipulation in the articles of agreement prescribed under the Indian Merchant Shipping Act of 1923. It will be included also in the revised articles of agreement to be framed under the Merchant Shipping Act of 1958.

Article 14. According to sections 119 and 120 of the Act a discharged seaman is entitled to receive from the master of the ship either a

certificate which is in agreement with the requirements of paragraph 1 of this Article or a continuous discharge certificate containing the particulars included in paragraph 2. The master of the ship is also required to furnish to the Official Shipping Master a report stating the quality of the work of the seaman.

Mexico.

In reply to a request made in 1959 by the Committee of Experts the Government states that measures have been taken to prevent any appreciation of the quality of the seaman's work from being recorded in the seafarer's book, as prescribed by Article 5 of the Convention.

In reply to the observation made in 1959 the Government states that the presence of a vessel in a foreign port constitutes, under section 146 of the Labour Act, an exceptional circumstance in which notice, even when duly given, shall not terminate an agreement concluded for an indefinite period, as provided for by paragraph 3 of Article 9 of the Convention.

Morocco (First Report).

Maritime Commercial Code of 31 March 1919 (28 Jumada II 1337), as amended by the Dahir of 6 July 1953 (24 Shawwal 1312) (*Bulletin officiel*, No. 2127, 31 July 1953, p. 1054).

Dahir of 21 January 1922 (22 Jumada I 1340), as amended on 25 January 1947, respecting seamen's documents.

Dahir of 9 January 1946 (5 Safar 1365) respecting annual paid leave.

Article 1 of the Convention. The provisions of the Maritime Commercial Code concerning articles of agreement do not apply to seamen on ships of war, vessels not engaged in trade, vessels of not more than 200 gross registered tons engaged in the coasting trade, fishing vessels and pleasure yachts.

Article 2. Section 2 of the Code defines the vessel. Section 52 defines commercial navigation. Sections 140 ff. describe the duties and functions of the master. The definition of seaman is given in section 166.

Article 3. The provisions of this Article are applied by sections 167 to 171 of the Code.

Article 4. Section 172 of the Code gives effect to this Article of the Convention.

Article 5. The seaman's document was instituted by the Dahir of 21 January 1922, as amended on 25 January 1947. The document also serves as an identity card and dates of signing on and off are also registered in it.

Article 6. Sections 167 to 171 of the Code give effect to this Article of the Convention.

Annual paid leave for workers in general is regulated by the Dahir of 9 January 1946. Seamen's leave in particular is covered by the Ministerial Decision of 20 August 1956.

The period of notice for termination of articles of agreement concluded for an indefinite period is laid down in section 168 of the Code.

Article 7. Section 167 of the Code states that the articles of agreement must be drawn up before a representative of the maritime authorities and that its clauses and stipulations must be either recorded in or annexed to the list of crew.

Article 8. Section 172bis of the Code gives effect to this Article of the Convention.

Article 9. Section 168 of the Code, dealing with the period of notice for articles of agreements of an indefinite period, does not stipulate that such notice must be given in writing. However, provision to that effect will be incorporated in a collective agreement at present being drafted.

Section 201bis of the Code contains provisions respecting the termination of agreements concluded for an indefinite period. It states that the termination of such agreements outside Morocco shall be subject to authorisation by the Moroccan maritime or consular authority.

Section 196 of the Code lays down the circumstances in which an agreement for a definite period shall be terminated, in cases where the date of termination falls during a voyage.

Article 10. The provisions of sections 194 and 197 of the Code apply this Article of the Convention.

Article 11. Section 198 of the Code states in what circumstances the shipowner or master may immediately discharge a seaman.

Article 12. Section 201 of the Code stipulates the conditions under which the seaman may demand his immediate discharge.

Article 13. The eventuality covered by this Article has never occurred in Morocco, so that there is no provision for it in legislation.

Article 14. In accordance with section 6 of the Dahir of 21 January 1922, details of the seaman's signing on and off are recorded in his document and in the list of crew, and are endorsed by the maritime authority. A certificate indicating the quality of his work may be given to the seaman at his request.

Article 15. In accordance with section 53bis of the Dahir of 2 July 1947 to regulate employment, the maritime district officers and maritime navigation inspectors are responsible for enforcement of the conditions laid down for work on board vessels used in maritime navigation.

Spain.

In reply to a direct request by the Committee of Experts in 1959 the Government states that it has taken note of the discrepancy existing between the Order of 15 February 1958 and Article 9 of the Convention.

Venezuela.

Commercial Code of 26 July 1955.

Labour Act of 16 July 1936 (*L.S.* 1936—Ven. 2), as amended on 4 May 1945 (*L.S.* 1945—Ven. 1) and on 21 October 1947 (*L.S.* 1947—Ven. 2).

Regulations of 30 November 1938 under the Labour Act of 16 July 1936.

Navigation Act of 9 August 1944.

Regulations of 20 July 1951 respecting the registration and the issue of documents to seafarers.

Regulations of 20 July 1951 respecting the crew list.

Article 2 of the Convention. The definitions of this Article of the Convention coincide with those contained in the Commercial Code (sections 612, 627 and 653) and in the Navigation Act (sections 9 and 19).

Article 3. Provisions governing the seamen's articles of agreement corresponding to those of

this Article are contained in sections 283, 284, 286, 294 and 295 of the Labour Regulations.

Article 4. Section 8 of the Labour Act and section 6 of the Labour Regulations apply this Article.

Article 5. Sections 13 to 21 of the Regulations contain detailed provisions relating to registration and to the issue of a seaman's book and its contents.

Article 6. Different periods of duration of the agreements are provided for by section 654 of the Commercial Code and section 28 of the Labour Act.

Article 7. This Article is implemented by section 4 of the Regulations concerning the crew list and section 654 of the Commercial Code.

Article 8. The list of documents and publications to be kept on board ship is contained in section 58 of the Navigation Act.

Article 9. The provisions of this Article have not been incorporated in the legislation. However, sections 28 and 29 of the Labour Act and section 289 of the Labour Regulations contain provisions relating to the subject.

Article 10. Provisions concerning termination of agreements are contained in section 34 of the Labour Act and section 675 of the Commercial Code.

Articles 11 and 12. Section 672 of the Commercial Code and section 31 of the Labour Act contain provisions concerning termination of the agreement by the shipowner, and section 677 of the Commercial Code contains provisions concerning termination of the agreement by the seaman.

Yugoslavia.

In reply to the direct request made in 1959 by the Committee of Experts the Government gives additional information on some Articles of the Convention.

Article 2 of the Convention. Yugoslav law and practice use definitions identical with those set out in this Article.

Article 3. As a general rule articles of agreement are not made in writing, since the rights

and obligations arising out of the employment relationship are laid down by law and by the special rules of undertakings. The Act of 12 December 1957 concerning employment relationships specifies the cases in which the agreement must be in writing.

Article 6. Articles of agreement are generally concluded for an indefinite period. If the agreement is for a definite period it must be in writing; it must mention the parties, the worker's occupational qualifications, the work which he will do and the duration of the agreement.

Article 7. Every vessel of the merchant marine must have a crew register, which must contain each seafarer's personal particulars, his qualifications and the capacity in which he is employed; the register must carry the signature of the captain and the seafarer, and must state when the seafarer signed on and signed off. If the agreement is made on special conditions these must also be mentioned in the register.

Article 8. Section 352 of the Act concerning employment relationships provides that the rules of the undertaking must be posted in conspicuous places.

Article 9. Section 315 of the same Act states the various reasons for termination of employment relationships. The Act also prescribes periods of notice of termination, ranging from a minimum of 15 days to a maximum of six months. The employment may cease at any time by agreement between the worker and 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 :

Australia, Belgium, Chile, Finland, France, Federal Republic of Germany, Ireland, Italy, Japan, Pakistan.

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

Argentina, Canada, China, Netherlands, Nicaragua, Norway, Poland, United Kingdom, 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 ¹	14. 3. 1930
Ireland	5. 7. 1930
Italy	10. 10. 1929

Countries	Date of registration of ratification
Luxembourg	16. 4. 1928
Mexico	12. 5. 1934
Netherlands	5. 5. 1948
Nicaragua	12. 4. 1934
Poland	8. 8. 1931
Spain	23. 2. 1931
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

¹ See footnote 2 to Convention No. 2.

China.

In reply to a direct request made in 1959 by the Committee of Experts the Government states that it is a long established practice in China that a seaman who is repatriated as member of a crew is entitled to remuneration for the work done during the voyage.

* * *

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, Federal Republic of Germany, Ireland, Italy.

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

Argentina, France, Mexico, Netherlands, Nicaragua, Poland, Spain, 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 ¹	23. 1.1928
Haiti	19. 4.1955
Hungary	19. 4.1928
Luxembourg	16. 4.1928
Nicaragua	12. 4.1934
Peru	8.11.1945
Poland	29. 9.1948
Rumania	28. 6.1929
Spain	29. 9.1932
United Kingdom	20. 2.1931
Uruguay	6. 6.1933
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 2.

Austria.

Federal Act of 17 December 1958 (*Bundesgesetzblatt* No. 293) to amend and supplement the General Social Insurance Act.

In reply to a request from the Committee of Experts concerning the suspension of benefits when an insured person takes up residence abroad (section 89, paragraph 2, of the General Social Insurance Act of 9 September 1955), the Government states that the Federal Ministry of Social Affairs has decided, at the first opportunity that presents itself, to take steps to amend that provision in order to bring it fully into line with Article 3, paragraph 3 (c), of the Convention.

Bulgaria.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that section 21, subparagraph (b), of the Regulations concerning the application of the Pensions Act suspends a pension when the beneficiary leaves Bulgaria for good, for example in the case of emigration.

Suspension of cash benefits or a 50 per cent. reduction of such benefits, as provided for

under section 155 of the Labour Code and section 38 of the Ordinance concerning the application of Part III of the Labour Code, applies only to benefits that the insured person receives directly (personally). There is no relation between suspension of such benefits and suspension of pensions awarded under the pensions scheme.

Chile.

In reply to the request of the Committee of Experts for information the Government states that workers in industry and commerce and domestic servants are in principle covered by Act No. 10383, under which they are entitled to medical care, surgical treatment, pharmaceutical supplies and dental care from the Social Security Service. There is no statutory limit on the period during which benefit may be provided. The report states that Parliament is at the moment studying a Bill to provide medical care for salaried employees in private business.

Czechoslovakia.

In reply to the request of the Committee of Experts the Government states that matters concerning sickness insurance are administered by the trade unions, which are also competent to decide on appeals of insured persons in cases of dispute concerning their right to benefits. These matters are not within the competence of the courts. An insured person also has the right to present an appeal to the Public Prosecutor who may repeal a decision of the trade union if it is contrary to the law.

France.

Ordinance No. 58-609 of 18 July 1958 to amend section 289 of the Social Security Code respecting the qualifying period for daily benefit.

In reply to the query by the Committee of Experts regarding the application of Article 4 of the Convention, the Government states that the qualifying period for entitlement to benefit in kind is easy to comply with and that it would be impossible to abolish this condition

because of the need to prevent abuses. Members cannot be expelled from the French social security scheme and there would be serious danger of abuse if there were no qualifying period.

Peru.

Presidential Decrees of 16 April and 26 June 1958 and Ministerial Decision of 4 October 1958 to extend the sickness insurance scheme to the province of Tacna.
Presidential Decree of 28 August 1958 and Ministerial Decision of 24 March 1959 to extend the sickness insurance scheme to the province of Huancayo.

Poland.

Act of 6 June 1958 to prevent misuse of temporary incapacity certificates (*Dziennik Ustaw*, No. 35, text 154).

This Act calls on employers, social insurance offices and the territorial administration to keep a regular check on time spent away from work on the basis of medical certificates attesting to temporary incapacity for work.

It also provides for a series of penalties against the misuse of such medical certificates. Firstly, where an employee is found to have had sick leave to which he was not entitled, and particularly in order to avoid work or to carry on some other gainful occupation, he loses his right to sickness benefits for the whole period off work covered by the medical certificate. Secondly, if the offence is repeated in the course of the same year, the worker forfeits not only his right to compensation for the period not worked but also the right to any benefit for the first three days of any incapacity during the year following the first offence. The only exception is for incapacity resulting from an employment injury. Finally, if a worker is found to have made wrongful use of a medical certificate he forfeits during the period of sick leave covered by the medical certificate the normal wages during incapacity to which he would have been entitled.

Spain.

Decree of 7 March 1958 (*Boletín Oficial del Estado*, 1 Apr. 1958).

Order of 6 August 1958 (*Boletín Oficial del Estado*, 20 Aug. 1958).

In reply to the request of the Committee of Experts the Government states that the period during which an insured person is entitled to receive sickness benefit has been increased from 26 to 39 weeks and may in special cases be further increased up to a maximum of one year. The members of an insured person's family are entitled to receive benefit for up to 26 weeks. The limiting to 12 weeks of the period during which hospital care can be provided does not in any way impair the right to receive medical care and pharmaceutical supplies. The regulations of the health services of the Madrid Press Association, which the Committee of Experts asked for, are transmitted with the present report.

Uruguay.

Act No. 12546 of 16 October 1958 introduced sickness benefit for the personnel of interdepartmental and tourist motor coaches and school buses. Medical care for workers employed by agents for wool, hides and kindred merchandise was introduced by collective agreement (Decree of 22 June 1959). Act No. 12570 of 23 October 1958 provides for the payment of allowances to workers discharged on account of sickness. Act No. 12571 of 23 October 1958 introduced sickness benefit for workers in the building industry.

Yugoslavia.

Compulsory insurance for temporary workers applies to employment injuries and occupational disease but not to sickness insurance, as authorised under Article 2, paragraph 2, of the Convention.

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

Austria, Bulgaria, Chile, Czechoslovakia, France, Federal Republic of Germany, Luxembourg, Peru, Poland, Spain, United Kingdom, Yugoslavia.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification
Austria	18. 2.1929
Bulgaria	1.11.1930
Chile	8.10.1931
Colombia	20. 6.1933
Czechoslovakia	17. 1.1929
Federal Republic of Germany ¹	23. 1.1928
Haiti	19. 4.1955
Luxembourg	16. 4.1928
Nicaragua	12. 4.1934

Countries	Date of registration of ratification
Peru	1. 2.1960
Poland	29. 9.1948
Spain	29. 9.1932
United Kingdom	20. 2.1931
Uruguay	6. 6.1933
Yugoslavia	21. 5.1952

¹ See footnote 2 to Convention No. 2.

Austria.

See under Convention No. 24.

Bulgaria.

See under Convention No. 24.

Chile.

See under Convention No. 24.

Czechoslovakia.

See under Convention No. 24.

Poland.

See under Convention No. 24.

Spain.

See under Convention No. 24.

Uruguay.

See under Convention No. 24.

Yugoslavia.

See under Convention No. 24.

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

Austria, Bulgaria, Chile, Czechoslovakia, Federal Republic of Germany, Luxembourg, Poland, Spain, United Kingdom, Yugoslavia.

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	9. 3.1931
Belgium	11. 8.1937
Bolivia	19. 7.1954
Brazil	25. 4.1957
Bulgaria	4. 6.1935
Burma	21. 5.1954
Canada	25. 4.1935
Chile	31. 5.1933
China	5. 5.1930
Colombia	20. 6.1933
Cuba	24. 2.1936
Czechoslovakia	12. 6.1950
Dominican Republic	5.12.1956
Ecuador	6. 7.1954
France	18. 9.1930
Federal Republic of Germany ¹	30. 5.1929
Ghana	2. 7.1959
Guinea ²	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
Portugal	10.11.1959
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

Tunisia (First Report).

Decree of 4 September 1943 (*Journal officiel*, 11 Sep. 1943) concerning the review of wages, as amended by the Decrees of 29 June 1944 (*Journal officiel*, 4 Sep. 1944), 19 June 1947 (*Journal officiel*, 20 June 1947), 26 February 1948 (*Journal officiel*, 27 Feb. 1948) and 25 December 1952 (*Journal officiel*, 30 Dec. 1952).

Decree of 4 September 1943 (*Journal officiel*, 11 Sep. 1943) relating to the provisional fixing of minimum wages.

Order of 7 February 1948 (*Journal officiel*, 11 Sep. 1948) to fix the territorial competence of the local wage review committees.

Decree of 7 February 1940 (*Journal officiel*, 15 Feb. 1940) to regulate the payment of the remuneration of workers and salaried employees, as amended and supplemented by the Decrees of 15 May 1941 (*Journal officiel*, 20 May 1941), 28 May 1942 (*Journal officiel*, 2 June 1942) and 29 June 1944 (*Journal officiel*, 4 July 1944), and Decree of 15 August 1946 (*Journal officiel*, 23 Aug. 1946).

Articles 1 and 2 of the Convention. Article 1 of the Decree of 4 September 1943 states that the wages of employees in industrial and commercial establishments may only be modified in the circumstances and the manner laid down in the Decree.

Article 3. Two local wage review committees have been set up, one in Tunis and the other in Sfax. Their task is to draw up proposals for the regulation of wages in their respective zones; there is also a Central Committee, the main task of which is to co-ordinate the work of the local committees and lay down general lines of policy. Article 4, paragraph 2, of the Decree of 1943 states that employers and workers must both be represented in equal numbers in the local wage review committees.

Article 4. The decisions of the local wage review committees are published in the *Journal officiel*. The minimum rates fixed are compulsory. The local and district labour in-

¹ See footnote 2 to Convention No. 2.

² See footnote 4 to Convention No. 4.

spectors are responsible for the enforcement of decisions concerning wages. Under section 6 of the Decree of 7 February 1940 an employer who pays excessively low wages is liable to a fine and will also be required to pay to a solidarity fund a sum equivalent to three times the amount underpaid. In addition, workers are entitled to appeal to the civil or probiviral courts to obtain the amount of retroactive wage increases due to them within a period of 12 months.

Article 5. Since their establishment the local wage review committees have issued more than 120 decisions concerning wages. The wages of all workers in industry and commerce are fixed

in this manner. The report gives examples of minimum wages 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 :

Chile, New Zealand, Union of South Africa.

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

Argentina, Venezuela.

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

This Convention came into force on 9 March 1932

Countries	Date of registration of ratification
Argentina	14. 3.1950
Australia	9. 3.1931
Austria	16. 8.1935
Belgium	6. 6.1934
Bulgaria	4. 6.1935
Burma ¹	7. 9.1931
Canada	30. 6.1938
Chile	31. 5.1933
China	24. 6.1931
Cuba	7. 9.1954
Czechoslovakia	26. 3.1934
Denmark ²	18. 1.1933
Finland	8. 8.1932
France	29. 7.1935
Federal Republic of Germany ³	5. 7.1933
Greece	30. 5.1936
Hungary	6.12.1937
India	7. 9.1931
Indonesia ⁴	4. 1.1933
Ireland	5. 7.1930
Italy	18. 7.1933
Japan	16. 3.1931
Luxembourg	1. 4.1931
Mexico	12. 5.1934
Morocco	20. 9.1956
Netherlands	4. 1.1933
Nicaragua	12. 4.1934
Norway	1. 7.1932
Pakistan ⁵	7. 9.1931
Poland	18. 6.1932
Portugal	1. 3.1932
Rumania	7.12.1932
Spain	29. 8.1932
Sweden	11. 4.1932
Switzerland	8.11.1934
Union of South Africa ²	21. 2.1933
Uruguay	6. 6.1933
Venezuela	17.12.1932
Viet-Nam	6. 6.1953
Yugoslavia	22. 4.1933

¹ See footnote 2 to Convention No. 1.

² Conditional ratification.

³ See footnote 2 to Convention No. 2.

⁴ See footnote 4 to Convention No. 19.

⁵ See footnote 3 to Convention No. 1.

Venezuela.

Labour Act of 16 July 1936 (*L.S.* 1936—Ven. 2), as amended on 4 May 1945 (*L.S.* 1945—Ven 1) and on 21 October 1947 (*L.S.* 1947—Ven. 2). Regulations of 30 November 1938 issued under the Labour Act of 16 July 1936.

Under section 168 of the Labour Regulations, the consignor is required to have the weight in kilograms marked on any package or object weighing over 1,000 kilograms which is to be transported by sea or inland waterway. In cases where it is difficult to determine the exact weight, an approximate weight may be declared.

Section 169 of the Labour Regulations states that the port authorities shall not permit the transport of objects weighing over 1,000 kilograms unless the provisions of section 168 have been previously satisfied.

Section 170 of the Labour Regulations provides for penalties under the Labour Act against anyone contravening the provisions of section 168, without prejudice to the civil liability incurred.

The supreme authority responsible for the application of these provisions is the Ministry of Labour. Inspection services coming under the Ministry are to be found in the capital of the Republic, in the state capitals and in the federal territories.

* * *

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

Chile, Nicaragua.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932 -

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

¹ Convention denounced as a result of the ratification of Convention No. 32.

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 ¹	20. 5.1957
Greece	13. 6.1952
Guinea ²	21. 1.1959
Haiti	4. 3.1958
Honduras	21. 2.1957
Hungary	8. 6.1956
Iceland	17. 2.1958
India	30.11.1954
Indonesia ³	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 ⁴	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
Peru	1. 2.1960
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

Countries	Date of registration of ratification
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

¹ See footnote 3 to Convention No. 15.
² See footnote 4 to Convention No. 4.
³ See footnote 4 to Convention No. 19.
⁴ See footnote 1 to Convention No. 17.

Bulgaria.

Ukase No. 57 of 6 February 1958 to approve an Act respecting the self-taxation of the population (*Izvestiya*, 11 Feb. 1958) (*L.S.* 1958—Bul. 1).

In reply to the direct request of the Committee of Experts in 1959 the report states that the “self-imposed” local projects which may be carried out by decision of the citizens themselves consist of electrification, water supply, drainage, reafforestation, construction and enlargement of public buildings, etc.

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.
Penal Code.

Article 12 of the Constitution states that work is a duty and an honour for every citizen who is fit for work.

The Constitution declares that citizens are morally bound to work, but provides for no penalties to be imposed on persons who are fit for work but do not take part in work done in the public interest or who do no work at all, provided that they respect the established order in the State. Citizens may work in accordance

with their wishes and their abilities in state undertakings and institutions, on collective farms, in handicraft co-operative societies and on individual farms or in handicraft workshops where they work on their own account: the Constitution does not lay down a compulsory form of employment for the citizens of the Republic.

When they are recruited wage earners and salaried employees conclude contracts of employment in full freedom. Section 36 of the Labour Code provides that an employer may only require an employee to perform the work for which he was engaged and which is in accordance with the provisions of the labour laws. An employee may not be transferred within the same undertaking or institution to any other permanent employment that was not provided for in the contract of employment unless the worker agrees to the transfer.

When work is exacted from a person as a consequence of a conviction in a court of law, the position is governed by the provisions of the Penal Code. When a court sentences a person to re-education through work this measure is carried out under the supervision of the state authorities, and the persons to whom such a system of re-education is applied may not be placed at the disposal of private individuals, companies or associations.

It is only in quite exceptional cases that compulsory labour service can be exacted from citizens, for example under special conditions in time of war or to deal with natural disasters (floods, fires, etc.). Under section 11 of the Labour Code citizens may be compelled to undertake compulsory labour service in accordance with decisions taken by regional and district executive committees and by local councils of workers' deputies. Such service can be exacted only for the execution, during a short period, of work of public utility that calls for no special qualifications, with a view to preventing natural disasters, and when a failure to carry out such urgent work involves a risk of further disasters affecting the population.

Section 12 of the Labour Code lists the persons who are not liable to be called up for such compulsory labour service. The statutory provisions relating to compulsory labour service to deal with a natural disaster have in fact not been applied for a number of years.

In view of the abolition of private ownership of the means of production, forced or compulsory labour in any form for the benefit of private persons, companies or associations has been eliminated. It is also prohibited to fulfil obligations of any kind by making use of the personal services of another person.

The legislation lays down no penalty that can be imposed on a whole community for offences committed by any of its individual members.

In conclusion the report states that the legislation provides for penalties in the event of an infringement of the labour laws.

Czechoslovakia (First Report).

Government Order No. 40 of 28 April 1953 respecting the civic labour service (*Sbirka Zákonů*, 25 May 1953).

Act No. 70 of 17 October 1958 respecting the duties of undertakings and people's committees as regards manpower (*Sbirka Zákonů*, 10 Nov. 1958).

Government Order No. 24 of 17 April 1959 requiring organs of the State Administration and undertakings to employ graduates of high schools and vocational schools (*Sbirka Zákonů*, 30 Apr. 1959).

Decree of the President of the Republic (Part 1) No. 88 of 1 October 1945 establishing general compulsory labour service (*Sbirka Zákonů*, 17 Oct. 1945). (*L.S.* 1945—Cz. 2).

The legislation does not contain provisions either establishing or facilitating forced or compulsory labour as defined by the Convention. Certain provisions regulate the allocation of manpower to meet the urgent needs of the national plan for economic development. The compulsory labour measures necessitated in 1945 by the post-war situation have been repealed and replaced by texts giving wider scope to workers' initiative, responsible action by undertakings and general guidance by national committees.

Order No. 40 of 1953 authorises the national committees to draw on the help of citizens "in order to deal with occasional and exceptional work that cannot be delayed in view of its major public importance and cannot be performed in any other manner, even with the participation of voluntary workers". Certain sections of the population are not subject to these requirements, depending on age, health and occupation, also persons enjoying diplomatic immunity and, provided the concession is reciprocal, foreign nationals. The above-mentioned Order is not applied in practice.

Denmark.

In reply to the request made by the Committee of Experts in 1959 the report states that section 38, paragraph (2), item 2, of the National Insurance Act of 15 April 1948 is repealed by Act No. 286 of 18 January 1951.

Dominican Republic.

In reply to the request made by the Committee of Experts in 1959 the report states that any work which may be exacted from persons performing their military service is strictly military in character. Moreover, persons sentenced by a court of law must work under the control of the public authorities and may not be placed at the disposal of private individuals. Any work which may be exacted under the Trujillo plan for universal literacy does not go beyond minor communal services.

Section 114 of the Penal Code provides for penal sanctions against public officials and other government servants found guilty committing acts against the Constitution. Any official contravening the freedom of labour would thus be guilty of violating the Constitution and would be prosecuted under section 114.

Finland.

See *Report of the Committee*, p. 703.

Federal Republic of Germany.

Model Regulations of the Rhineland-Palatinate concerning communal services.

In reply to the direct request made by the Committee of Experts in 1959 the report states that the only services that can be required of soldiers are those with an exclusively military purpose. Moreover the Alternative Civilian Service Act has not yet been promulgated, so that conscientious objectors have not been called upon to perform such service, which is to promote the general welfare.

Persons sentenced to imprisonment under sections 15 and 362 of the Penal Code may be employed outside the prisons. The Act does not require the prisoner to have expressly agreed but this is a consequence of the nature of the work since work outside the prisons is sought after by the prisoners, being regarded as a favour. Work for the benefit of private individuals is performed only under the supervision and subject to the inspection of prison officials.

The establishments in which persons may be interned in virtue of section 20 of the Ordinance of 13 February 1924 concerning compulsory assistance are institutions that report to the public authorities or that are run by private charitable organisations. Such internment is ordered by the courts.

In the Federal Republic of Germany "emergency" is understood to refer to the cases expressly listed in Article 2, paragraph 2 (d), of the Convention. A certain number of laws relating to such cases are transmitted with the report.

Communal authorities may exact services from the inhabitants only in accordance with regulations adopted by the local council. Such regulations follow models published by the provincial governments. The work consists of traditional communal services and the inhabitants can appeal to the competent administrative tribunal.

Ghana.

In reply to the request of the Committee of Experts in 1959 the report states that the Government proposes to modify its legislation so as to bring it into line with Article 2, paragraph 2 (a), of the Convention.

Greece.

For the Government's reply to the observation by the Committee of Experts respecting Article 2, paragraph 2 (a), of the Convention see *Report of the Committee*, pp. 681-682.

The report states that measures have been taken to repeal the legislation under which the labour of persons serving a prison sentence may be placed at the disposal of private individuals.

Guinea (First Report).

For legislation see under Convention No. 6.

There is no longer any forced labour in Guinea. At the people's express request the Democratic Party of Guinea has launched a very emphatic slogan concerning the help to be given to the administration in the continuation of such minor work in the public interest as the cleaning of the streets and of concessions bordering on the public domain. Only those who wish to do so take part in such work.

Article 2 of the Convention. Except in cases of plagues or epidemics, when the Government may call up the inhabitants of a particular area to limit the danger to the public, the army, as part of its appointed task, tills the fields to supply produce to its canteens and to provide help for any groups of the population which might be short of food.

Article 6. No administrative authority is allowed to compel any citizen by any means whatsoever to undertake work for the benefit of a private individual.

Article 19. The army provides the only instance of compulsory cultivation. The time devoted to such work corresponds to that required for the cultivation of rice, from the time when the land is prepared until the harvest, or a total of between two and four months according to the size and extent of the fields.

Article 25. An infringement of the prohibition of forced labour makes an offender liable to the penalties provided for in section 228 (a) of the Labour Code.

Honduras (First Report).

Constitution of 19 December 1957 (*L.S.* 1957—Hon. 5)
[Extracts].
Labour Code of 1959 (*La Gaceta*, 15-20 July 1959).
Penal Code.
Police Act of 1910.

The Constitution and the Labour Code exclude any possibility of forced labour being imposed. Article 11 of the Constitution states that every person has the right to work and is entitled to exercise that right freely or to renounce it. Legislation does not give any definition of forced labour.

Article 2, paragraph 2 (a) of the Convention. Article 316 of the Constitution states that the armed forces shall "co-operate with the executive for the performance of work connected with education, literacy campaigns, agriculture, the preservation of natural resources, road construction, communications, colonisation or emergencies, provided that it is not to the detriment of the service".

Paragraph 2 (c). Under section 98 of the Penal Code persons serving prison sentences may not be obliged to work for private individuals or on projects carried out by undertakings or as a result of contracts with the State or with municipal authorities, except if there is no work available on public works or in the prisons.

Paragraph 2 (d). The work which may be exacted in cases of emergency is laid down in sections 9, 10, 11, 17 and 172 of the Police Act.

Paragraph 2 (e). Among work which may be regarded as minor communal services the Police Act provides that inhabitants shall be required (a) to paint their houses once a year; (b) to contribute in kind or in cash to the upkeep of rural roads. Further, persons using public wash-houses are required to keep them in a proper condition.

Article 4. There is no forced labour for the benefit of private individuals.

Article 19. The State does not have recourse to compulsory cultivation.

Article 25. Section 493 of the Penal Code provides for imprisonment for any person using violence to prevent another person from doing something not prohibited by the law or forcing another person to do something against his will.

Hungary (First Report).

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953) (L.S. 1953—Hun. 1).
Act No. XIX of 1946.
Decree No. 40 of 1951 of the Council of Ministers relating to recruitment.

Section 1 of Act No. XIX of 1946 abrogated all regulations whereby certain workers could be directly compelled by administrative action to enter or remain in a service based on civic undertakings or to do work provided for in a civic undertaking.

Military regulations do not allow persons on compulsory military service to be assigned to work not related to such service.

The use of convicted persons is governed, with regard not only to the organisation of work and rates of pay but also to labour protection, by the provisions of the Labour Code and of the various regulations concerning the application of any penal sanctions imposed.

Under section 139 of the Labour Code "in the event of a natural disaster or in order to avert any other danger to the economy or the country citizens may be called up for temporary labour service". Under section 140 this temporary obligation does not apply to children under the age of 14 years, women over 50, expectant and nursing mothers, mothers with children under the age of six if there is no other person to look after the said children, men over the age of 60 and invalids and sick persons who are unfit for work.

Under section 12 (2) of Decree No. 40 of 1951 any person who for the purpose of recruitment has recourse to coercion or mentions conditions of work or rates of pay that are contrary to fact is to receive a sentence of detention of up to two years unless the crime is liable to a heavier penalty.

India.

Orissa Panchayats Act, 1948.
Hyderabad Panchayats Act, 1956.
Assam Panchayats Act, 1959.
Punjab Panchayats Act, 1952.
Central Provinces and Berar Panchayats Act, 1946.

These Acts provide that persons may be called upon to perform specified labour on works of public utility which are likely to benefit such persons. Such work is requested by the Panchayats, which are village councils elected by the people themselves.

A number of copies of laws which the Committee of Experts had asked for in 1959 are transmitted with the report.

Iran (First Report).

Constitutional Act.
Penal Code.
Labour Act of 17 March 1959.

Article 1 of the Convention. There is no legislation or regulation authorising recourse to forced labour. On the contrary, the author-

ities have always striven to safeguard individual liberties and civic rights, as provided for in the Constitutional Act, the Penal Code and the Labour Act. Section 135 of the Penal Code provides for penal sanctions against any official "imposing forced or compulsory labour on citizens, in violation of the legal provisions, unless such service or labour is in the immediate public interest...".

Article 2, paragraph 2 (a). Work or service exacted under the legislation governing military service is purely military in character.

Paragraph 2 (c). Work or service exacted from persons sentenced by a court of law is performed under the supervision of the public authorities and such persons may not be hired to or placed at the disposal of private individuals, companies or associations.

Paragraph 2 (d). In cases of emergency the public authorities are not authorised to have recourse to forced labour.

Article 4. There is no forced labour for the benefit of private individuals.

Article 19. There is no recourse to compulsory cultivation in Iran.

Article 25. Section 62 of the Labour Act states: "Any person imposing forced labour on another, in violation of the provisions of international labour Conventions Nos. 29 and 105, shall pay that person the wage normally paid for such work and shall in each case pay a fine of from 1,000 to 10,000 rials or serve a term of imprisonment of from one to six months, or both."

Morocco (First Report).

Dahir of 11 May 1931, supplemented by the Dahir of 23 November 1954.
Dahir of 2 January 1940 to control the residence of certain persons in the French Zone of the Shereefian Empire (*Bulletin officiel*, 19 Jan. 1940).
Residential Order of 24 June 1942 respecting the application of the above-mentioned Dahir of 2 January 1940 (*Bulletin officiel*, 26 June 1942).
Dahir of 24 June 1942 supplementing the Dahir of 2 January 1940 (*Bulletin officiel*, 26 June 1942).
Order of 1 February 1955 defining the law governing compulsory labour in application of the Dahir of 11 May 1931.

Forced labour as defined by the Convention is no longer applied in Morocco.

Article 2, paragraph 2 (a) of the Convention. Compulsory military service does not exist in Morocco.

Paragraph 2 (b). The requirements for work which forms part of the normal civic obligations of the citizens of a fully self-governing country are carried out in accordance with the Dahir of 11 May 1931.

Paragraph 2 (c). The provisions of the Dahir of 2 January 1940 authorising the use of persons under forced residence for public works have not been applied at all since the end of the Second World War and have fallen into disuse. Work performed by persons sentenced by a court of ordinary law is described in a note annexed to the report.

Paragraph 2 (d). The cases covered by this subparagraph correspond to those dealt with in the Dahir of 11 May 1931.

Paragraph 2 (e) There is no system of compulsory labour for minor communal services.

Article 4. There is no forced labour for the benefit of private individuals, companies or associations.

Article 10. The Dahir of 15 October 1958 regulates the tax derived from the former labour service for the construction and upkeep of communal roads, and states that the tax has to be paid in cash. If work is done instead of payment this must be voluntary and is only possible if authorised by the annual decree of application.

Article 25. Section 6 of the Dahir of 11 May 1931 provides for the necessary repressive action.

Pakistan (First Report).

Penal Code.

Sections 370 and 371 of the Penal Code prohibit all forms of slavery and section 374 provides for sanctions against any person found guilty of imposing labour on another against his will.

The Pakistani legal system provides that all citizens shall be adequately protected against the imposition of forced labour. It therefore appears unnecessary to promulgate special legislation for the application of the Convention.

Sweden.

The Government states that the Committee of Inquiry which it has appointed has not yet finished its work.

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 the other Soviet Federated Republics.
Penal Code of the R.S.F.S.R.

Under article 12 of the Constitution work is a duty and an honour for every adult citizen who is fit for it, but the Constitution does not compel citizens to do work of any kind (the principle laid down having only moral force), and Soviet citizens are free to do whatever work they choose.

Workers are engaged in full freedom through contracts of employment. Under section 36 of the Labour Code, the head of an undertaking may not require an employee to perform any work for which he was not engaged. An employee may not be transferred from one department of an undertaking to another without his consent.

Article 2, paragraph 2 (a) of the Convention. The Compulsory Military Service Act of 1 October 1939 does not provide that citizens on military service may be assigned to civilian work.

Paragraph 2 (c). The Corrective Labour Code has lapsed and is no longer applied. The procedure and methods of application of the system of re-education through work as a penal sanction imposed as a consequence of a conviction in a court of law are governed by section 25 of the Basic Principles of the Penal Legislation of the U.S.S.R. and of the Republics.

Paragraph 2 (d). Under section 11 of the Labour Code the citizens may be called up for work in exceptional circumstances. This section also provides for the possibility of imposing compulsory work for the completion of work in the public interest if it is of an urgent character and of short duration. Such service, however, is no longer exacted, and the draft Basic Principles of the Labour Legislation of the U.S.S.R. and the Union Republics, which is now under discussion, contain no provisions that would allow the application to citizens of measures that would compel them to do compulsory labour service.

Paragraph 2 (e). The performance of communal services depends on the agreement and joint decision of all the citizens concerned in such services.

Articles 4 to 6. No forced labour can be exacted for the benefit of private individuals.

Article 7. Section 66 of the Labour Code provides for the cash payment of remuneration and rules out all possibility of personal services.

Article 25. This Article of the Convention is applied by sections 109, 133 and 138 of the Penal Code, as well as by section 7 of the Basic Principles of the Penal Legislation of the U.S.S.R. and of the Union Republics.

Venezuela.

Constitution of 15 April 1953.
Labour Act of 16 July 1936 (*L.S. 1936—Ven. 2*), as amended on 4 May 1945 (*L.S. 1945—Ven. 1*) and on 21 October 1947 (*L.S. 1947—Ven. 2*).

The legal system of Venezuela prohibits recourse to forced labour: article 35 of the Constitution provides that the people shall work in full freedom and that workers shall be protected. This protection is strengthened by sections 116 and 119 of the Labour Act.

Viet-Nam.

In reply to the request made by the Committee of Experts in 1959 the report states that the Government proposes to revise the Labour Code so as to bring section 8 in line with the terms of the Convention. The draft legislation respecting work by persons serving a prison sentence is still being examined.

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

Brazil, Byelorussia, Czechoslovakia, Federal Republic of Germany, Guinea, Honduras, Hungary, India, Iran, Morocco, Pakistan, Venezuela.

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

Argentina, Australia, Ceylon, Chile, Ecuador, Ireland, Italy, Japan, Federation of Malaya, Mexico, Netherlands, New Zealand, Norway, Portugal, Spain, Switzerland, United Arab Republic (Egypt), United Kingdom, Yugoslavia.

30. Hours of Work (Commerce and Offices) Convention, 1930

This Convention came into force on 29 August 1933

Countries	Date of registration of ratification
Argentina	14. 3.1950
Austria ¹	16. 2.1933
Bulgaria	22. 6.1932
Chile	18.10.1935
Cuba	24. 2.1936
Finland	13. 1.1936
Haiti	31. 3.1952
Israel	26. 6.1951
Luxembourg	3. 3.1958
Mexico	12. 5.1934
New Zealand	29. 3.1938

Countries	Date of registration of ratification
Nicaragua	12. 4.1934
Norway	29. 6.1953
Panama	16. 2.1959
Spain	29. 8.1932
Uruguay	6. 6.1933

¹ Conditional ratification.

The report from *Spain* merely reproduces the information previously supplied.

32. Protection against Accidents (Dockers) Convention (Revised), 1932

This Convention came into force on 30 October 1934

Countries	Date of registration of ratification
Argentina	14. 3.1950
Belgium	2. 7.1952
Bulgaria	29.12.1949
Canada	6. 4.1946
Chile	18.10.1935
China	30.11.1935
Cuba	7. 9.1954
Finland	23. 8.1949
France	27. 5.1955
India	10. 2.1947
Italy	30.10.1933
Mexico	12. 5.1934
New Zealand	29. 3.1938
Norway	23. 6.1956
Pakistan ¹	10. 2.1947
Spain	28. 7.1934
Sweden	3. 8.1938
United Kingdom	10. 1.1935
Uruguay	6. 6.1933

¹ See footnote 3 to Convention No. 1.

Italy.
Act of 3 March 1865.
Act No. 2518 of 18 July 1884.
Decree No. 3095 of 2 April 1885.

In reply to the observations made by the Committee of Experts the Government states that regulations have been laid down in 11 Italian ports, that supplementary provisions conforming to the Convention will be added to the port regulations for Genoa, Naples and Venice, and that certain standards may also be applied in the near future for the ports of La Spezia, Olbia, Porto Empedocle, Ravenna and Salerno. In the case of all other ports the exceptions provided for in Article 15 of the Convention are applied. A committee has been set up under the Ministry of Labour to work out special security standards for dockers.

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

Belgium, Italy, New Zealand.

The report from *Chile* merely 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 ¹	24. 2.1936
France	29. 4.1939
Guinea ²	21. 1.1959
Netherlands	12. 7.1935

Countries	Date of registration of ratification
Spain	22. 6.1934
Uruguay ¹	6. 6.1933

¹ Convention denounced as a result of the ratification of Convention No. 60.

² See footnote 4 to Convention No. 4.

Austria.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, p. 683.

A new draft amendment to the federal Act concerning the employment of children and young people (*Bundesgesetzblatt* No. 146/1948) has been prepared; however, this does not yet bring the Act into complete conformity with the provisions of the Convention. It is hoped that this amendment will be adopted at the next session of Parliament.

Spain.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, p. 683.

In reply to a direct request by the Committee of Experts the Government states that the technical department of the General Employment Directorate has been instructed to consider the problem of identification of minors employed in places to which the public have access and in itinerant occupations, and to propose a solution in accordance with Articles 6 and 7 of the Convention.

34. Fee-Charging Employment Agencies Convention, 1933

This Convention came into force on 18 October 1936

Countries	Date of registration of ratification
Argentina	14. 3.1950
Bulgaria	29.12.1949
Chile.	18.10.1935
Czechoslovakia	12. 6.1950
Finland ¹	13. 1.1936
Mexico.	21. 2.1938
Norway ¹	4. 7.1949
Spain	27. 4.1935
Sweden ¹	1. 1.1936
Turkey ¹	27.12.1946

¹ Convention denounced as a result of the ratification of Convention No. 96.

Mexico.

All placement agencies of the Directorate of Social Welfare are free both for employers and for workers.

Spain.

Decree No. 1254 of 9 July 1959 (*Boletín Oficial del Estado*, 24 July 1959, No. 176).

Section 2 of the Decree states that placement is a public, free service carried out exclusively by the authorities and organisations designated by the law; section 3 prohibits the existence of private placement agencies of any kind.

* * *

The report from *Mexico* 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:

Argentina, Bulgaria, Chile, Czechoslovakia.

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

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

Chile, France, Peru, Poland.

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
Peru.	1. 2.1960
Poland.	29. 9.1948
United Kingdom	18. 7.1936

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

Chile, Poland.

37. Invalidity Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Chile.	18.10.1935
Czechoslovakia	1. 7.1949
France.	23. 8.1939
Italy.	22.10.1947
Peru.	8.11.1945
Poland.	29. 9.1948
United Kingdom	18. 7.1936

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

Chile, France, Peru, Poland.

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
Peru.	1. 2.1960
Poland.	29. 9.1948
United Kingdom	18. 7.1936

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

Chile, Poland.

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

Peru.

The committee set up to examine the possibility of revising the insurance legislation

will consider the advisability of replacing the present system (payment of a lump sum) by a pension scheme for the widows and orphans of insured persons. The Government also hopes that during the forthcoming revision of the insurance legislation it will be possible to establish special courts.

* * *

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

Peru, Poland.

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
Peru.	1. 2.1960
Poland.	29. 9.1948
United Kingdom	18. 7.1936

The report from *Poland* supplies information on the practical effect given to the Convention.

41. Night Work (Women) Convention (Revised), 1934

This Convention came into force on 22 November 1936

Countries	Date of registration of ratification
Afghanistan	12. 6.1939
Argentina	14. 3.1950
Belgium ¹	4. 8.1937
Brazil	8. 6.1936
Burma ²	22.11.1935
Ceylon	2. 9.1950
France ¹	25. 1.1938
Greece ¹	30. 5.1936
Guinea ³	21. 1.1959
Hungary	18.12.1936
India ¹	22.11.1935
Iraq	28. 3.1938
Ireland ¹	15. 3.1937
Morocco ⁴	13. 6.1956
Netherlands ¹	9.12.1935
New Zealand ¹	29. 3.1938

Countries	Date of registration of ratification
Pakistan ^{1 5}	22.11.1935
Peru.	8.11.1945
Switzerland ¹	4. 6.1936
Union of South Africa ¹	28. 5.1935
United Arab Republic (Egypt)	11. 7.1947
United Kingdom ⁶	25. 1.1937
Venezuela	20.11.1944

¹ Convention denounced as a result of the ratification of Convention No. 89.

² See footnote 2 to Convention No. 1.

³ See footnote 4 to Convention No. 4.

⁴ See footnote 5 to Convention No. 4.

⁵ See footnote 3 to Convention No. 1.

⁶ Has denounced this Convention.

Ceylon.

In reply to the observations of the Committee of Experts the Government points out that steps are being taken to amend the law with a view to bringing it into conformity with the provisions of the Convention.

Greece.

The Night Work (Women) Convention (Revised), 1948 (No. 89) has been ratified by Act No. 3924/59 (*Ephemeris tes Kyberneseos*, Vol. A, 2 Jan. 1959).

Guinea (First Report).

See under Convention No. 4.

Iraq.

For legislation see under Convention No. 19.

Article 1 of the Convention. The Labour Code, as amended, applies to all industrial and commercial establishments other than those exempted under section 2 thereof.

Article 2. Section 5 of the Code provides for a rest period of not less than 11 consecutive hours including the interval between 10 p.m. and 5 a.m.

Article 3. Section 6 (3) of the Code prohibits the employment of women during the night.

Article 4. Section 130 of the Code authorises exceptions in cases of *force majeure*.

Article 8. Under section 6 (3) of the Code women holding responsible positions of management are exempted from the application of the provision prohibiting night work.

United Arab Republic (Egypt).

For legislation see under Convention No. 11.

Article 2 of the Convention. Section 131 of the Code lays down that the term "night" signifies the period of 11 consecutive hours included between 8 p.m. and 7 a.m.

Article 3. Section 131 of the Code provides that no woman may be employed during the night, except in establishments and within the limits and conditions to be prescribed by Ministerial Decree. The term "woman" covers all working women without distinction as to the nature of their duties (section 130).

Article 4. Section 120 of the Code authorises the exceptions mentioned in this Article of the Convention.

The employer must, according to paragraph 3, of the same section, give the Labour Office notice before making use of the above-mentioned exceptions.

Articles 5 to 7. No such exceptions are mentioned in the legislation.

Article 8. Section 131 of the Code provides for the issue of a Ministerial Decree determining cases in which exceptions for women holding responsible positions of management may be authorised.

Venezuela.

For legislation see under Convention No. 1.

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

Article 2. In accordance with section 57 of the Labour Act the term "night" covers the period between 7 p.m. and 5 a.m.

Under section 105 of the Labour Act, working hours for women must be between 6 a.m. and 7 p.m. except as regards nursing services, domestic service, newspaper undertakings, hotels, restaurants, cafés and theatres, and in the other exceptional cases explicitly specified by the Federal Executive in its regulations under the Act.

Article 3. Section 105 of the Labour Act, mentioned above, prohibits the night work of women, and section 131 states that only men may work at night. Section 110 (3) of the Labour Regulations provides that women working in undertakings employing only members of the same family may be exempted from the application of this provision.

Article 4. Subsections 2 and 4 of section 110 of the Labour Regulations suspend the prohibition of night work by women in cases of *force majeure* or in the case of raw materials or materials in course of treatment which are subject to rapid deterioration and for which immediate attention is required to prevent their certain loss.

Article 6. Section 112 of the Labour Regulations states that where it is required by exceptional circumstances the labour inspector may authorise the employer to reduce the minimum rest period to ten hours on not more than 60 days of the year.

Article 7. Section 103 of the Labour Regulations states that, in regions where work by day is trying to the health owing to the heat, the period of prohibition of night work for women may be reduced, provided they are granted equivalent compensatory rest during the day.

Article 8. Section 110 (5) of the Labour Regulations waives the provisions of the Convention with respect to women occupying managerial posts of responsibility.

The Ministry of Labour is responsible for application of the Convention, acting through its Social Welfare and Labour Directorates.

* * *

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

Peru, Venezuela.

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

Afghanistan, Argentina, Morocco.

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
Australia	29. 4.1959
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

Argentina.

In reply to the request by the Committee of Experts in 1959 the Government states that no further legislative provisions have been promulgated with regard to compensation for occupational diseases.
Under the Constitution of Argentina the Decrees of 1916, 1932 and 1936 cannot restrict the scope of Act No. 9688 of 11 October 1915.

Austria.

In reply to the request made by the Committee of Experts the report states that an amendment to the list of occupational diseases will be introduced at the time of drafting of the next Bill to amend the Social Insurance Act, but that it is not yet possible to specify on what date such an amendment will come into force.

Belgium.

Royal Order of 15 September 1958, modifying Royal Order of 9 September 1956 listing occupational diseases and the industries or occupations in which they give rise to compensation, together with categories of workers who may be granted benefit (*Moniteur belge*, 26 Sep. 1958).

The Order of 15 September 1958 makes certain modifications and additions to the schedule of occupational diseases given in the Royal Order of 1956 (*L.S.* 1956—Bel. 2) and to the corresponding schedule of industries and occupations. The additions apply also to the categories of workers engaged in the industries concerned.
In reply to the request by the Committee of Experts concerning workers suffering from anthrax infection which is presumed to be of occupational origin, the Government states that it will endeavour to meet the Committee's wish as soon as possible.

Bulgaria.

In reply to the request made by the Committee of Experts in 1959 the Government states that the observations of the Committee will be given due consideration when the schedule of occupational diseases is modified.

Czechoslovakia.

In reply to the direct request made by the Committee of Experts the Government states as follows.
1. With regard to primary epitheliomatous cancer of the skin, the term "carcinogenic substances" which appears in the 1956 Act covers all the substances in question. This definition is of wider scope than that contained in the Convention since it includes both the substances enumerated in this text and other products whose carcinogenic effects have already been proven. Consequently, the Government considers it unnecessary to list in the 1956 Act, as examples, the products mentioned in the Convention.
2. With regard to anthrax infection the Government considers that, by referring in general terms to all the undertakings in which employees are exposed to this risk, the national legislation also covers loading, unloading, and transport of merchandise. The Government adds that neither legislation nor national practice requires the workers employed in these processes to prove that they have been brought into contact with infected merchandise.

Denmark.

See under Convention No. 18.

France.

Order of 7 August 1958 to determine the territorial competence, membership and operation of the boards of three medical practitioners provided for under section 10 of the Decree of 17 October 1957 fixing special measures for the application to occupational silicosis and asbestosis of Book IV of the Social Security Code (*Journal officiel*, 21 Aug. 1958).

In reply to the direct requests made by the Committee of Experts the report makes the following points.

With regard to the limitative list of pathological manifestations in respect of which compensation is granted, which is annexed to each schedule, this system is adopted in French legislation to define diseases arising from a given origin. The system can in no way be considered as limitative and is particularly suitable for strict and extensive application of the presumption of origin.

The most important halogen derivatives of hydrocarbons of the aliphatic series are listed in schedules Nos. 3, 11, 12, 26 and 27. The other derivatives have very little poisonous effect and are in any case not much used in industry.

Regarding phosphorus and its compounds, schedule No. 34 should include thiophosphate of diethyl and paranitrophenyl with the other thiophosphoric esters.

Coal-tar pitch is the only source of primary epitheliomatous cancer of the skin which is recognised in France. The Labour Inspectorate has been unable to find any convincing proof of any connection between the other substances mentioned in the Convention and the occurrence of cancer of the skin.

As regards anthrax, the method adopted in schedule No. 18 in the national legislation does not appear such as to deserve the criticism expressed by the Committee of Experts and can be interpreted in the most favourable manner. It does, however, eliminate the presumption of occupational origin of anthrax contracted by a worker engaged in the loading, unloading or transport of, for instance, building materials, where the probability of contamination is slight.

Federal Republic of Germany.

Act No. 673 to adapt the accident insurance scheme to the provisions in force in the rest of the Federal Republic (second Accident Insurance Act of 19 June 1959) (*Amtsblatt des Saarlandes*, No. 87, 30 June 1959).

The object of Act No. 673 is to adapt the statutory accident insurance scheme in the Saar to the provisions in force in the rest of the Federal Republic. The Act came into force on 1 September 1959.

In reply to the direct request of the Committee of Experts the Government states as follows.

(1) Alloys of lead and amalgams of mercury are not specifically mentioned in the Ordinance of 26 July 1952 because from the toxicological point of view their effects are similar to those of their component metals. Under the insurance schemes persons suffering from a poisoning due to alloys of lead or amalgams of mercury are regarded as being entitled to compensation in accordance with the instructions of the Federal Ministry of Labour concerning occupational diseases (items 1 and 3 of the Order of 4 May 1953).

(2) Bitumen and mineral oil are covered by the term "similar substances" in item 17 of the above-mentioned Ordinance; the Ministry of Labour's instructions for application

specifically provide for such an interpretation (item No. 17).

(3) It is not necessary to make any specific mention of the loading and unloading or transport of merchandise among the types of work involving exposure to anthrax infection, since these are activities that facilitate contamination through contact with animals and are provided for as such under item No. 40 of the list of occupational diseases in the Ordinance of 1952.

Greece.

In reply to the direct request made by the Committee of Experts in 1959 with regard to adaptation of the Greek list of occupational diseases to the provisions of the Convention, the Government states that the matter will be dealt with very soon.

Iraq.

Labour Code of 1958 (*Al-Waqayi'u al'Iraqiya*, No. 4115, 16 Mar. 1958), as amended by Law No. 82 of 1958 (*ibid.*, No. 99, 24 Dec. 1958).

Regulation No. 62 of 1959 for the proportionate distribution of compensation to the dependants of a deceased workman.

Article 1 of the Convention is applied by sections 64 to 82 of the Labour Code, as amended, while Article 2 is applied by sections 72 and 80 of the Code and by the first and second schedules.

The application of the legislation is entrusted to the Directorate-General of Labour, which is attached to the Ministry of Social Affairs. The Directorate operates in this field through a team of inspectors.

A survey of trades including dangerous trades is being carried out. During the period under review 28 declarations of occupational diseases were made on behalf of workers in such trades.

Mexico.

In reply to the direct request by the Committee of Experts the Government states that it has not yet been able to modify the Federal Labour Act so as to include, among the occupational diseases listed in section 326, those due to phosphorus or its compounds.

All the provisions of the Convention have legal force since, under section 133 of the Constitution, every Convention becomes national law upon ratification.

Morocco (First Report).

Dahir of 31 May 1943 (26 Jumada I 1362) extending to occupational diseases the provisions of the legislation on compensation for industrial accidents (*Bulletin officiel*, No. 1598, 11 June 1943, p. 450).

Article 1 of the Convention. Workers of any nationality suffering from occupational diseases are entitled to compensation on the basis of the general principles of the legislation concerning compensation for industrial accidents.

The rate of compensation is the same as that provided for in law for damages caused by industrial accidents, namely—

(a) indemnification of the workers injured in the course of or in connection with their

work; this applies to all persons earning wages or working under any terms whatsoever or in any place whatsoever for one or more employers, whether the contract of hire is valid or not;

- (b) indemnification of the injured workman in the form of a daily allowance or a pension;
- (c) in case of the worker's death, payment of a pension to the surviving spouse, children or ascendants.

These allowances and pensions are payable by the employer or by his insurance institution.

The rate of compensation in cases of occupational disease varies according to the degree of incapacity certified on the medical certificate, and the pension is calculated in the same way as for industrial accidents.

Article 2. The national schedule of occupational diseases includes not only the ten diseases named in Article 2 of the Convention but also 29 other diseases or types of poisoning.

In order to take into account the request of the Committee of Experts concerning the application of the Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18), the schedule of processes liable to cause anthrax infection which is appended to the Order of 31 May 1943 will be amended to include general mention of loading, unloading and transport of merchandise.

Supervision of the application of the legislation relating to occupational diseases is the responsibility of the labour inspectors who are placed under the authority of the Ministry of Labour and Social Affairs or, with regard to mines, that of the Ministry of National Economy.

New Zealand.

In reply to the direct request by the Committee of Experts in 1959 the Government states that the schedule of occupational diseases appearing in the Act of 1922 and added to by the Order of 1942 no longer applies. It was revoked by the Workers' Compensation Amendment Act of 1947, which set up a system of general coverage for all diseases due to the nature of the employment.

Norway.

Industrial Accident and Occupational Disease Insurance Act No. 10 of 12 December 1958 (*Norsk Lovtidend*, 17 Jan. 1959, No. 1) (L.S. 1958—Nor. 3).

Royal Decree of 14 July 1959 respecting diseases due to the nature of the climate and epidemic diseases treated as employment injuries (dealt with in the above-mentioned Act).

In its reply the Government states that the above-mentioned Act comes into force on 1 January 1960. In section 10, paragraph 1, of this Act, an "employment injury" is defined as a bodily injury or disease resulting from an industrial accident. The Crown may prescribe that other injuries and diseases, such as occupational diseases, diseases due to the nature of the climate and epidemic diseases, are to be treated as employment injuries.

The Decree of 14 July 1959 specifies the diseases due to the nature of the climate and the epidemic diseases to be treated as employment injuries. Provisions governing occupational diseases will be enacted later.

As regards the direct request made by the Committee of Experts on the subject of the "presumption of origin" for occupational diseases defined in the Decree of 8 March 1957, the Government states that an occupational disease gives rise to compensation when it commences during the course of employment as described in the Act of 24 June 1931 respecting accident insurance for industrial workers. The Government is, moreover, of the opinion that this question no longer arises since the new Act of 12 December 1958 covers the trades, industries and processes mentioned in Article 2 of the Convention.

With regard to primary epitheliomatous cancer of the skin, the Government states that these are covered by section I, A, of the Decree of 8 March 1957 which refers to "diseases caused by poisoning or other forms of chemical action".

Poland.

Act of 28 March 1958 to amend the Act respecting pensions schemes for workers and their families.

In reply to the direct request made by the Committee of Experts the Government has supplied details regarding the scope of the provision dealing with anthrax (paragraph 24 of the schedule appended to the Ordinance of 14 May 1956). It states that this provision applies to, among others, all workers engaged in loading, unloading and transport whenever they are exposed to contact with diseased animals or infected objects.

Sweden.

In reply to the direct request made by the Committee of Experts the Government refers to the arguments set forth in its previous report.

The Government states in particular that, under the provisions of the Act of 1954, all illnesses are presumed to be of occupational origin if proof is lacking to the contrary. Consequently, it does not lie with the worker to prove the occupational nature of the disease but with the insurance institution to prove the contrary, when appropriate.

Union of South Africa.

In reply to the direct request by the Committee, the Government states as follows.

(1) With regard to benzene poisoning, the term "benzene" in the schedule annexed to the Act of 1941 should be taken to include all chemical compounds of benzene, which need not therefore be detailed in the schedule itself.

(2) With regard to pathological disorders due to radiation, it has not been felt necessary so far to include any substances other than X-rays and radium, although consideration is at present being given as to whether others might not be included.

(3) With regard to silicosis, association with tuberculosis is now regarded as an aggravating factor for the purpose of determining disablement, and it was not considered necessary to mention this association in the schedule.

United Kingdom.

National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations, 1959 (S.I. 1959, No. 467). See also under Convention No. 17.

The above Regulations revoke the previous Regulations and contain a new Schedule of Prescribed Diseases, incorporating all the diseases added to the list since 1948 and making certain amendments recommended by the Industrial Injuries Advisory Council. The principal alterations are in the description of various forms of industrial dermatitis and of diseases due to radiation and in the occupations in respect of which tuberculosis is prescribed.

Uruguay.

In reply to a request by the Committee of Experts the Government states that the national legislation covers most of the occupational diseases listed in the schedule to the Convention, and that there are some affections among those not mentioned by the legislation which do not occur in Uruguayan industry. The Government adds that, to achieve complete concordance with the Convention, it would be sufficient

to issue decrees describing as occupational diseases affections not mentioned in the national legislation. Such a course would be made easier by the fact that since its ratification Convention No. 42 has become an integral part of the national legislation.

As for the legislation concerning the compensation scheme for occupational diseases, it comprises an Act of 28 February 1941, decrees issued before and after the adoption of that Act, an Act of 14 October 1950 (which introduced a special compensation scheme) and an Act of 27 November 1953 (which provided for ratification 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, France, Federal Republic of Germany, Greece, Iraq, Ireland, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Poland, Sweden, Turkey, United Kingdom.

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

Brazil, Finland.

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	21. 5.1935
United Kingdom ¹	13. 1.1937
Uruguay	18. 3.1954

¹ Has denounced this Convention.

Czechoslovakia.

In reply to the observation by the Committee of Experts the Government states that the legislation is in full conformity with Conventions Nos. 43 and 49, since the internal validity of the Conventions was promulgated by Act No. 126 of 1938. Moreover the full text of the Conventions was promulgated in Czechoslovakia as a law. The Conventions are once again fully applied in practice.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Czechoslovakia	12. 6.1950
France.	21. 2.1949
Ireland.	10. 6.1937
Italy.	22.10.1952
New Zealand	29. 3.1938
Norway	20. 5.1957
Switzerland.	14. 6.1939
United Kingdom	29. 4.1936

Bulgaria.

In its reply to the direct request made by the Committee of Experts in 1959 the Government states that persons registered with the competent service of the National Councils are offered by such service employment corresponding to their qualifications, age, state of health, etc.; if they refuse such employment they have no right to cash benefit.

Foreigners are protected under the same conditions and in the same manner as nationals (section 161 of the Labour Code and Regulations concerning the application of Part III of the Labour Code).

Czechoslovakia.

In reply to a request for information presented by the Committee of Experts the Government states in its report that Ordinance No. 250 of 27 August 1943 concerning benefits and allowances paid to persons involuntarily unemployed is still in force. However, since no unemployment exists in the country this Ordinance is hardly ever applied.

France.

Ordinance No. 59-129 of 7 January 1959 respecting measures in favour of unemployed workers (*Journal officiel*, 9 Jan. 1959).

Decree No. 59-369 of 5 March 1959 to amend Decree No. 51-319 of 12 March 1951 specifying the conditions under which unemployment benefit is allowed (*Journal officiel*, 6 Mar. 1959).

Order of 12 May 1959 making compulsory the terms of the agreement of 31 December 1958 signed by the National Council of French Employers and the workers' organisations (*Journal officiel*, 15 May 1959).

Decree of 12 November 1959 to establish the methods by which the Ministry of Finance and Economic Affairs and the Ministry of Labour control the governing bodies of the system set up by the Order of 12 May 1959 (*Journal officiel*, 14 Nov. 1959).

The Ordinance of 7 January 1959 amends the legal system of unemployment benefits laid down by the Decree of 12 March 1951 (and its subsequent amendments). The new Ordinance makes the following changes:

In areas where the number of unemployed workers does not justify the existence of an unemployment relief service, the responsibility for the casual unemployed may be assumed by a local or national department of the National Unemployment Relief Fund.

The residence conditions have been made less stringent for workers "who are obliged to change their place of residence owing to the organisation, reorganisation or decentralisation of an industrial or commercial undertaking".

Unemployed persons aged between 18 and 21 years who reside with their parents will in future receive the main allowance instead of simply an "additional benefit".

It is now possible to receive both unemployment benefit and allowances paid from funds set up by agreement between employers' and workers' organisations, under the conditions stipulated in the Ordinance of 7 January 1959. The total benefit received may not, however, exceed 80 per cent. of the previous salary. This figure is increased to 85 per

cent. for unemployed persons entitled to dependants' allowances and to 90 or 95 per cent. for those persons whose previous salary was equal to or less than 150 per cent. of the guaranteed inter-occupational minimum wage.

The Order of 12 May 1959 made it compulsory for all industrial and commercial undertakings in metropolitan France, whatever their category or size, to observe the agreement concluded on 31 December 1958 between the National Council of French Employers (C.N.P.F.) and the workers' organisations (C.F.T.C., C.G.C. and C.G.T.-*Force ouvrière*). This agreement provides for the payment of special allowances to unemployed workers in industry and commerce. The C.G.T., the General Federation of Independent Unions, and the Independent Federation of Labour also signed this agreement.

The application of this new system is governed by a special regulation appended to the agreement. Workers who benefit under the system are paid an allowance of 35 per cent. of the average wage received previously. The allowance is paid for a period of 270 days and, in certain cases, this term may be extended to one year. The allowance is payable whatever other means the beneficiary may have.

The beneficiaries must be registered for employment at an employment exchange, they must be under 65 years of age, and be physically fit for employment.

The allowances are payable to completely unemployed workers and not to those partially unemployed. The beneficiaries are entitled to the allowance if they have been employed by one or more of the undertakings covered by the agreement for a period of three months during the 12 months preceding the date on which unemployment commenced, providing that at least 180 hours of work were completed in such an undertaking during the last three-month period. A waiting period of three days must be completed.

The allowances may be stopped under certain circumstances, such as when the beneficiary takes up new employment, attends a course of vocational training, receives sickness benefit paid under the social security scheme, refuses to accept suitable employment, or does not attend when required to do so by the manpower service.

The Labour and Manpower Services of the Ministry of Labour are responsible for administering the unemployment regulations. In addition the above-mentioned Decree of 12 November 1959 lays down the methods to be used to ensure compliance with the new system.

Ireland.

Social Welfare (Amendment) Act No. 36 of 1958.
Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1958 (S.I. No. 233 of 1958).
Social Welfare (Modifications of Insurance) (Amendment) Regulations, 1959 (S.I. No. 9 of 1959).

The Social Welfare (Amendment) Act raises the remuneration limit for insurability as regards employment, otherwise than by way of manual labour, from £600 to £800 per annum.

Norway (First Report).

Act No. 4 of 28 May 1959 respecting unemployment insurance (came into force on 1 October 1959) (*Norsk Lovtidend*, No. 23, 15 June 1959).

Article 1 of the Convention. The Norwegian compulsory unemployment insurance scheme is financed by contributions shared equally between employers and employees, as well as by subsidies from the State and the communes.

The insured persons are classified in groups of earnings, the lowest group comprising persons earning between 1,000 and 2,000 crowns a year and the highest group comprising those earning over 14,000 crowns a year. The contributions and benefits vary by these groups of earnings. The joint employer and employee contribution amounts to 0.50 crown a week in the lowest group and to 1.90 crowns a week in the highest group. The rate of cash benefit amounts to 3 crowns a day in the lowest and 15 crowns a day in the highest group. A supplement of 2 crowns a day is payable in respect of the wife and the children under the age of 18 years who are dependent on the insured person. The unemployment insurance scheme also makes grants for travelling and moving in connection with taking up a new employment, with vocational guidance and rehabilitation. Grants are also made for vocational training and as assistance towards finding a new means of livelihood. The Act also enables the scheme to grant wage supplements to unemployed persons who qualify for benefit and who are engaged in commune or county public works.

Article 2. The unemployment insurance scheme covers in general all employed persons under 70 years of age whose annual earnings exceed 2,000 crowns. The major exceptions from coverage are employees in fishing, whaling and sealing industries, homeworkers, employees in agriculture and domestic service who are closely related to their employer, or who are married to him/her, permanent civil servants, persons working on a commission basis and persons who are mainly self-employed.

There is no minimum age limit and no maximum earnings for liability for unemployment insurance. In 1958 the unemployment insurance scheme covered about 820,000 persons, i.e. about 80 per cent. of all wage earners.

Article 3. An insured person whose employment has been reduced by more than one day of ordinary working hours per week, and whose earnings have been reduced accordingly, may qualify for reduced unemployment benefit. Benefit is paid for the number of days in the week during which the insured person is out of work. If the number of hours worked per day is reduced, the total number of working hours lost is converted into days of unemployment.

Article 4. In order to qualify for unemployment benefit the unemployed person must be fit for work, must not himself be responsible for the loss of employment, and must have registered at an employment office as seeking work. As a rule unemployed persons have to report to the employment office twice a week, but in districts where the population is very scattered it is only necessary to report once a week. The unemployed person must be willing

to accept the employment which the employment office finds suitable for him.

Article 5. See under Article 4 above and Articles 6 to 12 below.

Article 6. In order to qualify for daily cash benefit the person concerned must have been engaged in work entailing compulsory unemployment insurance for at least 30 weeks (contribution weeks) during the last completed "benefit year", or have to his credit at least 45 contribution weeks during the three last completed "benefit years". No qualifying conditions are laid down in the Act as regards the other types of benefits provided by the scheme. Such provisions will be laid down in special orders to be issued subsequently in virtue of the Act. The report states that it is likely that the qualifying period will be abolished as regards travel and removal assistance and for certain forms of assistance towards finding a new means of livelihood. Where benefit for the purpose of vocational training is concerned it has already been laid down that the applicant must either have a total of 45 contribution weeks or 30 contribution weeks in the course of a 12-month period.

Article 7. Unemployment benefit may as a rule not be paid until the insured person has been registered at the employment office as seeking work for seven of the last ten days, including Sundays.

Article 8. An unemployed person is disqualified for benefit if he refuses, without good reason, to participate in a vocational training course, including a retraining course started or supported by a municipal or other public authority. The same applies if a person refuses to take part in training or to submit to examination with a view to finding possibilities for retraining.

Article 9. An unemployed person who refuses to take relief work which is considered suitable for him also forfeits the right to unemployment benefit.

Article 10. An unemployed person loses the right to benefit when he refuses to accept an offer for work which the labour board considers suitable for him. He does not forfeit the right to benefit if he refuses to accept employment which has become vacant on account of a labour dispute recognised by the national unions of the workers involved in the dispute, and which has not been declared illegal by a court of law. The obligation to accept work applies first and foremost to vacancies in the unemployed person's own trade or occupation. In determining whether work in another trade is suitable for him consideration must be given, among other things, to the time later on when he may be able to obtain work in his previous trade, his practical and theoretical training, his abilities, his physique and adaptability, etc. An insured person may not, as a rule, refuse work on the ground that the wages are lower and the conditions less favourable than those which he has been accustomed to in his own trade, when it is considered that the work will give him a reasonable income. Refusal to accept work on account of lack of housing facilities is generally accepted.

The unemployed person also forfeits his right to benefit in the following cases: if he takes part directly in a strike or is involved in a lockout or other form of labour dispute; if he has become unemployed because of such a dispute concerning the undertaking or workplace at which he was employed, and it may be assumed that his wages or conditions of work will be affected by the outcome of the dispute; if he has become unemployed on account of misconduct, or has resigned or left his job without good reason; and if he has failed without good reason to secure himself an income during the period of unemployment by means of suitable work available in the service of another or in some independent activity.

In the cases mentioned above the labour board may nevertheless grant unemployment benefit to the insured person after a certain time has elapsed (usually four weeks) if there are circumstances which render this reasonable.

If the applicant for benefit gives incorrect information respecting matters concerning his right to benefit, or if he withholds such information, the labour board may disqualify him for benefit either wholly or in part, for a period of up to two years.

An insured person who receives wages after having lost his employment is not entitled to benefit. If he is in receipt of an old-age pension or back pay he may receive benefit to the extent to which the sum total of the benefit and pension (or back pay) equals the amount of full benefit for one week. Further, an insured person is disqualified for benefit if he is on military service, if he resides in a public or municipal institution, or if he resides outside the Realm.

Article 11. Daily cash benefit may be paid for a maximum of 20 weeks in the course of one "benefit year", but the number of benefit weeks cannot exceed (a) one-third of the number of contribution weeks in the last completed "benefit year", plus (b) one-third of the number of contribution weeks in the first two of the three last completed "benefit years", with deduction of the benefit weeks in the two last completed "benefit years".

Article 12. There is no means test for unemployment benefit.

Article 13. Unemployment benefit is always paid in cash.

Article 14. Decisions respecting unemployment benefits are taken by the labour board in the commune where the person concerned was last insured. Appeals against decisions made by the labour board may be lodged with the Labour and Industrial Development Board of the county. Appeals against decisions by the latter board may be lodged with the

Directorate of Labour if they are of considerable importance or of significance extending beyond the actual case concerned. Employers and employees are equally represented on all these boards. Cases which have been brought before the Directorate of Labour may be referred to the courts.

Article 15. See under Article 10 above.

Article 16. Aliens working in Norway have the same rights and obligations as Norwegian nationals respecting unemployment insurance. Reciprocal agreements concerning the calculation of rights to benefits accumulated in the unemployment insurance of one country in connection with application for benefit in another have been concluded between Norway and the following countries: Denmark, Finland, Sweden, Great Britain and Northern Ireland. Employees who have accumulated rights under the unemployment insurance scheme in one of the above-mentioned countries will, during residence in Norway, under certain conditions be entitled to benefit on the basis of work in the other country.

Unemployment insurance comes under the administration of the Ministry of Labour and Local Government, and the Directorate of Labour is responsible for the supervision of the implementation of the Act, through the labour inspectors.

Switzerland.

Federal Act of 20 March 1951 to amend the Unemployment Insurance Act (*Feuille fédérale*, 1959, I, No. 536).

This Act came into force on 1 July 1959; it makes certain amendments to the earlier legislation, particularly as regards the benefits paid under the unemployment insurance scheme, which are increased.

United Kingdom.

A number of new regulations and of amendments to existing regulations which affect unemployment benefit were made by the Minister of Pensions and National Insurance in exercise of powers conferred on him. During the period under review a reciprocal agreement with Yugoslavia came into force.

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

France, Ireland, Italy, New Zealand, Norway, Switzerland, United Kingdom.

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
Costa Rica	22. 3.1960
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 ¹	20. 5.1957
Greece	30. 5.1936
Guatemala	7. 3.1960
Hungary	19.12.1938
India	25. 3.1938
Indonesia ²	20. 2.1937
Ireland	20. 8.1936
Italy	22.10.1952
Japan	11. 6.1956
Luxembourg	3. 3.1958
Federation of Malaya ³	11.11.1957
Mexico	21. 2.1938
Morocco	20. 9.1956
Netherlands	20. 2.1937
New Zealand	29. 3.1938
Pakistan ⁴	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 4 to Convention No. 19.
³ See footnote 1 to Convention No. 17.
⁴ See footnote 3 to Convention No. 1.

Bulgaria.

Order of the Central Council of Trade Unions and the Ministry of Public Health and Social Welfare to regulate the protection of women workers (*Izvestiya*, 3 July 1959, No. 53, p. 1) (*L.S.* 1959—Bul. 2).

In reply to the observations made by the Committee of Experts in 1959, the Government gives the following information in its report.

Articles 2 and 3 of the Convention. Under section I of the schedule annexed to the Order, it is prohibited to employ women, whatever their age, in underground work in mines of all types, except in the circumstances provided for in Article 3 of the Convention.

China.

In reply to observations and to a direct request made by the Committee of Experts in 1959 the Government supplies in its report the following information.

Article 1 of the Convention. The Regulations for the Security of Mines in Taiwan Province of 17 September 1950, as amended on 3 June 1958, apply to all mines irrespective of the number of workers employed in the pits (Labour Laws and Regulations of the Republic of China, pp. 46-76).

Article 2. Steps are being taken by the competent authority to amend section 187 of the Regulations and to bring it into conformity with Article 2 of the Convention. As a result of the "Measures" published in June 1958 by the Ministry of the Interior, the number of women employed in underground work had, by September 1959, declined from 1,880 to 1,244.

Dominican Republic (First Report).

Labour Code of 11 June 1951 (*Gaceta Oficial*, LXXII, 23 July 1951, No. 7309bis) (*L.S.* 1951—Dom. 1). Order No. 4/58 of 30 April 1958 (*Revista de Trabajo*, Jan.-June 1958, Nos. 9 and 10, p. 150).

Article 1 of the Convention. The definition contained in this Article is the same as that in the statutory instruments mentioned above.

The phrases "work in mines" and "underground work" cover all work done in any undertaking concerned with the extraction of substances from under the surface of the earth.

Article 2. Section 217 of the Labour Code prohibits the employment of women on underground work or on any kind of work involving danger to their life or health. A list of these types of work is to be found in section 2 of Order No. 4/58; manual work performed in underground mines and tunnels is included in that list.

Article 3. There are no specific references in the legislation of the Dominican Republic to the exemptions mentioned in this Article; however, they are allowed by implication, as section 2 of Order No. 4/58 prohibits the employment of women only on manual work in underground mines and tunnels.

The application of the Labour Code and the above-mentioned Order is entrusted to the Secretary of State for Labour and to the services under his authority, as well as to the courts. Information on the organisation and functioning of these services is given by the Government in the report on Convention No. 81.

Federation of Malaya.

Mining Rules, 1934 (*Federated Malay States Government Gazette*, 1934, No. 9, p. 1245).

In reply to a direct request made by the Committee of Experts in 1959 the Government

supplies in its report the following additional information.

Article 2 of the Convention. In addition to section 35 of the Employment Ordinance of 1955, which relates only to female "labourers" as defined in the said Ordinance, employment of women and girls in any underground work is prohibited under Rule 20 of the above-mentioned Rules.

Article 3. No use has been made of the permissive clause contained in section 36 of the Employment Ordinance of 1955.

Poland (First Report).

Decision of the Council of Ministers of 28 February 1951 respecting work prohibited for women (*Dziennik Ustaw*, 1 Mar. 1951, No. 12, text 96) (L.S. 1951—Pol. 2 B).

Decision of the Council of Ministers of 18 February 1959 amending the above-mentioned Decision (*Dziennik Ustaw*, 11 Mar. 1959, No. 18, text 109) (L.S. 1959—Pol. 1).

Articles 1 and 2 of the Convention. The Decision of the Council of Ministers of 18 February 1959 specifically prohibited the employment of women in the underground parts of any mine; women have not in practice been employed on this kind of work since 1957.

Article 3. The Ministerial Decision of 18 February 1959 does not provide for exemptions of any kind.

The application of these regulations is entrusted to the Administration of the Coal and Mining Industries and to the labour inspection service of the Miners' Union.

Tunisia (First Report).

Constitution of 1 June 1959 (article 48).

Decree of 15 June 1910 relating to work in industrial and commercial undertakings (*Journal officiel*, 22 June 1910, and *Bulletin de l'Office international du travail*, Vol. XV, 1916, p. 4), as amended and supplemented on 11 December 1936, 4 February 1937, 25 May 1939, 11 June 1942 and 9 July 1945.

Decree of 6 April 1950 relating to hygiene, and to the safety and employment of women and children in commercial and industrial undertakings, and in the professions (*Journal officiel*, 11 Apr. 1950, No. 29) (L.S. 1950—Tun. 1).

Decree of 6 August 1953 concerning the Labour Inspectorate (*Journal officiel*, 11 Aug. 1953, p. 1536).

The Government states that, under article 48 of the Constitution, "diplomatic treaties become law when they have been ratified by the National Assembly; ratified treaties supersede laws even when they contradict the latter".

Articles 1 and 2 of the Convention. The provisions of these Articles are given effect to by section 12 of the Decree of 15 June 1910 which states that "girls and women cannot be employed on underground work in mines and quarries".

Article 3. No exemptions are provided under Tunisian legislation.

The application of the above-mentioned regulations is entrusted to the Labour Inspectorate. Inspection of mines is carried out by inspectors of the State Department for Industry and Transport, who visit the undertakings concerned at regular intervals.

None of the reports submitted by the inspection services includes any mention of women employed on work of this kind and no contraventions had been reported between 1910 and the end of June 1959.

United Arab Republic (Egypt).

Labour Code of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71 bis B, and *Gazette fiscale, commerciale et industrielle*, No. 104, 1959).

Article 1 of the Convention. Section 141 of the new Labour Code of 1959 contains a definition of the term "mine".

Article 2. Section 132 of the Labour Code prohibits the employment of women in work which is unhealthy, immoral or arduous, and in any other work indicated by Ministerial Decree.

Article 3. No such exemptions are provided in the law.

Venezuela.

For legislation see under Convention No. 1.

Article 1 of the Convention. No definition of the term "mine" is provided in the legislation but this word is used in the Labour Act with the same meaning as in the Convention.

Article 2. Section 106 of the Labour Act states that it is forbidden to employ women in mines and on dangerous, unhealthy or arduous work as specified by the federal authorities.

Article 3. The exemptions authorised under this Article are not covered by the national legislation.

Under Title VII of the Labour Act the Minister of Labour is the competent authority for the application of these provisions. The Minister delegates executive authority to the Department of Labour which includes a labour inspectorate for women and young workers. The practical application of the Labour Act is entrusted to the regional labour inspectors who are attached to the Department of Labour. Title VII of the Labour Act specifies the responsibilities of the labour inspectors and Chapter XXXIV of the Regulations under the Labour Act states the procedure to be followed by the inspectors in the event of contraventions.

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

Chile, Finland, Turkey, Yugoslavia.

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

Afghanistan, Argentina, Australia, Austria, Belgium, Brazil, Ceylon, Czechoslovakia, Ecuador, France, Federal Republic of Germany, Ghana, Greece, India, Ireland, Italy, Japan, Mexico, Morocco, Netherlands, New Zealand, Pakistan, Peru, Portugal, Sweden, Switzerland, Tunisia, Union of South Africa, United Kingdom, Uruguay, Viet-Nam.

47. Forty-Hour Week Convention, 1935

This Convention came 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

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

Yugoslavia.

Pension Insurance Act of 6 December 1957 (*Službeni List*, 11 Dec. 1957, No. 51) (*L.S.* 1957—Yug. 1).
Invalidity Insurance Act of 28 November 1958 (*Službeni List*, 1958, No. 49).

All employed persons are compulsorily insured regardless of their nationality. Foreigners employed in Yugoslavia are not insured under the Yugoslav social security schemes if they work in the service of international organisations or institutions, foreign diplomatic or consular missions, or in the personal service of foreign citizens enjoying diplomatic immunity. Such foreigners may be insured only if it is provided for by multilateral or bilateral agreements. Benefits are payable abroad on the basis of reciprocity to foreign nationals who have emigrated for permanent residence to their native country or to the country where they previously resided. Yugoslav citizens employed abroad are covered by the Yugoslav social security schemes only if employed by Yugoslav institutions and organisations; or in the households of such employees; or in other service which they entered with the permission of the competent authority, if they register with the competent insurance institution and pay the contributions; or in other cases if provided for by international agreement. Apart from that, when determining eligibility to and amount of benefit under the old-age pension scheme, con-

sideration is also given to all periods of employment spent abroad by Yugoslav citizens who emigrated before 6 April 1941 if they have been employed in Yugoslavia for ten years, or at least five years, after 15 May 1945, on condition that such a person has not obtained a pension or other income from a foreign social insurance institution for such a period. Under the invalidity insurance scheme consideration is given to periods of employment spent abroad by Yugoslav citizens who emigrated before 6 April 1941 and who have completed at least two-thirds of the prescribed five-year period of employment in Yugoslavia before the commencement of invalidity, on condition that such a person has not been granted a pension or other income from a foreign social insurance institution for such a period.

The maintenance of migrants' pension rights is governed, in conformity with this Convention, by bilateral conventions concluded with France, Luxembourg, Belgium, Netherlands, Czechoslovakia, Hungary, Italy, Bulgaria, Poland, the United Kingdom and Northern Ireland. Of the countries which have ratified the Convention, Spain is the only one with which an agreement has not been concluded. It has to be stressed that there are no Spanish workers employed in Yugoslavia, so that with regard to such persons the application of the Convention is practically unnecessary.

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

Czechoslovakia, Italy, Netherlands, Poland, Yugoslavia.

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

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Czechoslovakia	19. 9.1938
France	25. 1.1938
Ireland	10. 6.1937
Mexico	21. 2.1938
New Zealand	29. 3.1938
Norway	21. 7.1936

Czechoslovakia.

See under Convention No. 43.

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The report from *New Zealand* refers to the information previously supplied.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Date of registration of ratification
Argentina	14. 3.1950
Belgium ¹	26. 7.1948
Ghana ²	20. 5.1957
Japan	8. 9.1938
Federation of Malaya ³	11.11.1957
New Zealand ¹	8. 7.1947
Norway	7. 7.1937
United Kingdom ¹	22. 5.1939

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).
² See footnote 3 to Convention No. 15.
³ See footnote 1 to Convention No. 17.

The report from *New Zealand* refers to the information previously supplied.

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification
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

Countries	Date of registration of ratification
Italy	22.10.1952
Mexico	9. 3.1938
Morocco	20. 9.1956
New Zealand	10.11.1950
Panama	3. 6.1958
Peru	1. 2.1960
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

Argentina.

In reply to requests made by the Committee of Experts the Government states that the application of Article 2, paragraph 3 (b), of the Convention is ensured by section 1 of Legislative Decree No. 5569 of 27 May 1957.

Bulgaria.

As regards the observation made by the Committee of Experts in 1959 the Government states that postponement is permitted only in exceptional cases and that these rarely occur in practice. The permission for such postponement envisaged under paragraphs (a), (b) and (c) of section 11 of the Resolution of 1936 (i.e. in the event of the sickness, pregnancy or confinement of the worker, in cases where the worker is called up by the State for a social obligation, and in cases where the worker is detained in connection with criminal proceedings but is subsequently acquitted) is in fact necessary in the interest of the worker himself.

As regards paragraphs (d) and (e) of section 11, which permit the postponement of the annual holiday to the following year "in the event of urgent production requirements" and "if the wage earner so requests for any valid reason", it is realised that these are not in the same category as the other three contingencies referred to in the preceding paragraph. The Government is accordingly examining the possibility of making the necessary amendments to sections 11 and 12 of the Resolution.

Byelorussia (First Report).

Constitution of 1937.

Labour Code of 1929.

Regulations of 30 April 1930 respecting normal and supplementary annual holidays, issued by the People's Commissariat of Labour of the U.S.S.R.
Decree of 15 August 1955 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting holidays and conditions of employment for young persons.
Ordinance of 15 December 1930 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., respecting an additional three days' holiday granted to workers who have completed a continuous period of employment and who are directly engaged in production.
Ordinance of 7 March 1933 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. respecting the conditions of employment for workers and employees in the timber industry and in forestry.

Article 1 of the Convention. In accordance with section 114 of the Labour Code all workers and employees are entitled to a normal annual holiday with pay.

Article 2. All workers and employees who have completed 11 months of continuous service are entitled to a normal annual holiday with pay of at least 12 working days; public holidays and interruptions due to sickness are not included in the annual holiday. All workers and employees under 18 years of age are entitled to a holiday of one calendar month which must be accorded them during the summer season. Workers who have completed at least two years' continuous service with the same undertaking in certain industries (mining, metallurgy, textile, construction materials, road, rail and water transport, large construction sites) receive three

days' additional annual holiday or payment of a sum equal to three days' wages as compensation. The holiday may only be divided into parts with the agreement of the worker concerned (Regulations of 30 April 1930).

Article 3. Throughout the normal and additional holiday the worker is entitled to an average wage calculated on the basis of the average remuneration which he received during the previous 12 months.

Article 4. Any agreement which establishes conditions that are less favourable than those provided by the legislation is void (section 4 of the Labour Code).

Article 5. The Government states that a worker who engages in other paid employment during the course of his holiday cannot be deprived of the remuneration due for this period. If a worker does not take his normal or additional holiday, he is entitled to compensation equal to the amount of remuneration which he would normally receive during the course of such a holiday (section 91 of the Labour Code).

Article 6. A worker is entitled to remuneration even if he has been dismissed for any reason before he has taken a holiday due to him.

Article 7. When his contract is signed each worker is given an account book in due form, in which is entered, amongst other items, the date on which service commenced or the date of transfer, the amount of wages and the dates on which these are paid, and the length of the annual holiday. Information concerning the date on which service commenced, the dates of holidays and the remuneration paid for the duration of the holiday period is also entered in the personal file of each worker. A record of holidays is also maintained on the basis of orders or ordinances which specify the dates of such holidays.

The public authorities and the unions are entrusted with enforcement of the regulations governing annual holidays with pay. The Office of the Public Prosecutor is the supreme authority for the strict application of the law. Fines or terms of education by labour may be inflicted for contraventions of the labour legislation.

Dominican Republic.

Act No. 174 of 16 November 1939 to lay down conditions of work for officials and public employees, as amended by Act No. 2243 of 20 January 1950.
Regulations No. 7676 of 6 October 1951 issued in application of the Labour Code (*Gaceta Oficial*, 15 Oct. 1951).

In reply to the requests made by the Committee of Experts the Government supplies the following information.

The public employees mentioned in section 3 of the Labour Code are covered by Act No. 174. Public holidays occurring in the course of the two weeks' holiday prescribed by law are considered as included in the duration of the holiday. The uninterrupted nature of the two weeks' holiday to which workers are entitled is ensured by means of periodical visits by labour inspectors. Consequently the holiday to which workers are entitled consists of a larger number

of consecutive days' holiday than that prescribed by the Convention. Section 174 of the Labour Code is interpreted as applying also to the manner in which holiday remuneration should be calculated when the employee is paid by results. Sections 20 and 22 of Regulations No. 7676 provide that every employer must keep a register showing the date of entry into his service of each person employed by him.

Finland.

In reply to the observations of the Committee of Experts the Government states that the Bill for the new Annual Holidays with Pay Act is being prepared at government level and that, in this connection, the observations of the Committee of Experts will be taken into consideration.

See also *Report of the Committee*, p. 684.

France.

In reply to observations made by the Committee of Experts the Government states that the provisions of the Convention must be so interpreted that the legislation on holidays with pay does not provide the possibility of an employer, even in agreement with the worker, being permitted to replace annual holidays with pay by cash compensation.

Greece.

In reply to an observation made by the Committee of Experts in regard to section 5 (3) of Act No. 539 of 1945, which provides for the suspension of annual holidays if necessary in the national interest, the Government states that this provision has been repealed by a legislative decree which has been adopted but not yet promulgated.

With regard to other points raised by the Committee the Government has supplied the following information: section 2 (7) of Act No. 539 stipulates that its provisions shall be without any prejudice to any more favourable arrangements for the granting of annual holidays which may be in force under collective agreements, rules of employment or other provisions. Consequently the provisions of Act No. 394 of 1936 and Act No. 199 of 1936, read in conjunction with the provisions of Act No. 539, not only fulfil the obligations imposed by the Convention in respect of persons employed in hotels and hospitals but in certain cases provide more favourable conditions. In short, Act No. 539 applies, in general, to employees in hotels, cafés and hospitals but, in respect of certain categories of such employees, a longer period of holiday with pay is granted under Acts Nos. 199 and 394 of 1936 and the Royal Decree of 24 November 1953. Section 10 of Act No. 394 of 1936 has not been applied since Act No. 539 came into force.

Hungary (First Report).

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953) (L.S. 1953—Hun. 1).
Decrees No. 53 of 1953 (*Magyar Közlöny*, No. 62, 28 Nov. 1953) and No. 14 of 1956 to regulate the application of the Labour Code.

Article 1 of the Convention. Paid annual holidays for all workers are provided for by the Labour Code and the decrees which regulate its application.

Article 2. Every worker is entitled to ordinary basic leave of one working day for each month of service, i.e. 12 working days a year (section 50 of the Labour Code). Young workers up to the age of 16 years are granted a further 12 working days; over 16 and under 18 years they are entitled to six days (section 51 (1) (a)). All apprentices, irrespective of age, are granted additional leave of 18 working days. The Government points out that, since it is working days which are granted as leave, public holidays, weekly rest and sick leave cannot be counted in the period of annual paid holiday. The decrees which regulate the application of the Labour Code provide that the whole annual leave must be granted as far as possible at one time, and may not be divided into more than two parts. At the worker's request the holiday may be split up into several parts. Under section 51 (1) (e) of the Code all workers who have been continuously employed in the same undertaking for a period exceeding two years receive one extra working day's holiday for every two calendar years completed in the period beginning 1 January 1945 and one working day for every three calendar years completed in the period ending 1 January 1945, up to a total not exceeding 12 working days.

Article 3. The regulations prescribe as the worker's pay for his annual holiday the average remuneration during the month prior to the holiday or during the previous 12 months, according to the length of his holiday entitlement.

Articles 4 and 5. According to the report the right to annual paid holidays may not be relinquished. During the holiday a worker may, with the approval of the employer, take other employment without losing his right to paid holidays.

Article 6. Every worker when dismissed is entitled to the annual holiday due to him in respect of the months of service during the current year.

Articles 7 and 8. Ordinary annual holiday must in principle be granted according to a leave roster drawn up at the beginning of the year (section 55 of the Code); details are entered in the worker's individual file. The penalty for the employer for refusing without good cause to give a worker the ordinary leave for which he is entitled is imprisonment up to six months.

Supervision of the application of the provisions on annual leave is entrusted to the competent ministry and trade union, to the bodies responsible for the observation of the legal provisions, as well as to the people's supervisory committees and the labour courts.

Italy.

Act No. 741 of 14 July 1959 to establish provisional standards of minimum wages and other benefits for workers (*Giornale Ufficiale*, 18 Sep. 1959) (L.S. 1959—It. 3).

The Government refers to the observations made by the Committee of Experts and states that there now exists a complete and general scheme of holidays with pay which has the force of law and which applies to all workers covered by collective agreements and not only to members of signatory trade union organisations.

Morocco.

Dahir No. 1-58-008 of 24 February 1958 respecting the general status of civil servants.
Circulars Nos. 24 of 18 June 1946 and No. 27 of 27 March 1951 respecting the administrative rules applying to temporary personnel.

In accordance with two requests made by the Committee of Experts the Government gives the following information.

Article 1, paragraph 3, of the Convention. The rights of permanent civil servants to holidays with pay are established by sections 38 to 46 of the Dahir of 24 February 1958 respecting the general status of civil servants. The rights to holidays with pay of temporary personnel in the public service are established by Circular No. 24 of 18 June 1946, as amended by Circular No. 27 of 27 March 1951.

Article 4. In accordance with the request made by the Committee of Experts, it is intended to amend section 10 of the Dahir of 9 January 1946. This amendment will make it impossible to waive the right to annual holidays with pay, particularly for the needs of national defence and supply services to the State. In practice, no advantage was taken of this possibility.

Tunisia (First Report).

Constitution of 1 June 1959.

Decree of 25 July 1946 to revise legislation on holidays with pay in commerce, industry and the professions (*Journal officiel*, 30 July 1946) as amended and supplemented by the Decree of 19 July 1948 (*Journal officiel*, 20 July 1948).

Decree of 20 January 1949 to provide additional holidays for young workers employed in commerce, industry and the professions (*Journal officiel*, 25 Jan. 1949), as amended by the Decree of 4 June 1951 (*Journal officiel*, 8 June 1951).

Decree of 15 November 1956 to issue general regulations for workers employed permanently by the State, public authorities and public establishments (*Journal officiel*, 16 Nov. 1956).

Act No. 59-12 of 5 February 1959 to establish regulations for the Civil Service.

It has not been necessary to amend the legislation at present in force concerning holidays with pay because this complies satisfactorily with the terms of the present Convention.

Under article 48 of the Constitution of 1 June 1959 "diplomatic treaties become law when they have been ratified by the National Assembly; ratified treaties supersede laws even when they contradict the latter". Ratification is therefore sufficient for the Convention to become law under the Tunisian legal system.

Article 1 of the Convention. Section 1 of the Decree of 25 July 1946 provides that holidays with pay shall be accorded to all wage-earning and salaried employees or apprentices in industrial, commercial or handicraft undertakings, whether they be co-operatives or not, and to all employees in the professions, ministerial

offices, trade associations, companies, and associations or collectivities of every description. Workers employed by the State, by local public authorities and by public undertakings are also entitled to annual holidays with pay under the same conditions as those applicable to the personnel of private undertakings (section 12 of the Decree of 15 November 1956). All branches of industry, commerce and the professions are specifically provided for under Tunisian legislation. It has not therefore been necessary to distinguish between the sectors covered by the Convention and by other legislation. There is no exemption for undertakings which only employ members of the employer's family. It should be emphasised that a special system is applicable to civil servants under which the latter are entitled to twice the holiday with pay accorded in private commerce or industry (Civil Service Regulations of 5 February 1959, replacing those of 7 February 1936). All wage-earning and salaried personnel employed by the State, by public undertakings and by local public authorities are entitled to 30 days' holiday, while employees in the private sector are entitled to 15 days.

Article 2. The system at present in force in Tunisia provides an annual holiday entitlement of 15 days including 12 working days (section 2 of the Decree of 1946). Entitlement to an annual holiday with pay is not conditional upon completion of one year's service with an undertaking and each worker is entitled to a holiday of one day for each month of work completed. There is a special system for workers who change employers regularly, including centralised funds into which the contributions for annual holidays are paid.

Under the Decree of 20 January 1949 additional holidays are provided for young workers employed in commerce, industry and the professions.

In so far as paragraph 3 of Article 2 is concerned the legislation is in agreement with the Convention; the holiday must include a minimum number of working days.

When the worker receives payment for the duration of his annual holiday there is no deduction for official or customary public holidays which may occur during the leave. Similarly, absences due to sickness are not taken into account when the length of annual holiday with pay is calculated.

The legislation authorises the division of a holiday into parts under certain circumstances but this is not normally permissible unless the holiday with pay exceeds six working days; each part of a holiday must be of at least six working days' duration. Legislation on this subject was slightly amended by the Decree of 19 July 1948 which states that holidays may be divided into parts without restriction when the beneficiary is a Moslem who takes his holiday during the month of fasting (Ramadan). All Moslem workers may thus divide the period into as many half-days as may be required to extend the holiday from the first day of Ramadan to the last.

The legislation provides that the duration of the holiday shall be increased according to the length of service completed (section 2 (3) of the 1946 Decree).

Article 3. Section 5 of the 1946 Decree provides that the remuneration for the duration of the holiday with pay shall be equal to one twenty-fourth part of the total wages paid to the beneficiary during the period on which entitlement to holiday is based. It is pointed out that any additional advantages and remuneration in kind which the worker will not receive for the duration of his holiday must be taken into account.

Article 4. Article 10 of the 1946 Decree states that any agreement to relinquish the right to the holiday shall be null and void.

Article 5. No sanction of this kind is provided for in the national legislation.

Article 6. Section 6 of the Decree of 1946 states that a person whose employment comes to an end before he has taken all the holiday that is due to him must be paid the compensation provided by law for the part of the holiday that he has not taken. The compensation is not payable when the employee is dismissed for serious misconduct.

Article 7. Under Moroccan legislation a register of holidays with pay must be maintained at the employer's expense. Section 9 of the Decree of 1946 stipulates the items which must be entered in this record, i.e. the normal holiday period of the undertaking, the date on which each employee commenced work, the duration of annual holiday to which each employee is entitled, the date on which the holiday began, and the amount of remuneration paid to each employee.

Article 8. The competent authority for supervising application of the above regulations is the Labour Inspectorate. Section 11 of the Decree of 1946 establishes the system of penalties to which contravenors are liable.

The Government draws attention to the 1958 report of the Labour Inspectorate which gives general information on the application of labour legislation in Tunisia, and particularly on the question of holidays with pay.

United Arab Republic (Egypt).

For legislation see under Convention No. 11.

Article 1 of the Convention. Section 42 of the Labour Code defines the persons to which the provisions of this law applies.

Article 2. Section 58 of the Code provides that every person with one year of service with the same employer is entitled to 14 days' annual holiday with full pay, which is increased to 21 days after ten years of continued service. No worker may renounce his leave entitlement. Section 59 of the law provides for a holiday of at least six consecutive days.

Article 3. According to section 58 of the Labour Code persons taking holidays are entitled to their pay in full. "Wage" is defined by section 3 of the Code as the remuneration paid to the worker for his work plus any additional sums such as commissions, bonuses and benefits in kind, as mentioned in sections 683 and 684 of the Civil Code.

Article 4. Section 6 of the Code states that any agreement that is contrary to the provisions

of the present Code, even where made before the Code came into force, is null and void unless it is more favourable to the workers than that provided for by the Code.

Article 5. Section 60 of the Labour Code provides that a person who has engaged in paid employment during the course of his annual holiday may be deprived of his right to payment in respect of the period of the holiday.

Article 6. Section 61 of the Labour Code applies the provisions of Article 6 of the Convention.

Article 7. Section 69 of the Labour Code provides that every employer shall keep a file for each worker employed by him in which details concerning his holiday must be recorded.

Article 8. According to section 221 of the Labour Code any person contravening the provisions of the law shall be liable to a fine.

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 the other Soviet Federated Republics.

Regulations of 30 April 1930 respecting normal and supplementary annual holidays, issued by the People's Commissariat of Labour of the U.S.S.R.
Decree of 15 August 1955 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting holidays and conditions of employment for young persons.
Ordinance of 7 March 1933 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. respecting the conditions of employment for workers and employees in the timber industry and in forestry.

Decision of 25 July 1935 of the Council of People's Commissars of the U.S.S.R.

Decision of 9 September 1935 of the Central Council of Trade Unions of the U.S.S.R.

Ordinance of 17 June 1947 of the Council of Ministers of the U.S.S.R.

Article 1 of the Convention. Soviet legislation concerning annual holidays with pay applies to all persons employed under a contract in industry, agriculture, commerce, transport and communications and in public organisations and institutions, irrespective of the nature of the undertaking in which they are employed. There is no loss of regular employment when citizens are compulsorily transferred to other work; such transfer may only occur under exceptional circumstances such as in emergency action following a major disaster. A short absence from regular employment is not taken into account when calculating the length of continuous service and the duration of the holiday to which the worker is entitled.

Article 2. After 11 months of completed service all workers and employees have a right to a minimum of 12 working days' annual paid holiday. Public and customary holidays and periods of absence due to sickness are not included in the holiday. All workers under 18 years of age are entitled to a holiday of one calendar month which must be made available to them during the summer season.

Soviet legislation provides that certain categories of workers are entitled to special leave in addition to the normal annual holiday, calculated according to the conditions of employment in which such workers are occupied. This special leave is granted in particular: to

persons who have worked for at least two years continuously in the same undertaking or work site in certain branches of industry (mining, metallurgy, chemical industries, textiles, construction materials, rail, road and water transport, large public works construction): three days or the equivalent in cash compensation; to permanent workers and employees in the timber industry or in forestry undertakings: one month every three years, which is to be added to the normal holiday of one month.

The regulations at present in force (Regulations of 30 April 1930) do not provide for an annual holiday to be divided into parts and it is not normally permissible to divide the leave into two or more parts. In exceptional cases the annual holiday may be divided only when the worker concerned is in agreement. This agreement is also essential when the length of each part of a divided holiday is decided.

Article 3. During the annual holiday workers are paid an average remuneration calculated on the basis of the average wage paid during the 12 months preceding the leave (Decision of 25 July 1935 of the Council of People's Commissars of the U.S.S.R. and Decision of 9 September 1935 of the Central Council of Trade Unions of the U.S.S.R.).

Article 4. Any agreement concerning holidays with pay that lays down conditions less favourable than those specified in the legislation will be null and void (section 4 of the Labour Code of the R.S.F.S.R. and the corresponding articles in the Labour Codes of the other Soviet Federated Republics).

Article 5. A worker may not be deprived of his remuneration for the duration of his holiday if, during this period, he undertakes other paid work.

Article 6. A worker who does not take his normal or supplementary holiday is entitled to cash compensation in lieu thereof. The compensation will be paid in addition to the wage which he earns for work completed during this period. The worker has also the right to this compensation if he has been dismissed before he has taken his holiday, irrespective of the cause of such dismissal. Annual leave may not be replaced by payment in cash save in exceptional cases when, for instance, the parties are in agreement and have obtained prior approval of the competent trade union organisation (Regulations of 30 April 1930).

Article 7. Under section 29 of the Labour Code, when a worker signs an employment contract he receives an account book in due form in which, amongst other items, will be entered the date on which employment began, the amount of his wage, the dates on which such wage is paid, the length of his annual holiday, the dates on which such holiday began and the remuneration or cash compensation to which he is entitled for the duration of his holiday. The details concerning the date on which service began, the date on which his holiday began and the amount of remuneration paid for the duration of the leave will also be entered in the personal file of each worker.

In the U.S.S.R., the application of regulations concerning annual holidays with pay is

supervised by the State and by a public inspection service. The Public Prosecutor's Office is the competent authority for ensuring that the terms of the law are observed. All contraventions of the labour legislation are punishable by fines or by terms of educational labour (section 133 of the Penal Code of the R.S.F.S.R., and the corresponding sections in the Penal Codes of the other Soviet Federated Republics).

Uruguay.

Act No. 12545 of 16 October 1958 to extend the benefits of Act No. 10684 to public employees. Act No. 12590 of 23 December 1958 to establish a new general scheme for holidays with pay for all workers in the private sector (*Diario Oficial*, 29 Dec. 1958).

Viet-Nam.

Order No. 116-BLD/LD/ND of 5 November 1958.

Article 2, paragraph 2, of the Convention. The above Order amends section 1 of the Order of February 1955 which provided for the implementation of the Labour Code of 1952. Provisions have been added to section 1 whereby days of absence from work for the following reasons may not be deducted from the paid annual holiday period: official and customary public holidays, authorised sick leave, leave on account of a work accident, maternity leave, etc.

Yugoslavia.

In reply to the request made by the Committee of Experts in 1959 the Government supplies the following information.

The provisions of section 241 of the Act of 12 December 1957 concerning employment relationships apply to persons employed by private employers, in virtue of section 382 which specifies that collective agreements shall not contain provisions which are less favourable than those established by the Act. No workers receive any part of their remuneration in the form of payments in kind, even if they are employed in hotels, hospitals or similar establishments.

The new manual concerning the application of the Act of 12 December 1957 contains a model indicating the data to be inscribed in the records which economic organisations must keep in virtue of section 148 of the Act of 1957. As regards private employers these are required to give notice in writing to their workers of the date of the beginning of their annual leave; a copy of each such notice is kept in the undertaking and it may be considered that these copies constitute a record of annual holidays.

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

Brazil, Denmark, Greece, Mexico, Morocco, New Zealand, Uruguay.

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

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Countries	Date of registration of ratification
Argentina	17. 2. 1955
Belgium	11. 4. 1938
Brazil	12. 10. 1938
Bulgaria	29. 12. 1949
Denmark	13. 7. 1938
Finland	8. 4. 1947
France	19. 6. 1947
Italy	22. 10. 1952
Mexico	1. 9. 1939
New Zealand	29. 3. 1938
Norway	7. 7. 1937
United Arab Republic (Egypt)	20. 5. 1939
United States	29. 10. 1938

Argentina.

In reply to a direct request made by the Committee of Experts the Government supplies the following supplementary information.

Article 4 of the Convention. Detailed provisions have been issued under section 1049 of the Maritime and Inland Waterways Digest for the recording of the professional experience gained by first mates who are candidates for the master's certificate.

Article 5, paragraphs 2 and 3. According to section 340, paragraph (b), of the Digest the maritime authority must, before granting permission to sail, ensure that all persons whose names appear on the crew list meet the requirements laid down in the regulations concerning the manning and piloting of vessels. Section 383 of the Digest requires, furthermore, that the vessel's documents must be in order before permission to sail is obtained. This section applies also to foreign vessels.

Article 6. According to section 337 of the Digest, the permission to sail shall be requested by the shipping agent, master or skipper. The shipping agents, among others, must have their names entered, in agreement with sections 1222 and 1223 of the Digest, in the general register maintained by the General Maritime Prefecture. According to section 1228 (VII) of the Digest, as amended, where an infringement of laws and regulations or an abuse of authority has been committed, the National Maritime Prefecture may suspend the offender or strike his name from the register, without prejudice to the usual penalties provided by law.

Belgium.

Royal Order of 15 July 1958 laying down temporary regulations with regard to the granting of a master's certificate for foreign trade navigation.
Royal Order of 19 June 1959 to amend the Royal Order of 21 May 1958.

In reply to the direct request made by the Committee of Experts in 1959 the Government states, with respect to the application of

Article 4, paragraph 1 (a), of the Convention, that there is no need to prescribe a minimum age at which deck officers' certificates may be granted, since the regulations governing the minimum age for entry to the College of Navigation (Royal Order of 7 February 1958), the duration of courses and the length of relevant experience required mean that the certificate of second officer in foreign-going ships, entitling the holder to serve as officer in charge of a watch, may not be granted to anyone under 21 years of age. The same stipulation exists for officers in the coastal trade.

Regarding the application of Article 6 of the Convention, the report states that penal sanctions for infringement of regulations governing certificates of competency are provided for in section 27 of the Act of 25 August 1920 respecting the safety of vessels and in section 41 of the Act of 5 June 1928 constituting the disciplinary and penal code for the mercantile marine.

France.

Decree No. 58-757 of 20 August 1958 to regulate the conditions for the granting of certificates to captains, masters, mates, etc. of merchant, fishing and pleasure vessels (*Journal officiel*, 24 Aug. 1958, p. 7906).

The titles of diplomas and certificates have been modified as follows : apprentice's diploma, foreign trade ; apprentice's diploma, watch-keeping ; watch-keeper's certificate ; second officer's certificate, merchant marine ; second officer's certificate, foreign trade ; captain's certificate, coastal trade. The Decree defines the functions corresponding to the above diplomas and certificates.

The certificates of second officer (coastal trade), captain (merchant marine) and skipper (home trade) are abolished, but the titles will continue to be issued pending completion of the existing study courses.

The Decree also determines the conditions on which the new titles will be issued and the character of the relevant examinations.

New Zealand.

Amendment No. 4 of 6 October 1958 to the Masters and Mates Examination Regulations of 1952.

The regulations for the examination of masters and mates were amended in respect of qualifying time for Mate (Foreign-Going) and Master (Foreign-Going) so that it will now be impossible to qualify for these two certificates without actual service in foreign-going ships.

Norway.

Act of 10 October 1958 respecting masters and mates.

The above-mentioned Act has superseded the Act of 7 February 1936 on the same subject.

The most important change is that under the new Act two different certificates are issued to mates : Class 1 and Class 2. The certificate for master for limited sailings has been abolished, and a new certificate for masters of fishing vessels has been introduced.

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

to the Convention or on minor changes in its application :

Belgium, Bulgaria, Finland, Italy, Mexico, New Zealand, Norway, United States.

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

Argentina, Denmark, United Arab Republic (Egypt).

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	20.10.1938

France.

Decree No. 59-626 of 12 May 1959 respecting the seafaring profession and certain working conditions aboard vessels (*Journal officiel*, 16 May 1959).

This Decree has, amongst other provisions, repealed section 80 of the Maritime Labour Code concerning the termination of liability for medical care when the seafarer suffers from a chronic illness. The former text stated that when the chronic character of an illness was a matter for dispute the seaman was obliged to undergo a medical examination by a tripartite medical committee, the members of which were nominated respectively by the Administration, the seamen's unions and the shipowners' organisations. Under the new text it is now clear that the appointment of such a committee is entirely optional. In addition, apart from the medical expert appointed by the Administration, the other members of the committee will no longer be appointed by the occupational organisations but by the parties themselves, and approved by the maritime authority.

The tripartite medical committees will only be convened when one of the parties has requested arbitration and this procedure will be followed instead of maintaining a permanent committee in certain major ports, which has been the practice in the past.

Italy.

In response to a request submitted by the Committee of Experts concerning the application of Articles 6 and 11 of the Convention, the Government repeats that the competent authorities are in the process of examining the question to determine whether the provisions of Italian legislation and the Convention agree both in practice and in law. The Government adds that, despite the fact that this examination is not yet completed, the first results appear to confirm that the Italian legislation and the Convention are in agreement. The Government will, however, in due course provide definite information on this subject.

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

Belgium, Bulgaria, France, Italy, Mexico.

The report from the *United States* reproduces the information previously supplied.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Date of registration of ratification
Belgium	3. 8.1949
Bulgaria	29.12.1949
France	9.12.1948
Federal Republic of Germany	12.12.1956

Countries	Date of registration of ratification
United Kingdom	30. 9.1944
Yugoslavia	13.10.1958

Belgium.

In reply to a request of the Committee of Experts the Government states that the attention of the board of management of the Welfare and Assistance Fund for seamen on board vessels flying the Belgian flag has been drawn to the discrepancies, pointed out by the Committee, between Articles 2 and 3 of the Convention and certain provisions in the statutes of that Fund; the I.L.O. will be informed as soon as possible of the measures recommended by the board. In addition the Government states that cash and other benefits are not granted to members of the family of an insured person who is detained in prison or in an institution for social re-education (a matter to which the attention of the aforesaid management board has also been drawn), and that the cash benefits provided by the special scheme for seafarers are not less than those provided under the general compulsory sickness insurance scheme.

Bulgaria.

See under Convention No. 24.

United Kingdom.

The regulations concerning mariners which make exceptions from disqualification for receipt of sickness and unemployment benefit by reason of absence from Great Britain have been extended and applied to certain persons who travel to begin employment as mariners abroad. The provisions of the regulations referred to which suspended payment of benefit to mariners while absent from Great Britain have been repealed.

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

Bulgaria, France, Federal Republic of Germany, United Kingdom.

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
Ceylon	18. 5.1959
Cuba	20. 7.1953
Denmark	4. 6.1955
France	9.12.1948
Ghana ¹	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
Turkey	29. 9.1959

Countries	Date of registration of ratification
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United States	29.10.1938
Uruguay	18. 3.1954
Yugoslavia	5. 5.1958

¹ See footnote 3 to Convention No. 15.

Belgium.

The Bill which amends the Act of 5 June 1928 and gives effect to the Convention has been approved by the Council of Ministers.

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

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 ¹	20. 5.1957
Italy	22.10.1952
Luxembourg	3. 3.1958
New Zealand	8. 7.1947

Countries	Date of registration of ratification
Norway	26. 8.1938
Pakistan	26. 5.1955
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

¹ See footnote 3 to Convention No. 15.

Byelorussia (First Report).

Constitution of 1937.

Labour Code of 1929.

Ukase of 13 December 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the reinforcement of the protection of young workers (*Vedomosti*, 21 Dec. 1956, No. 24, text 529).

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

Article 1 of the Convention. The legal provisions fixing the minimum age for admission of young persons to employment apply to all undertakings without distinction, whether they are industrial, agricultural or commercial. They also apply to state institutions and public establishments.

Article 2. The minimum age for admission to employment is 16 years. In certain exceptional cases, with the consent of the works committees or local trade union committees, young persons who have attained the age of 15 years may be admitted to employment for the purpose of enabling them to follow a course of preparation for employment.

The participation of members of the family in the work carried on in small private workshops belonging to rural handicraftsmen is permitted if the work in question is not dangerous or unhealthy. The protection of young workers in this case comes under the legislation relating to family rights.

Article 3. The age for admission of young persons to industrial schools is 16 to 18 years, whereas the age for handicraft schools and railway workers' schools is 15 to 17 years.

Article 4. The management of an industrial undertaking must keep a register of all the persons employed in the undertaking, including persons under 18 years of age. An individual card drawn up for each worker indicates his surname, first name and patronymic, and date of birth.

Article 5. For work done under particularly arduous or unhealthy conditions the age for admission to employment is 18 years (section 129 of the Labour Code). Moreover, Order No. 186 of 13 October 1932 respecting the employment of young persons includes a schedule of processes in which young workers under 18 years of age may not be employed.

Supervision of the observance of the legislative provisions for the protection of young workers is the responsibility of the economic authorities and the corresponding public bodies, in particular the trade unions and their inspection bodies. The highest authority for supervising the strict observance of the law, including legislation for the protection of young workers, is the Public Prosecutor's Office.

The parents and legal representatives of minors are entitled to ask for the premature dissolution of a contract of employment if its continuance imperils the health of the minor or is injurious to him or her in any way (section 31 of the Code).

Contraventions of the legislation in force are punishable by penalties in accordance with the Penal Code (section 200).

China.

For the Government's reply to observations made by the Committee of Experts in 1959 see *Report of the Committee*, pp. 679-680.

Italy.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, pp. 684-685.

The draft legislation which the representative of Italy informed the Conference Committee would be prepared in order to bring existing provisions in line with Conventions Nos. 59, 60, 77, 78, 79 and 90 will shortly be submitted to Parliament.

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 the other Soviet Federated Republics.

Ukase of 13 December 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the reinforcement of the protection of young workers (*Vedomosti*, 21 Dec. 1956, No. 24, text 529).

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

Order of 14 November 1923 of the People's Commissariat of Labour.

Article 1 of the Convention. The legal provisions fixing the minimum age for admission of young persons to employment apply to all undertakings without distinction, whether they are industrial, agricultural or commercial. They also apply to state institutions and public establishments.

Article 2. The minimum age for admission to employment is 16 years. In certain exceptional cases, with the consent of the works committees or local trade union committees, young persons who have attained the age of 15 years may be admitted to employment for the purpose of enabling them to follow a course of preparation for employment.

The legislation relating to the minimum age for admission to employment also applies to young persons working in small family handicraft undertakings of a non-co-operative nature, to the extent that they are regularly employed.

Article 3. The age for admission of young persons to industrial schools is 16 to 18 years, whereas the age for handicraft schools and railway workers' schools is 15 to 17 years.

Article 4. The management of an industrial undertaking must keep a register of all the persons employed in the undertaking, including persons under 18 years of age. An individual card drawn up for each worker indicates his surname, first name and patronymic, and date of birth.

Article 5. The national legislation forbids the employment of young persons in work which might endanger their life, health or moral welfare. Order No. 186 of 13 October 1932 respecting the employment of young persons includes a schedule of processes in which workers under 18 years of age may not be employed. The Order of 14 November 1923

lays down restrictions on the handling of heavy objects by young persons under the age of 18.

The highest authority for supervising the strict observance of the law, including legislation for the protection of young workers, is the Public Prosecutor's Office (article 113 of the Constitution). The organs of that Office act independently of local authorities and are answerable to the Public Prosecutor of the U.S.S.R.

The Labour and Wages Committee of the Council of Ministers of the U.S.S.R. is responsible for supervising the observance of labour legislation by the ministries, state departments, undertakings, institutions and organisations, particularly as regards the minimum age for admission to employment. Its instructions in this field are universally binding.

Supervision of the observance of the law, including legislation relating to the employment of young persons in industry, is also one of the tasks of the trade unions. The latter have at their disposal a body of technical and

legal inspectors who supervise the application of the provisions relating to the protection and safety of workers in undertakings.

Under section 31 of the Labour Code the parents, legal representatives of minors, and authorities or officials responsible for supervising the observance of the laws are entitled to ask for the premature dissolution of a contract if its continuance imperils the health of the minor or is injurious to him or her in any way.

Contraventions of the legislation are punishable by penalties in accordance with the provisions of the Penal Code of the R.S.F.S.R. (section 133) and the Penal Codes of the other Soviet Federated Republics.

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The report from *Byelorussia* supplies information on the practical effect given to the Convention.

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

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Byelorussia	6.11.1956
Cuba	7. 9.1954
Italy	22.10.1952
Luxembourg	3. 3.1958
New Zealand	8. 7.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.
Ukase of 13 December 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the reinforcement of the protection of young workers (*Vedomosti*, 21 Dec. 1956, No. 24, text 529).

Article 1 of the Convention. The legislation relating to the minimum age for admission to employment applies to all young persons, whatever the sector of activity in which they are employed, to all young persons regularly employed within their own family, and to all those employed in small rural handicraft undertakings which do not belong to co-operatives.

Article 2. The minimum age for admission to employment is 16 years. In exceptional cases, and with the consent of the local trade union committees, young persons who have attained the age of 15 years may be admitted to employment for purposes of vocational training.

Article 3. Hours of work are restricted to four per day for young persons under 16 years of age and to six per day for young persons between the ages of 16 and 18 under the terms of the Decree of 26 May 1956 of the Presidium

of the Supreme Soviet of the U.S.S.R. to establish a six-hour working day for young persons between 16 and 18 years of age. Under sections 96 and 130 of the Code night work between 10 p.m. and 6 a.m. is prohibited for young persons under 18 years of age.

Article 4. Minors and young persons of school age or living with their family may, after obtaining the consent of the parents, school or other competent institution, and the trade union concerned, be authorised to take part in cinematographic work. Permission is given only after a medical examination which is compulsory and must be repeated at least once a year, and is subject to the work not involving any danger to the young persons concerned. The working day of children and young persons participating in cinematographic work is established as follows: 2 hours for children under 8 years of age; 3 hours for children between the ages of 8 and 13; and 4 hours for children between the ages of 13 and 15. The participation of children and young persons in night-filming work is prohibited. Moreover, children and young persons shall not be admitted to employment in a circus until they have attained the age of 16 years for flights through the air involving detachment from the support, and 15 years for work in the air not involving such detachment. Moreover, minors aged 11 years and over must obtain permission from the trade union committee concerned in order to take part in theatrical entertainments.

Article 5. Under section 36 of the Code an employer may not require an employee to perform any work involving a manifest risk of life, or which is not in accordance with the labour laws. Special legislative provisions have been enacted regarding the protection of young

workers. It is prohibited to require young workers under the age of 18 to carry out work which is strenuous or harmful to health and they may not be employed on work involving the handling of loads over 4.1 kilograms.

Article 6. In accordance with the legislation only young persons over 16 years of age are admitted to employment, whatever the branch of activity involved. Young persons admitted to commercial employment devote a certain amount of their time to commercial training. Therefore, independent employment for general commercial work and for itinerant trade on public highways, and employment for outside displays, may be given only to workers who are between 17 and 18 years of age.

Article 7. The management of all categories of undertakings must keep a register of all the persons employed, without distinction of age, duties or employment. Moreover, an individual card drawn up for each worker indicates his surname, first name and patronymic and date of birth.

With regard to supervision of the observance of the above provisions, see under Convention No. 59.

Italy.

See under Convention No. 59.

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 the other Soviet Federated Republics.

Ukase of 13 December 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. respecting the reinforcement of the protection of young workers (*Vedomosti*, 21 Dec. 1956, No. 24, text 529).

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

Article 1 of the Convention. The legislation relating to the minimum age for admission to employment applies to all young persons, whatever the sector of activity in which they are employed, to all young persons regularly employed within their own family, and to all those employed in small rural handicraft undertakings which do not belong to co-operatives.

Article 2. Under the terms of section 135 of the Code and of the Ukase of 13 December 1956, the minimum age for admission to employment is 16 years. In exceptional cases, and with the consent of the local trade union committees, young persons who have attained the age of 15 years may be admitted to employment for purposes of vocational training.

Article 3. Under section 136 of the Code hours of work are restricted to four per day for young persons under 16 years of age, and to six per day for young persons between the ages of 16 and 18 under the terms of the Decree of 26 May 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. to establish a six-hour working day for young persons between 16 and 18 years of age. Under sections 96 and 130 of the Code night work between 10 p.m. and 6 a.m. is prohibited for young persons under 18 years of age.

Article 4. Minors and young persons of school age or living with their family may, after obtaining the consent of the parents, school or other competent institution, or the trade union concerned, be authorised to take part in cinematographic work. Permission is given only after a medical examination which is compulsory and must be repeated at least once a year, and is subject to the work not involving any danger to the young persons concerned. The working day of children and young persons participating in cinematographic work is established as follows: 2 hours for children under 8 years of age; 3 hours for children between the ages of 8 and 13; and 4 hours for children between the ages of 13 and 15. The participation of children and young persons in work of filming at night is prohibited. Moreover, children and young persons shall not be admitted to employment in a circus until they have attained the age of 16 years for flights through the air involving detachment from the support and 15 years for work in the air not involving such detachment. Moreover, minors aged 11 years and over must obtain permission from the trade union committee concerned in order to participate in theatrical entertainments.

Article 5. Under section 36 of the Code an employer may not require an employee to perform any work involving manifest risk of life, or which is not in accordance with the labour laws. Special legislative provisions have been enacted regarding the protection of young workers. It is prohibited to require young workers under 18 years of age to carry out work which is strenuous or harmful to health; a schedule of such work has been established in an Order of the People's Commissariat of Labour dated 4 March 1921. It is moreover forbidden to employ young workers under 18 years of age on work involving the handling of loads over 4.1 kilograms.

Article 6. In accordance with the legislation only young persons over 16 years of age are admitted to employment, whatever the branch of activity involved. Young persons admitted to commercial employment devote a certain amount of their time to commercial training. Therefore, independent employment for general commercial work and for itinerant trade on public highways and employment for outside displays may be given only to workers who are between 17 and 18 years of age.

Article 7. The management of all categories of undertakings must keep a register of all the persons employed, without distinction of age, duties or employment. Moreover, an individual card drawn up for each worker indicates his surname, first name and patronymic and date of birth.

With regard to supervision of the observance of the above provisions see under Convention No. 59.

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The report from *Byelorussia* supplies information on the practical effect given to the Convention.

The report from *Uruguay* 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

France.

Decree of 19 July 1958 laying down public administrative regulations with regard to work which is dangerous for women and children.

Ministerial Circular of 5 May 1959 concerning the application of the Safety Provisions (Building) Convention, 1937 (No. 62).

In reply to the observations by the Committee of Experts the Government states that section 7 of the Decree of 19 July 1958 makes it an offence to employ young persons under 18 years of age to operate hoisting machinery (Article 13, paragraph 2, of the Convention). The Ministerial Circular of 5 May 1959 applies various protection regulations contained in Convention No. 62 but not covered by the Decree of 9 August 1925, which is due to be replaced soon by a final amended text.

Hungary (First Report).

Labour Code of 1951 (L.S. 1951—Hun. 1), sections 91, 112 and 153.

Order No. 122/1952 of the Ministry of Construction, regulating administrative questions concerning the prevention of accidents in the building industry.

Order No. 55/1956 of the Ministry of Construction, issuing instructions on accident prevention and health protection in the building industry.

Decree No. 4/1955 of the Ministry of Health, concerning the publication of general instructions on accident prevention and health protection.

Decree No. 67/1958 of the Council of Ministers, section 93.

Article 1 of the Convention. Under Order No. 55 the implementation of instructions on accident prevention and health protection is compulsory throughout the building industry.

Article 2. Order No. 55 (Chapter I, A, 1) lays down safety and health protection regulations for the building industry. No exceptions are admitted.

Article 3. Sections 8 and 9 of Order No. 122 refer to the implementation of this Article. The director of the project is responsible for application of the provisions laid down. Any person infringing the regulations is liable to disciplinary action and prosecution.

Article 4. The Central Council of Trade Unions and the trade unions themselves are responsible for the implementation of this

Article, as provided for in item II of Decision No. 2080.

Article 5. No part of the Republic is exempted from application of the Convention.

Article 7. Scaffolds must be erected by qualified persons. Instructions have been issued concerning the materials to be used and the methods to be followed.

Article 8. Order No. 55 lays down requirements concerning gangways and their angle of incline.

Article 9. Order No. 55 states that openings shall be protected in order to prevent the fall of persons or material.

Article 10. Order No. 55 contains standards for the construction of platforms, ladders and stairs, for safety provisions concerning electric cables and for stacking of material.

Article 11. Hoisting machinery must conform to certain safety standards. The operator, the maintenance engineer, the technical inspector and the head engineer of the enterprise are responsible for ensuring the correct operation of such equipment.

Article 12. Order No. 55 relates to the provisions of this Article.

Article 13. Only properly qualified persons may handle hoisting appliances and only persons having a certificate of competency may operate the machinery. No one under 18 years of age may use such machinery or give signals to the operator.

Article 14. Machinery must not be overloaded. The maximum load must be shown on machines in a prominent position.

Article 15. The dangerous parts of machines must be fenced and appliances must be provided with such means as will ensure that the load remains in position should a breakdown occur.

Articles 16 and 17. The undertaking is required to install equipment for the health protection of workers and treatment of any injuries sustained by them. Workers must wear appropriate clothing and use the protective equipment supplied.

Article 18. There must be adequate provision for first-aid treatment at the site. Each shift at every site must contain at least two workers able to provide first aid.

Uruguay.

The Decree of 17 February 1959 amends section 73 of the Decree of 22 January 1956.

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

France, Hungary, Uruguay.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Countries	Date of registration of ratification
Australia ¹	5. 9. 1939
Austria ^{1 3}	26. 11. 1958
Burma	4. 3. 1955
Canada	6. 4. 1946
Ceylon ³	25. 8. 1952
Chile ²	10. 5. 1957
Cuba	7. 9. 1954
Czechoslovakia	12. 6. 1950
Denmark ²	22. 6. 1939
Finland ²	8. 4. 1947
France	28. 6. 1951
Federal Republic of Germany	22. 6. 1954
Ireland	9. 10. 1946
Mexico	16. 7. 1942
Netherlands	9. 3. 1940
New Zealand ¹	18. 1. 1940
Norway ²	29. 3. 1940
Sweden ²	21. 6. 1939
Switzerland ^{2 3}	23. 5. 1940
Union of South Africa ^{1 3}	8. 8. 1939
United Arab Republic (Egypt) ^{2 3}	5. 10. 1940
United Kingdom	26. 5. 1947
Uruguay	18. 3. 1954

¹ Excluding Part II.
² Excluding Part III.
³ Excluding Part IV.

Ceylon.

Article 10 of the Convention. Statistics of average earnings and hours worked have been compiled separately by sex and for adults and juveniles as far as possible, and have been published in the Administration Report of the Commissioner of Labour for the year 1958.

Chile (First Report).

Labour Code of 13 May 1931 (*Diario Oficial*, 28 May 1931 and 6 July 1931) (*L.S.* 1931—Chile 1), section 101.
Legislative Decree No. 76 of 1953 (*Diario Oficial*, 25 July 1953), sections 5 and 52.
Legislative Decree No. 235 of 1953 (*Diario Oficial*, 5 Aug. 1953).

The above legislation provides for the establishment of government statistical services, defines their functions, and requires employers, etc., to supply information as requested.

Part II of the Convention. In mining, statistics of average earnings are compiled by the General Directorate of Labour once a year and are published in *Estadística Chilena* and in *Anuario de Finanzas*. At present the General Directorate is making an investigation into the average daily wage rates of adult wage earners in the largest mining concerns of the country.

As regards manufacturing, the National Bureau of Statistics and the Census is now working on an earnings index for wage earners and salaried employees based on a representative sample of establishments. The index will be calculated quarterly and will appear in the above-mentioned publications.

Part III. The National Bureau of Statistics and the Census began in October 1958 a survey

of hourly wage rates and normal hours per week for adult wage earners in 41 different occupations.

Part IV. Certain data of minimum wage rates in agriculture are compiled and published annually by the National Bureau of Statistics and the Census.

The General Directorate of Labour and the National Bureau of Statistics and the Census are responsible for compiling the statistics required by the Convention.

Czechoslovakia.

Statistics of wages and working hours are published in the *Statistická Rocénka* (Statistical Yearbook) and *Statistické Zprávy* (Statistical Bulletin).

Parts II and IV of the Convention. The report contains statistics of average wages and hours actually worked in the mining and manufacturing industries and in the building industry; the average wages of labourers on state farms are also given.

Finland.

Data on hours actually worked in mining are now published quarterly in the *Social Review*. Data on hours of work in the construction industry will be published as from the third quarter of 1959.

Netherlands.

The Netherlands Catholic Miners' Union has repeated earlier observations that it was not aware of the publication of statistics of wages and hours worked in mining, as required by the Convention.

Sweden.

In reply to observations by the Committee of Experts concerning the lack of statistics of hours actually worked in building and construction, the Government states that the Board of Trade prepared in October 1959 a preliminary draft programme for statistics of production in the building industry. It is hoped that it will be possible to report further progress in next year's report.

Uruguay.

In reply to observations and a request by the Committee of Experts the Government states that the wage statistics published for the period 1952 to 1957 included wages, salaries, commission, bonuses, shares in profits and other payments, and related to workers in private undertakings. The available data do not permit the compilation of statistics of average earnings.

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

to the Convention or on minor changes in its application :

Australia, Canada, Denmark, Finland, Federal Republic of Germany, Mexico, Norway, Sweden, Switzerland, Union of South Africa, United Kingdom.

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

France, Ireland, New Zealand, United Arab Republic (Egypt).

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification
Belgium ¹	26. 7.1948
Ghana ²	20. 5.1957
Federation of Malaya ³	11.11.1957
New Zealand ¹	8. 7.1947
United Kingdom ¹	24. 8.1943

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).
² See footnote 3 to Convention No. 15.
³ See footnote 1 to Convention No. 17.

The report from *New Zealand* refers to the information previously supplied.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification
Ghana ¹	20. 5.1957
Federation of Malaya ²	11.11.1957
New Zealand ³	8. 7.1947
United Kingdom ³	24. 8.1943

¹ See footnote 3 to Convention No. 15.
² See footnote 1 to Convention No. 17.
³ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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

Ghana, Federation of Malaya, New Zealand.

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

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

Argentina (First Report).

The Convention is applied more by custom than by legislation. Shipping companies consider that it is in their interest to maintain a good standard of catering on board their ships.

Section 988 of the Commercial Code lays down that lodging and food must be provided to the crew in addition to their wages. Section 1016 of the Code gives the member of the crew the right to terminate his contract if the captain does not provide him with proper food.

The National Maritime Authority is responsible for the application of the above-mentioned provisions.

Measures have been taken to bring the existing legislation into conformity with the provisions of the Convention.

Bulgaria (First Report).

Sanitary Rules and Regulations for Vessels Engaged in Maritime and Inland Navigation.

Article 1 of the Convention. The number of catering personnel is determined according to the tonnage of the vessel and the number of persons to be served.

Articles 2, 3, 4, 6 and 7. The standards of construction, ventilation, lighting, water system and equipment of galleys and other catering department spaces, including store rooms and refrigerated chambers are laid down in the above-mentioned Rules and Regulations. The implementation of this legislation is entrusted to the Maritime Registration Service and the health authorities.

The inspection of food and water supplies and of the accommodation, arrangements and equipment on board ship for the storage, handling and preparation of food is entrusted to the ship's medical staff under the supervision of the health authorities.

The inspections provided for in Article 6 of the Convention are carried out not only by the medical personnel of the ship and on shore but also by the officers of the ship (as provided for in Article 7). The right to carry out inspections is also given to occupational committees. The result of each inspection is recorded in special inspection registers.

Article 9. Penalties may be prescribed by the shipping undertaking and by the authorities.

Article 11. The courses of training mentioned in this Article of the Convention are regularly organised in Bulgaria.

Netherlands (First Report).

Commercial Code (sections 310 and 407, as amended and supplemented by the Act of 31 July 1957) (*Staatsblad*, 1957, No. 325).

Order of 15 May 1937 relating to seamen (*Staatsblad*, 1937, No. 242), (*L.S.* 1937—P.B. 4), as amended and supplemented by the Orders of 25 July 1938 (*Staatsblad*, 1938, No. 249), 15 November 1947 (*Staatsblad*, 1947, No. H 367) (*L.S.* 1947—Neth. 2), 6 December 1950 (*Staatsblad*, 1950, No. K 551) (*L.S.* 1950—Neth. 5-B), 16 December 1953 (*Staatsblad*, 1953, No. 556), and 25 February 1958 (*Staatsblad*, 1958, No. 93).

Article 1 of the Convention. All vessels engaged in maritime navigation are considered to be seafaring craft.

Article 2. The competent authority is the Inspector-General of Navigation, and inspections are carried out by personnel appointed by this authority. Collective agreements guarantee the standards of catering and medical attention on board.

Article 3. Both employers' and workers' organisations collaborate with the authority.

Article 4. All inspectors appointed by the Inspector-General of Navigation are fully competent.

Articles 5 and 6. Sections 36 to 43 of the Order of 15 May 1937, as amended by the Order of 25 February 1958, apply the provisions of these two Articles of the Convention.

Articles 7 and 8. The provisions of these Articles are covered by section 43, paragraphs (4) and (5), of the above-mentioned Order.

Article 9. The provisions of this Article of the Convention are applied by section 43, paragraph (3), of the above-mentioned Order, and by the Penal Code, sections 106, 179, 180 and 184. In so far as paragraph 3 of this Article is concerned, reports are submitted each year and at irregular intervals.

Article 10. Annual reports are only submitted if the regulations have not been observed, but such a case has not yet arisen.

Articles 11 and 12. The responsibility for observing the provisions of these two Articles rests with the private undertakings concerned.

Article 13. The Inspector-General of Navigation is represented at each examination of ships' cooks; private organisations undertake their training and distribute information in this respect.

* * *

The report from *Portugal* supplies information on the practical effect given to the Convention.

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

Poland.

In reply to a direct request made in 1959 by the Committee of Experts concerning the application of Article 4, paragraph 2 (b), of the Convention, the Government states in its report that the certificate of ship's cook may be issued to a person in possession of the certificate of "master cook" on condition that

he passes an examination, but he need not have had any experience at sea. This exemption is granted by the authorities, taking advantage of the provision of Article 3, paragraph 2, of the Convention, because the number of candidates fulfilling all the necessary requirements (minimum age, experience at sea, qualifications) is not sufficient.

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

Ireland, Italy, Netherlands, Norway, United Kingdom.

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

Belgium, Bulgaria, Canada, France, Portugal.

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

Bulgaria.

In reply to the direct request of the Committee of Experts in 1959 the Government states that the Central Council of Trade Unions was consulted concerning Order No. 88 of 18 January 1958.

Finland.

Decree No. 153 of 1959 to amend section B of Decree No. 157 of 1952 respecting medical examination of seafarers (*Suomen Asetuskokoelma—Finlands Författningssamling* No. 141-153 of 1959).

In reply to a direct request made by the Committee of Experts in 1959 the Government states in its report that some authorisations have been granted to ships' masters, in accordance with Order No. 159 of 1952, to continue to carry out their duties even though their competence for such duties is below the standards prescribed by Finnish legislation. However, these authorisations have been granted only to persons whose competence, ascertained by a medical examination, is not below the standards prescribed by the Convention.

The decree mentioned above lays down that, notwithstanding the other provisions of Decree No. 157 of 1952, the Central Board of Navigation may allow a person who has previously been found fit for service at sea to continue to carry out his duties if the Central Board considers him competent for the work in question on the basis of a medical examination.

Netherlands (First Report).

Commercial Code (sections 451 and 451 d, as amended by the Act of 31 July 1957) (*Staatsblad*, 1957, No. 325).
Order of 15 May 1937 relating to seamen (*Staatsblad*, 1937, No. 242) (*L.S. 1937—P.B. 4*), as amended and subsequently supplemented by the Order of 25 February 1958 (*Staatsblad*, 1958, No. 93).

Article 4 of the Convention. The competent authority is the Inspector-General of Navigation. The nature of the medical examination and the information to be entered on the certificate have been determined by discussion between the employers' and workers' organisations. The examinations are carried out by doctors appointed by the Inspector-General of Navigation. The form of certificate to be used is the same as that specified under Convention No. 16.

Article 5. The medical certificate is valid for a maximum period of one year. Tests for colour blindness will be held every six years or more frequently if necessary.

Article 8. When a certificate has been refused the person concerned can request a new examination. The latter is carried out by a medical expert appointed by the Inspector-General of Navigation, who can if he wishes be assisted by one or more specialists.

Norway.

Act of 4 July 1958 to amend section 26 of the Seamen's Act, concerning medical examination of seamen (*Norsk Lovtidend*, 1958, No. 25, p. 622).

The new text of section 26 of the Seamen's Act involves no change regarding the provisions of the Royal Decree of 2 October 1953 which applies the Convention.

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

Belgium, Japan.

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

Canada, France, Italy, Poland, Portugal, 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

Ireland (First Report).

Merchant Shipping (Certification of Able Seamen) Regulations, 1957 (S.I. No. 109 of 1957).

The above Regulations were designed to facilitate ratification of the Convention.

Article 1 of the Convention. This is applied by Regulation 3 of the Regulations.

Article 2. A certificate of able seaman is granted to persons who have attained the age of 18 years, have performed at least 36 months of qualifying service at sea in the deck department in ships above a certain tonnage, have passed an examination of proficiency, hold a lifeboatman's certificate and produce evidence that they have taken turns at the wheel in certain ships for a prescribed total period.

A copy of the syllabus of examination is appended to the report. The examinations are conducted by a Nautical Surveyor of the Department of Transport and Power.

Article 3. This is applied by Regulation 4 (2) of the Regulations.

Article 4. This is applied by Regulation 8 of the Regulations.

Poland.

Replying to a direct request made in 1959 by the Committee of Experts concerning the application of Article 2, paragraph 5, of the Convention, the Government states that the syllabus of examination is approved by the Minister of Merchant Marine and Inland Waterways. A lifeboatman's certificate is necessary to obtain an able seaman's certificate. The Ministry of Merchant Marine and Inland Waterways supervises the examinations.

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

Belgium, France, Netherlands, United Kingdom, United States.

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

Canada, Portugal.

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

Argentina.

For the Government's reply to the Committee's observation see *Report of the Committee*, p. 685.

Byelorussia (First Report).

Constitution of 1937.

Labour Code of 1929.

Annex to Ordinance No. 186 of 13 October 1932 of the People's Commissariat of Labour of the U.S.S.R. listing work which must not be performed by young persons under 18 years of age.

Instruction of 29 May 1944 of the People's Public Health Commissariat of the U.S.S.R. respecting the procedure for medical examination of young workers.

Ordinance of 29 August 1955 of the Council of Ministers of the Byelorussian S.S.R.

Order No. 136 of 7 September 1957 of the Ministry of Public Health of the U.S.S.R. respecting preliminary medical examination and periodical medical check-ups for workers.

Article 1 of the Convention. The provisions relating to medical examination apply for all young persons under 18 years of age, whatever their occupation.

Article 2. Before young persons can be employed or admitted to a vocational school, they must undergo a medical examination by doctors attached to a state health establishment. Examination is by a specialist in internal diseases, assisted by specialists in other branches. The results of such examination are entered on the young person's card together with those of subsequent periodical examinations, and the doctor states whether the young person is fit for a given occupation or for a given vocational training course at a particular undertaking or school. The competent administrative authority is informed of the doctor's conclusions; if he finds that the young person is unfit, admission is refused.

Article 3. All young persons working in an undertaking or following vocational training

courses at a school coming under the reserve training scheme must have regular medical examinations until the age of 18 years. They must undergo a methodical medical examination every year, by the same doctors and specialists as carried out the first examination. If either the first or a subsequent examination reveals that the young person is fit to work in a given undertaking or to follow a particular course, but that his state of health requires certain prophylactic or therapeutic treatment, his name will be registered for special care, including more frequent medical examinations. If necessary, the young person is given less arduous work. The doctor in charge is responsible for the application of these regulations and of recommendations concerning employment.

Article 4. It is illegal for young persons under 18 years of age to be employed in any work representing a potential danger to their health. All other persons performing such work, whatever their age, are obliged to undergo periodical examination. The industries and occupations for which the periodical medical examination is enforced, the intervals between examinations and the relevant procedure are all provided for by the regulations in force. Depending on the type of work, the interval between examinations may vary between three months and two years.

Article 5. The medical service is free for the whole population, which includes medical examination in connection with entry into employment (article 95 of the Constitution).

Article 6. Young persons shown by preliminary examination to be unfit for industrial work are given free medical treatment. There are special schools for young persons suffering from incurable physical disabilities (e.g. the blind, cripples, deaf-mutes, etc.). These schools provide training for various occupations.

Article 7. When applying for employment a young person is required to present a medical certificate respecting his state of health and his fitness for work in a given industry or occupation. Before taking them on the undertakings must themselves instruct such young persons to undergo a medical examination by the competent doctor. The medical certificate is sent directly to the undertaking for the information of the inspection authorities concerned.

Article 8. Provisions with regard to medical examination for young persons apply to the whole of the territory of Byelorussia without exception.

The state organs, in particular the Public Prosecutor's Office and the State Health Inspectorate, are responsible for implementation of labour legislation, which includes regulations covering work by young persons. The Public Prosecutor's Office is empowered to demand that all decrees, regulations and deci-

sions taken by the public authorities, undertakings, institutions and organisations be communicated to it, in order to ensure that these do not in any way contravene the law. The Public Prosecutor's Office can institute legal proceedings, intervene in such proceedings at any stage or take any other action it deems necessary in order to protect the interests of young persons. These functions are carried out independently of the local authorities.

The Health Inspectorate collaborates with the other competent bodies in ensuring the application of legislation governing the employment of young persons. Wherever a breach of regulations occurs, health inspectors are empowered to issue instructions for the elimination of abuses, to impose fines, to suspend the employment of the persons concerned if the necessary health requirements have not been complied with, to have disciplinary proceedings instituted against those responsible and, where necessary, to bring the case to the attention of the Public Prosecutor's Office.

The trade unions are also responsible for the application of the legislation, which includes that concerning the compulsory medical examination of young persons. The trade unions have a body of technical and legal inspectors who carry out regular visits to undertakings and ensure application of the general and special provisions with regard to the protection of labour. The trade union representatives and inspectors for the protection of the work of young persons play a very important part in this connection.

France.

Decrees of 11 December 1958 (*Journal officiel*, 16 Dec. 1958, p. 11311), 20 May 1959 (*ibid.*, 26 May 1959, p. 5333) and 10 July 1959 (*ibid.*, 14 July 1959, p. 6992), respecting the application of the Act of 15 March 1955 which extends to transport undertakings the provisions of section 1 of the Act of 11 October 1946 relating to the organisation of industrial medical services.

Ordinance of 6 January 1959 respecting medical aid in mines, open-cast mines and quarries.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 685.

Haiti (First Report).

Act of 6 August 1947 respecting the work of children and young persons (*Le Moniteur*, 14 Aug. 1947, No. 68, p. 575) (L.S. 1947—Hai. 2 (A)).

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

Act of 25 September 1958 respecting conditions of work (*Le Moniteur*, 2 Oct. 1958, No. 110, p. 617; errata: *ibid.*, 8 Oct. 1958, No. 112, p. 626) (L.S. 1958—Hai. 1).

Article 1 of the Convention. Section 1 of the Act of 25 September 1958 divides establishments into three categories, namely industrial, commercial and agricultural.

Article 2. Section 1 of the Act of 6 August 1947 requires every minor under the age of 18 years to obtain an employment permit (issued free of charge by the Labour Office) before entering employment in any agricultural, industrial or commercial establishment. Employment permits will only be delivered after

receipt of proof that the minor is physically suitable for the employment concerned. Under section 2 of the Act of 4 September 1947 admission to apprenticeship is subject to a medical examination, and, where the trade in which the infant is to be initiated calls for special physical qualities or mental aptitudes, these must be specified and tested by special examination.

Article 3. Section 4 of the Act of 6 August 1947 stipulates that the employment permit must be renewed each year. Furthermore, since the permit is issued in respect of a particular employment, it must be renewed each time a fresh employment is taken up.

Article 5. The employment permits referred to above are issued free of charge by the Labour Office.

Article 7. The Women and Child Labour Service of the Labour Office is entrusted with the supervision of the legislation relating to employment permits for minors. Section 6 of the Act of 6 August 1947 provides for penalties in the case of employers who engage young workers who do not hold employment permits.

Hungary (First Report).

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953, No. 62) (L.S. 1953—Hun. 1).

Decree No. 134/1951 of the Ministry of Public Health respecting the medical examination for admission to employment.

Decree No. 78 of 1952 of the Council of Ministers respecting compulsory medical examination for workers in the food supply industry.

Ordinance No. 81/13/1952 of the Ministry of Public Health respecting examination of students before their admission to summer jobs.

Ordinances Nos. 8300/17/1952, 8341/1/2/1953 and 8300/22/1954, of the Ministry of Public Health respecting medical examination of industrial apprentices.

Ordinance No. 8300/16/1952 of the Ministry of Public Health respecting the establishment and operation of the Institute for the Protection of the Health of Industrial Apprentices.

Article 1 of the Convention. The regulations in force apply to all public or private undertakings, whether of an industrial nature or not, and to all employers.

Article 2. For the purposes of employment relations the term "young workers" means those who have not reached the age of 18 years (section 100 of the Labour Code).

Prior to the commencement of the employment relation or to a change of workplace or type of employment, young workers must in every case undergo a medical examination and the result of the examination shall be taken into consideration when they are assigned to work (section 101, paragraph 3, of the Code).

The medical examination is carried out by the physicians of the undertaking or by physicians of public health institutions designated by the Executive Committee of the Departmental Council or of the city of Budapest.

The document certifying the fitness of the worker concerned for the employment contemplated is handed to the employer at his request. The employer is required to make this request. The employer may not admit to employ-

ment a worker certified unfit. If the worker has been certified temporarily unfit for work he may be employed only after a further medical examination within a period of six weeks.

Medical examinations to determine the fitness for work of industrial apprentices are governed by special provisions. Hence there are special provisions for a prior medical examination for students volunteering for work during the summer.

Article 3. Under section 102, paragraph 3, of the Labour Code, every young worker must be medically examined at least once a year during the entire period of his employment. If in the opinion of the physician the young person is unsuited on medical grounds for the type of work at which he is employed, he must be transferred to a different type of employment.

In principle, industrial apprentices must be medically examined every six months. In sectors where the general provisions relating to workers call for more frequent medical examinations, apprentices must undergo medical examination with the same frequency.

Article 4. The undertaking must see that workers employed in unhealthy conditions are medically examined at such intervals as are appointed by the Ministry of Health (section 90, paragraph 1, of the Labour Code). These provisions apply to all workers without age limit. Types of work and occupations for which periodical medical examinations are compulsory are designated by special provisions.

Article 5. The medical examination for fitness for employment, both prior to employment and periodical, are free of charge. Transportation expenses incurred because of medical examinations are reimbursed by the employer.

Article 6. In cases where the medical examination reveals that industrial apprentices are unfit for work, the Institute for the Protection of the Health of Industrial Apprentices, which is an institution specialising in employment problems, makes suggestions with a view to their vocational guidance.

Article 7. At the time of the medical examination prior to admission to employment, an individual record is established by the competent practitioner for each industrial worker and apprentice.

Supervision of the application of the national legislation relating to the subject matter of the Convention is the responsibility of the Ministry of Public Health, the Ministry of Labour and other competent ministries, through the Central Council of Trade Unions and the trade unions in each sector, and through the investigations of the magistrates, the People's Supervisory Committees and the courts.

Iraq.

Labour Code of 1958 (*Al-Waqayi'u al'Iraqiya*, No. 4115, 16 Mar. 1958), as amended by Law No. 82 of 1958 (*ibid.*, No. 99, 24 Dec. 1958). Regulation No. 38 of 1937 for Workshops and Factories.

Article 1 of the Convention. The Labour Code of 1958, as amended, applies jointly with Regulation No. 38 of 1937 for Workshops and Factories.

Article 2. The medical certificate of fitness is delivered, free of charge, by the local medical authorities.

Article 3. No worker may be employed unless he produces a workbook proving his medical fitness. Regularity of medical examinations is provided for.

Article 6. Vocational guidance and rehabilitation is provided for.

Article 7. Employers are obliged to keep a register of the workers they employ.

Israel.

In reply to the direct request made by the Committee of Experts in 1959 the Government has supplied the following information.

As regards Article 4, paragraph 2, of the Convention, the matter is under study.

As concerns vocational rehabilitation, when a young person applying to the labour exchange undergoes his medical examinations, the doctor determines if he is unfit for certain occupations or should be placed within a specified group of occupations. The employment service endeavours to place the young persons in accordance with the doctor's recommendations. Efforts are made jointly by the Ministries of Labour, Education and Social Welfare to extend the vocational rehabilitation facilities for handicapped young persons. A number of institutions exist, several of them with boarding sections, that give training to backward juveniles in subjects such as weaving, carpentry or other handicrafts. A centre of this type in Haifa trains girls in cooking and simple home economics, and endeavours to place them subsequently as assistants and domestic aides in hospitals and other institutions.

Italy.

The Ministry of Labour has completed the drafting of a Bill which amends existing legislation giving effect to Conventions Nos. 59, 60, 77, 78, 79 and 90. This Bill, which takes full account of all the observations made by the Committee and of the provisions of the Conventions in question, should shortly be submitted to Parliament.

Poland.

Ordinance of 30 April 1959 of the Minister of Public Health respecting preliminary and periodical medical examinations for young persons (*Dziennik Ustaw* No. 30, text 180).

Ordinance of 24 September 1945 of the Minister of Labour and of Social Welfare respecting the placing of employees and apprentices (*L.S.* 1945—Pol. 3 B).

Order of 1 April 1953 respecting the safety and hygiene of workers engaged in heavy manual labour (*Dziennik Ustaw*, No. 22, text 89).

Order of 4 February 1956 respecting the safety and hygiene in work of impregnation (*Dziennik Ustaw*, No. 5, text 25).

Order of 28 April 1951 respecting the safety and hygiene of workers employed on machine tools in the metallurgical industry (*Dziennik Ustaw*, No. 25, text 192).

Order of 2 November 1954 respecting the safety and hygiene of employment in welding (*Dziennik Ustaw*, No. 31, text 259).

Order of 10 August 1953 respecting the safety and hygiene of employment in the copper industry (*Dziennik Ustaw*, No. 45, text 221).

Order of 13 September 1930 to issue hygiene and safety regulations in respect of work in which paint containing white lead, sulphate of lead or other products containing these substances are used (*Dziennik Ustaw*, No. 69, text 554) (*L.S.* 1930—Pol. 6).

Order of 21 April 1949 respecting safety and hygiene in the manufacture of leaden objects (*Dziennik Ustaw*, No. 36, text 260).

Order of 25 November 1937 respecting the production and use of ethyl lead (*Dziennik Ustaw*, No. 88, text 635).

Order of 20 March 1954 respecting safety and hygiene in employment on cranes (*Dziennik Ustaw*, No. 15, text 58).

Regulations dated 19 June, 10 August and 6 October 1953 issued by the Ministry for Electrical Energy respecting safety in employment on high voltage electrical installations.

Order of 23 May 1957 respecting the safety and hygiene of workers exposed to ionising radiations (*Dziennik Ustaw*, No. 34, text 148).

Order of 4 December 1957 respecting the safety and hygiene of employment in the paper industry.

Order of 31 December 1957 respecting the safety and hygiene of employment in the sugar industry (*Dziennik Ustaw*, No. 6, text 19).

Articles 2 and 3 of the Convention. All preliminary and periodical medical examinations are carried out by the public health services, normally represented by doctors attending at prophylactic medical centres in industrial undertakings, at centres of consultation for young persons (employment health centres or local dispensaries), or at regional dispensaries. If necessary, the young person is sent to a specialist and can be required to undergo further examinations. After completion of the preliminary examination the young person concerned is issued with a medical certificate stating that he is or is not medically suitable for the employment, with a possible indication of other work for which he might be capable. The certificate may also indicate that the medical condition of the young person requires certain special conditions of employment. Periodical medical examinations take place at least twice a year.

Article 4. All workers over 18 years of age engaged in work that is harmful to health are compelled to undergo a medical examination to ascertain their suitability for such employment and subsequently to attend further periodical medical examinations. These examinations may take place at irregular intervals determined according to the circumstances in each case; they may vary between once a week and once a year. In certain cases medical examinations take place at intervals determined by the doctor himself.

All workers are obliged to undergo medical examinations under the collective agreements signed in 1957 and 1958, which particularly concern the chemical, metallurgical and paper industries, the sugar industry and mechanical agricultural undertakings, etc.

Article 6. The employment exchange of the local people's council is required to find suitable alternative employment for persons who have been declared unsuitable for certain work as a result of a medical examination.

In reply to the direct request which the Committee of Experts made in 1959, the Government states that a system of vocational guidance for young persons is operated by the Minister of Public Education. Under this

system young persons undergo a period of pre-vocational training by means of conferences, popular publications, films and radio and television programmes. There are at present 24 vocational guidance offices for young persons, and during 1960 it is intended to create vocational advisory offices in all towns of more than 100,000 inhabitants. When young persons have been dismissed for reasons of unfitness, they are entitled to the general provisions applicable for the employment of workers. When they register at the labour exchange these persons are required to submit, among others, their school certificates and a medical certificate.

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

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 the other Soviet Federated Republics.

Ordinances of the Council of People's Commissars of the R.S.F.S.R. of 13 October 1922 respecting the medical examination of young persons in employment (*L.S.* 1922—Russ. 4) and of the Presidium of the Union of Soviet Socialist Republics of Transcaucasia of 4 November 1922.

Instruction of 29 May 1944 of the People's Public Health Commissariat of the U.S.S.R. respecting the procedure for medical examination of young workers.

Schedule of work which must not be performed by young persons under 18 years of age, approved by Ordinance No. 186 of the People's Commissariat of Labour of the U.S.S.R., dated 13 October 1932, and by the joint Decision of 28 August 1959 of the Labour and Wages Committee of the Council of Ministers of the U.S.S.R. and the Central Council of Trade Unions of the U.S.S.R.

Order No. 136-M of 7 September 1957 of the Ministry of Public Health of the U.S.S.R. respecting preliminary medical examination and periodical medical check-ups for workers.

Decision No. 1478 of 8 August 1955 of the Council of Ministers of the U.S.S.R.

Instruction of 5 May 1954 of the General Directorate for Preventive Medical Treatment of the Ministry of Public Health of the U.S.S.R.

Article 1 of the Convention. Provisions relating to medical examination for young persons apply to all persons under 18 years of age employed in industrial establishments as defined in the Convention, and to those working in non-industrial undertakings (commercial or agricultural enterprises, co-operatives, etc.).

Article 2. Under sections 14 and 15 of the Instruction of 29 May 1944 of the People's Public Health Commissariat persons under 18 are not allowed to work in undertakings or in vocational training establishments unless their physical fitness for the work in question has been confirmed by medical examination by doctors attached to the hospitals serving the undertaking or school. A general practitioner is assisted by specialists in carrying out such examinations. Each young worker has a medical card showing the results of the first examination and of the subsequent annual examinations. Undertakings and vocational schools may not allow any young person to work until the results of the medical examination have been communicated to them, nor if the doctor finds that the young person is unfit. Any reservations or relevant advice expressed by the doctor concerning particular categories of work must be taken into consideration.

Article 3. All young persons employed in undertakings or following vocational training

courses must continue to have a regular medical examination until they reach the age of 18 years. The Decision of 8 August 1955 requires an annual examination for physical fitness. Should such an examination show that the young person concerned requires particular care, although he is not unfit for his work in the undertaking or school, a special system of preventive medical observation is applied which includes a medical examination at least every quarter.

Article 4. It is illegal to employ young persons under 18 years in specific occupations which may be dangerous for their state of health. These are listed in the schedule of dangerous occupations drawn up in 1932. All other persons carrying out such work, whatever their age, are required to have a medical examination when they are engaged and at regular intervals during their employment. The schedule of industries and occupations for which periodical examination is compulsory, the intervals laid down and the relevant procedure are all established by the Order of 7 September 1957 of the Ministry of Public Health. Depending on the particular work, the interval between medical examinations may vary from three months to two years.

Article 5. Under article 120 of the Constitution all forms of medical care, including medical examination of young persons, are free of charge.

Article 6. Young persons who are unfit for industrial work owing to their state of health are given free medical treatment. Where the young person's state of health is found to be unsuitable for the type of work to be performed, he will be directed to other less tiring work (Ordinance of 13 October 1922 of the Council of People's Commissars of the R.S.F.S.R.). The physician in charge of preventive observation proposes to the competent organisations that the conditions of work should be altered or, where the circumstances call for it, that the young person should take up another occupation (Instruction of 5 May 1954 of the General Directorate for Preventive Medical Treatment). Any such recommendation is made after consultation with the doctors at epidemiological health centres and particularly with those specialising in industrial hygiene. Special vocational schools are run by the Ministry of Social Security, the Ministry of Public Education and different social organisations for children and young persons suffering from incurable physical disabilities who need special preparatory training (e.g. cripples, deaf-mutes, the blind).

Article 7. The results of the preliminary examination and the subsequent examinations are noted on the personal medical card (Instruction of 5 May 1954). Any young person under preventive observation will also have a control card, known as Formula No. 30, which is kept by the physician in charge of preventive

observation. The medical report based on the results of the examination is immediately passed on to the administration of the undertaking and kept in the personal file of the young person concerned, so that the supervisory bodies are always able to acquaint themselves with the doctor's conclusions.

Article 8. The provisions covering compulsory medical examination of young people apply to the whole of the territory of the U.S.S.R. without any exception.

The bodies responsible for application of labour legislation, including the provisions covering work by young people, are the relevant state organs, in particular the Public Prosecutor's Office and the Health Inspectorate. The Public Prosecutor's Office may demand to see all decrees, regulations and decisions taken by public authorities, undertakings, institutions and organisations to ensure that such texts do not in any way contravene the law. The Public Prosecutor's Office is empowered to bring proceedings, to intervene in a case at any stage and to take any other necessary action in order to protect the interests of young people. These functions are carried out independently of the local authorities.

The Health Inspectorate collaborates with the other competent organs in the application of legislation connected with the employment of young persons. In any case of infringement of regulations, health inspectors are empowered to issue binding instructions to set the situation to rights, to impose fines, to forbid the employment of the young persons concerned and to apply the necessary health measures. They may also demand the institution of disciplinary proceedings against those responsible or pass the case to the Public Prosecutor's Office.

The trade unions also supervise the application of legislative provisions, including those relating to compulsory medical examination of young persons. They have a body of technical and legal inspectors who carry out regular visits to undertakings and supervise the application of the general and particular provisions relating to the protection of labour. Trade union representatives and inspectors for the protection of the work of young persons play a very important part in this connection.

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

Guatemala, Israel, Italy.

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

Bulgaria, Uruguay.

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	17. 2.1955
Bulgaria	29.12.1949
Byelorussia	6.11.1956
Cuba	7. 9.1954
France.	28. 6.1951
Guatemala	13. 2.1952
Haiti	12. 4.1957
Hungary	8. 6.1956
Israel	23.12.1953
Italy.	22.10.1952
Luxembourg	3. 3.1958
Poland.	11.12.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Bulgaria.

Ordinance respecting preliminary and periodical medical examinations for workers and employees (*Izvestiya* No. 80, 7 Oct. 1958), and amendment to this Ordinance (*ibid.*, No. 8, 26 Jan. 1960).

According to the above-mentioned amendment, children and young persons working on their own account, or on account of their parents in itinerant trading or any other type of work outside the field of industry, agriculture or navigation, must undergo a preliminary and also an annual medical examination.

Byelorussia (First Report).

See under Convention No. 77.

Guatemala.

The Ministry of Labour and Social Welfare is examining, in the light of the Committee's observations, regulations for the employment of young persons and amendments to the Occupational Safety and Health Regulations.

Haiti (First Report).

- Act of 6 August 1947 to make adequate provision for the supervision of the employment conditions of minors of both sexes under the age of 18 years (*Le Moniteur*, 14 Aug. 1947, No. 68) (*L.S.* 1947—Haiti 2 A).
- Act of 22 September 1947 to regulate the living conditions of children employed in domestic service (*Le Moniteur*, 2 Oct. 1947, No. 87) (*L.S.* 1947—Haiti 2 B).
- Act of 4 September 1947 to organise apprenticeship (*Le Moniteur*, 25 Sep. 1947, No. 84) (*L.S.* 1947—Hai. 3).
- Act of 25 September 1958 to make more rational provision for conditions of work and to protect employed persons more effectively, having regard to the development of industry, agriculture and commerce (*Le Moniteur*, 2 Oct. 1958, No. 110, errata: *ibid.*, 8 Oct. 1958, No. 112) (*L.S.* 1958—Hai. 1).

Article 1 of the Convention. The Act of 25 September 1958 distinguishes between (1) industrial establishments ; (2) commercial establishments and the commercial branches of any other establishments, and establishments and administrative services in which the persons employed are mainly engaged in office work ; (3) agricultural establishments. The first section of the Act defines industrial and agricultural establishments.

Article 2. In regard to children employed in commercial establishments, reference is made to Convention No. 77.

In respect of children employed in domestic service, section 3 of the Act of 22 September 1947 states that no person shall have custody of or employ one or more children who (1) has not reached the age of 21 years ; (2) is not of good repute and morals ; (3) is unable to show that he possesses an adequate income to fulfil the obligations referred to in section 6 of the Act, that is to say to provide them with lodging, suitable clothing and adequate and wholesome food, to send them to school at least once a day and to give them such vocational instruction as is consistent with their aptitudes.

Section 4 of the Act provides that, before taking custody of or employing a child, the person concerned shall obtain an employment permit, which shall be issued free of charge by the Labour Office, upon verification that the conditions laid down in section 3 are fulfilled and upon production of a medical certificate and evidence of the age of the child.

Article 3. In accordance with section 5 of the Act of 22 September 1947 the employment permit, containing the full name, age and place of birth of the child, the full name and address of the person taking custody of or employing the child, and any other information considered to be necessary, must be renewed each year until the minor attains the age of 18 years. The competent services then carry out an examination of the minor's physical, moral and intellectual condition.

Article 5. The Government refers to section 4 of the Act of 22 September 1947.

Article 7. Under section 4 of the Act of 6 August 1947 one of the copies of the employment permit must be delivered to the employer or the head of the establishment and must be retained by him throughout the young worker's period of service, for production to the labour inspectors when required.

Section 5 of the same Act states that minors of either sex under the age of 18 years who engage in street trading and similar occupations (selling of newspapers, lottery tickets, miscellaneous articles, etc.) shall, in addition to holding the certificate referred to in section 1, wear a special badge issued free of charge by the Labour Office for the purpose of identification.

Enforcement of legislation respecting minors is the responsibility of the Women's and Children's Department of the Labour Office.

Hungary (First Report).

The Government refers to the report submitted for Convention No. 77 and to the laws and regulations concerning the medical examination prior to employment of adolescents in non-industrial and industrial work.

The Labour Code and the Decree governing its application concern all children and adolescents.

Ordinance No. 160/1955 of the Ministry of Health extended the provision of Ordinance No. 8300/1954, relating to medical examinations for apprentices employed in industry, to all apprentices employed in commerce or in handicrafts, etc.

Poland.

See under Convention No. 77.

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

See under Convention No. 77.

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

Argentina, Italy.

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

Cuba, France, Ukraine, 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
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

Bulgaria.

In reply to the direct request made by the Committee of Experts in 1959 the Government confirms that no legislative provisions exist fixing a minimum age at which children and young persons may be employed at night in public entertainment, except in circuses; in this case the age is fixed at 14 years for girls and 13 years for boys (except for those already employed when the Ordinance came into effect) by the Ordinance respecting the conditions under which children under the age of 15 years may be admitted to employment in public entertainment (Decision No. 1944 approved by the Council of Ministers on 19 December 1958).

See also under Convention No. 6.

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.

Article 1 of the Convention. The Labour Code does not make any distinction between industrial and non-industrial occupations and applies equally to young persons working in industrial, agricultural and commercial undertakings, in transport and communications, and

in public establishments and organisations. The legislation provides for none of the exceptions laid down in this Article.

Article 2. Under the Labour Code the employment at night of young persons under 18 years of age is prohibited. "Night" is defined as the time between 10 p.m. and 6 a.m.

Article 3. As the working day for young persons under the age of 16 years is four hours (section 136 of the Labour Code) and that for young persons between the ages of 16 and 18 is six hours (section 95), the period during which night work is prohibited is respectively 20 and 18 hours.

Article 4. The legislation prescribing the duration of night work is applicable throughout the Republic, irrespective of climatic conditions.

Under sections 11 and 12 of the Labour Code, persons under 18 years of age may not be called on to help to fight natural disasters. The exceptions covered by this Article of the Convention are not allowed by the law and practice in Byelorussia. The vocational training programmes are so arranged that they do not take place at night.

Article 5. The provisions of this Article do not apply. Children and young persons are not allowed to work in films during the night; no exceptions are provided by labour legislation allowing children and young persons to appear in night performances with other actors.

Article 6. Managements of undertakings are obliged to keep a record of all young workers under the age of 18 years. Special staff inspectors are entrusted with these records. A special personal registration card is established for every young worker, showing his name, surname, patronymic and date, month and year of birth.

Young persons entering employment are informed beforehand of their conditions of

work and pay, their rights and duties, and the rules and regulations which determine the times of beginning and finishing work.

The application of the legislation concerning young workers is entrusted to the Public Prosecutor's Office and to the trade unions. The technical and legal inspectors of the latter regularly visit establishments and undertakings to ensure that the labour legislation is enforced. Labour inspectors entrusted with the supervision of the employment of young persons are empowered to ensure that the legislation is fully applied. Parents, foster-parents, guardians and trustees, authorities and officials who are responsible for the enforcement of labour legislation are entitled to request the cancellation of a young person's contract of employment in cases where its maintenance constitutes a danger to his health or is harmful to him.

In the absence of breaches of the law, no law or other courts have given decisions on the matters covered by the Convention.

The existing legislation ensures the complete prohibition of night work by children and young persons.

Dominican Republic.

In reply to the request of the Committee of Experts of 1959 for information as to whether the Secretary of State for Labour has fixed the limits of the night period, pursuant to section 224 of the Labour Code (as amended by Act No. 4933 of 6 June 1958), the Government states that this matter is under study. The Government has taken note of the observations of the Committee of Experts with regard to section 224, as amended (exceptions from the prohibition of night work for young persons working in the company of adults who are members of their families).

Guatemala.

In reply to the direct request of the Committee of Experts of 1959, the Government states that Decree No. 526 of 1948 was repealed by an Executive Decree of 1955. Section 116, paragraph 5, of the Labour Code thus reverted to its original form, defining night work as "that which is carried out between 8 p.m. and 5 a.m.". This is not in conformity with the provisions of Article 3 of the Convention, and the Ministry of Labour and Social Welfare is considering amending the above-mentioned provision. The Ministry points out, however, that international labour Conventions are, by virtue of the act of ratification, incorporated in the juridical standards of Guatemala, and have the force of law.

Therefore, since the Labour Code came into force on 1 May 1947 and Convention No. 79 on 13 February 1953, it may be concluded that in case of divergence between the provisions of the Labour Code and those of the Convention the latter prevail as compulsory complementary standards, as long as the Convention has not been denounced by Guatemala. The Ministry of Labour and Social Welfare has on many occasions instructed its different departments to ensure that these provisions are applied in their respective fields of competence.

The minimum protective standards required by the General Labour Inspectorate for authorising the employment of minors, in accordance with the provisions of section 150 of the Labour Code, are contained in instructions given to the Labour Inspectorate by the Ministry, which cover all statutory provisions including those of the Convention.

The obligation on employers to produce, on request from any labour authority of the Republic, the work permit granted to minors, is contained in the provisions of the Convention itself and of the Labour Code.

Provisions relating to the employment of minors will shortly be issued in the form of regulations. In the view of the Ministry of Labour and Social Welfare, these regulations should relate to the conditions of work not only of minors aged 14 years but also those from 14 to 18 years.

With regard to the register of workers under the age of 18 years which, according to the provisions of Article 6, paragraph 1 (b), of the Convention, should be kept by the Labour Inspectorate, the latter was asked in October last to inform the Committee of Experts as soon as the said register was instituted.

Italy.

See under Convention No. 59.

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

Constitution 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 the other Soviet Federated Republics. Ordinance No. 1478 of 8 August 1955 of the Council of Ministers of the U.S.S.R. respecting holidays and conditions of employment for young workers. Ordinance No. 6 of 12 January 1957 of the Labour and Wages Committee of the Council of Ministers of the U.S.S.R. concerning model employment rules.

Articles 1, 2 and 4 of the Convention. The legislation prohibiting the employment of young persons at night applies to all young persons working under a contract of employment and allows none of the exceptions specified in Article 3, paragraph 2, and Article 4 of the Convention.

"Night" is defined as a period of eight consecutive hours between 10 p.m. and 6 a.m. (section 96 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).

Article 3, paragraph 1. The employment during the night of young workers under 18 years of age is forbidden by law in the Soviet Union, (section 130 of the Labour Code). Ordinance No. 1478 of 8 August 1955, of the Council of Ministers of the U.S.S.R., prohibits the employment of young people on night shifts. According to an Ordinance of the Labour and Wages Committee of the Council of Ministers of the U.S.S.R., dated 12 January 1957, confirming section 12 of the Model Employment Rules for undertakings, workers must change shifts regularly, as a rule every week on the day following the weekly rest day; young persons work on day shifts only.

The employment of young persons under 15 years of age is prohibited. Hours of work of young persons under 16 years of age are

limited to four, and of those between 16 and 18 years of age to six daily, by virtue of a Decree of the Supreme Soviet of the U.S.S.R. dated 26 May 1956. The night rest of young people is therefore either 18 or 20 hours and must obligatorily include the period between 10 p.m. and 6 a.m. (section 96, note 2).

Article 5. The employment of children and young people in film production is regulated by Decree No. 17 of 12 July 1933 of the People's Labour Commissariat of the R.S.F.S.R., which, according to the report, stipulates that if it is necessary to shoot a night scene requiring child or juvenile performers the management of the studio must in each case obtain the consent of the parents, the local children's and young persons' health service and the trade unions concerned. Any film work in which young persons take part, either by night or by day, must be free from all danger; the work must be so arranged that a normal rest period of at least 14 consecutive hours is ensured, and must not interfere with their normal school work.

In conformity with an Ordinance of 8 August 1955 of the Council of Ministers of the U.S.S.R., which is applied in the Federated Republics where there are no regulations in this respect, section 130 of the Labour Code of the R.S.F.S.R., and the corresponding articles of the Labour Codes of the other Soviet Federated Republics, the competent authorities do not license the making of cinematographic films involving the employment of young persons after midnight.

Soviet legislation does not provide for any exceptions whereby children may be permitted to appear at night as performers in public entertainments.

Young persons under 18 years of age may be employed in circuses as trainees only; an order respecting individual apprenticeship in circus acts, confirmed by the Deputy Minister of Culture of the U.S.S.R. on 22 January 1957,

fixes the working day for such trainees, including all preparatory work, training and rehearsal, as well as the performance itself, as follows: (a) persons under 16 years of age: three hours; (b) persons over 16 but under 18 years of age: four hours. The daily rest period for trainees is therefore at least 20 hours.

Persons responsible for the individual training of the trainee must also look after his general education, arrange that he attends school and does his homework, and see that his essential needs are satisfied and that he enjoys his rights and discharges his obligations. Every six months the responsible person must give an account to the principal authority for circus administration regarding the state of health and development of the trainee.

Article 6. The management of all institutions, organisations, undertakings, etc., is required to keep records of all persons employed, including those under the age of 18 years. In addition, special personal cards of a prescribed type must be completed for each worker, stating his age in particular.

The report also states that the work of young persons employed in films must be supervised by a teacher, and that the parents or other adult members of the family must also be present when children under eight years of age perform in films (sections 4 and 9 of Order No. 17 of the People's Labour Commissariat of the R.S.F.S.R. of 12 July 1933, respecting the conditions of employment of children and young persons in film production).

* * *

The report from *Argentina* supplies information on the practical effect given to the Convention.

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

Poland, Uruguay.

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
Ghana	2. 7.1959
Greece	16. 6.1955
Guatemala	13. 2.1952
Guinea	26. 3.1959
Haiti	31. 3.1952
India ¹	7. 4.1949
Iraq ¹	13. 1.1951
Ireland ¹	16. 6.1951

Countries	Date of registration of ratification
Israel	7. 6.1955
Italy	22.10.1952
Japan	20.10.1953
Luxembourg	3. 3.1958
Morocco	14. 3.1958
Netherlands	15. 9.1951
New Zealand ¹	30.11.1959
Norway	5. 1.1949
Pakistan	10.10.1953
Panama	3. 6.1958
Peru	1. 2.1960
Sweden	25.11.1949
Switzerland ¹	13. 7.1949
Tunisia	15. 5.1957
Turkey	5. 3.1951
United Arab Republic (Egypt)	11.10.1956
United Kingdom ¹	28. 6.1949
Yugoslavia	18. 8.1955

¹ Excluding Part II.

Austria.

Federal Law No. 92 of 18 March 1959 (*Bundesgesetzblatt*, 10 Apr. 1959), section 7.

The Austrian Federation of Trade Unions and the Chamber of Labour raise the same questions as last year.

The Federal Ministry for Commerce and Reconstruction points out that, although the Austrian Centre for Dust (Silicosis) Prevention is a private institution, it co-operates closely with the Higher Mining Authority and the Accident Insurance Institute and avails itself of the services of the Occupational Health Division of the Institute.

The routine activities of the Centre and the Institute include inspections of mining undertakings in which dust is a danger, and the laying of the foundations for the autonomous control of these undertakings. Progress was also made in 1958 in the collection of statistics of occupational diseases, in which six diseases not previously dealt with were covered.

The Federal Ministry for Social Administration is making efforts to reinforce the staff of the General Labour Inspectorate. It was possible in 1959 to create nine new posts; at the end of the present reporting period 191 inspectors were employed, as compared with 179 last year.

Belgium (First Report).

Order of the Regent of 3 July 1945 to determine the status of the labour inspectors in the social division attached to the Directorate-General for relations between heads of undertakings and workers (*Moniteur belge*, 13-14 Aug. 1945).

Order of the Regent of 3 July 1945 to determine the status of factory inspectors in the social division (*Moniteur belge*, 13-14 Aug. 1945), as amended by the Order of the Regent of 10 January 1946 (*ibid.*, 21-22 Jan. 1946) and the Royal Order of 17 March 1951 (*ibid.*, 25 Mar. 1951).

Act of 5 May 1888 concerning the inspection of dangerous, unhealthy or obnoxious establishments and the surveillance of steam engines and boilers (*Moniteur belge*, 13 May 1888).

Act of 10 June 1952 respecting the health and safety of workers and the salubrity of work and workplaces (*Moniteur belge*, 19 June 1952) (*L.S.*, 1952—Bel. 3), as amended by the Act of 17 July 1957 (see *Code social Larcier*, p. 593).

General Regulations for the protection of labour approved by the Orders of the Regent of 11 February 1946 (*Moniteur belge*, 3-4 Apr. 1946) and 27 September 1947 (*ibid.*, 3-4 Oct. 1947).

Royal Order of 6 March 1936 for the reorganisation of the labour inspection service (*L.S.* 1936—Bel. 2 A).

Royal Order of 23 December 1957 (*Moniteur belge*, 13-14 Jan. 1958) to determine the allocation of duties among the officials and employees of the Ministry of Labour and Social Welfare and the Mining Administration, who are responsible for labour inspection.

Code on employment in underground and surface mines and in quarries (revised 31 December 1958), which includes—

Acts respecting underground and surface mines and quarries as consolidated by the Royal Order of 15 September 1919 and amended by the Acts of 29 May 1949, 2 February 1951, 12 May 1955, 5 January and 15 July 1957 and 24 January 1958.

General Regulations concerning the inspection of underground and surface mines and of underground quarries (Royal Orders of 5 May 1919 and 20 September 1950).

Act of 16 August 1927 to amend and supplement the Act of 11 August 1897 for the appointment of workmen delegates for the inspection of coal mines (*L.S.* 1927—Bel. 5), as further amended by the Acts of 28 April 1933, 20 July 1955 and 28 April 1958, and the Royal Order of 17 August

1927 to specify the subjects to be covered by the qualifying examinations which such delegates must pass.

Article 1 of the Convention. The list of laws and regulations given above shows that there is an inspection service which operates in industry (including transport undertakings, mining undertakings and establishments classified as dangerous, unhealthy or obnoxious).

Article 2. The system of labour inspection applies in principle to all establishments in which the responsibility for the application of laws and regulations lies with the labour inspectors. There are two types of establishments in which social legislation is applicable but to which the members of the social division of the Labour Inspectorate have no right of access, namely military sites and services, and sterilised areas in which antibiotics are handled.

Article 3. The functions of the inspection services are those mentioned in the Convention. District and factory inspectors of all branches are occasionally called upon to serve as chairmen or secretaries of joint committees, and in addition those in the social division are sometimes asked to serve as secretaries of appeals committees dealing with old-age pension questions. These duties do not in any way affect the authority or the impartiality which the inspectors are required to show.

In the medical inspection division some of the medical inspectors are required, on a temporary basis, to undertake the medical examination of persons applying for allowances on the grounds that they are crippled or disabled.

The technical inspectors also have responsibilities concerning the protection of the areas in the neighbourhood of dangerous, unhealthy or obnoxious establishments but only in so far as their duties include the inspection of such establishments.

The duties of the Mining Inspectorate are both social and economic in character.

Article 4. The social, medical and technical inspection services are under the authority of the Ministry of Labour; the Mining Administration, which forms part of the Ministry of Economic Affairs, is responsible to the Ministry of Labour so far as its duties in the social field are concerned.

Article 5. Co-operation between the different public and private institutions and with the employers, the workers and their organisations takes the form either of continuing contacts, established and maintained during tours of inspection, or through the intermediary of advisory or study committees or of boards of management.

Article 6. The officials of the Labour Inspectorate are state officials; thus they enjoy security of employment and their position cannot be endangered as a result of a change of government. The reports which the inspectors prepare in the course of their duties are referred to the Public Prosecutor without its being necessary to obtain the prior consent of the Ministry or of the higher officials.

Article 7. District and factory inspectors are recruited by competitive examination; they

must be of Belgian nationality, have discharged their military service obligations and comply with certain additional conditions relating to fitness for the performance of their duties. The report describes the measures taken to give district and factory inspectors suitable training for the performance of their duties.

Article 8. Women may be appointed members of the social and medical divisions of the Labour Inspectorate, and some are actually employed in those divisions. On the other hand, only men are allowed to compete for posts in the technical division, with the result that there are as yet no women officials in that division.

Women may not be appointed members of the staff of the Inspectorate for underground mines and quarries and surface mines, for the Act of 5 June 1911, as amended by the Acts of 5 May 1936 and 15 July 1957, prohibits the employment of women in any capacity whatsoever in underground and surface mines and in quarries. On the other hand, administrative posts in the Mining Inspectorate are open to women.

Article 9. The provisions of this Article are fully complied with as regards the technical services.

To deal with the problems arising out of the nature and composition of the different substances with which the workers may find themselves in contact, of the atmosphere which they breathe, etc., the Administration for Industrial Hygiene and Occupational Health has a laboratory which can give the inspection services full and accurate information on such subjects. In exceptional cases this laboratory can, if necessary, obtain the assistance of university or other centres with special qualifications in the field or technical branch concerned.

Some technical factory inspectors have acquired special qualifications, particularly in the building trades and dock work.

Article 10. The report describes the composition of the different labour inspection services. At the present time difficulties are being encountered in the recruitment of technical staff for the medical division. For the same reasons the staff of the technical inspection services is at the moment below the required strength.

Article 11. The district and local inspectorates have offices which are suitably equipped and accessible to all persons concerned. Inspectors are authorised to use their own cars for the performance of their duties. Their travelling and subsistence expenses and all their incidental expenses are reimbursed to them by the State. They are also entitled to travel vouchers enabling them to travel free of charge on main and local railway lines.

Article 12. The district labour inspectors have all the powers mentioned in this Article, and the chemical inspectors, the industrial health visitors and the factory inspectors in the social and technical divisions hold such of these powers as they require for the performance of their respective duties. However, there is no specific legislative provision corresponding

to paragraph 1 (*b*). It seems essential, nevertheless, that they should have the right of access to such premises under the conditions mentioned and the Government intends to revise the legislation on labour inspection, *inter alia*, by incorporating a provision of this kind.

Article 13. Technical and medical inspectors may only take the steps mentioned in paragraph 2 (*b*) in undertakings classified as dangerous, unhealthy or obnoxious. As the steps referred to in subparagraphs (*a*) and (*b*) are technical in character, the only persons who can in practice order them to be taken on their own authority are the engineering inspectors (for instance, the engineers of the technical labour inspection service and those of the Mining Administration). In the latter administration the mining engineers (and, to a lesser extent, the workers' delegates in the Mining Inspectorate) have the powers mentioned in paragraphs 1 and 2 of this Article.

Article 14. Under section 24 of the Act of 24 December 1903 any industrial accident likely to give rise to any degree of incapacity for work must be reported to the Labour Inspectorate.

Article 15. The Belgian regulations do not contain any provisions of this kind; in any case, such provisions would be practically impossible to enforce, especially so far as indirect interests are concerned. However, in practice these rules are followed and the ministry responsible takes the necessary steps whenever such a situation arises. The Mining Administration is covered by section 132 of the consolidated legislation on underground and surface mines and quarries, which states that mining engineers and other mining officials may not perform duties in any administrative mining district in which they, their wives or their direct ascendants or descendants have an interest in any mine or mines.

Clause (*b*) is covered by section 9 of the regulations concerning state officials.

The staff are reminded of their obligations with regard to the provisions of clause (*c*) by administrative circulars.

Article 16. The district and factory inspectors and the members of the Mining Administration are required to submit reports on their work either weekly or monthly. However, it is impossible to arrange for systematic and regular inspection of all undertakings owing to the shortages of technical and medical staff mentioned earlier.

Article 17. Under Belgian social legislation and the legislation concerning industrial safety and hygiene the officials of the Inspectorate are empowered to report breaches of the regulations discovered by them. The legislation mentioned does not grant the inspectors the power to give employers who commit breaches of the regulations a simple warning and to allow them a certain period of time to comply with the regulations. The Government is aware of this problem and will consider means of dealing with it when it revises the whole body of legislation on labour inspection.

Article 18. Penalties of the kinds mentioned in this Article are provided for in all social legislation.

Article 19. Each regional inspection service draws up reports the periodicity of which varies according to the region.

Article 20. Each central inspection service publishes annual reports within a reasonable time after the end of the year to which they relate. The Mining Administration publishes a number of statistical studies every year, on behalf of the Director-General of Mines, in the *Annales des mines de Belgique*. Arrangements will be made in future to send a number of copies of these reports to the Director-General of the International Labour Office in good time.

Article 21. The reports cover the different subjects mentioned in this Article. However, the reports of the technical inspection service and the Mining Inspectorate have not so far given any statistics on the subjects mentioned in clauses (d) and (e).

Articles 22 to 24. The social, technical and medical inspection systems are fully applicable to commercial undertakings.

Article 29. The Convention has not been made applicable to the Belgian Congo and Ruanda-Urundi as Belgium has ratified the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

The occupational organisations of employers and workers have sent in comments relating to the shortages of staff. At their request a resolution concerning the functioning of the medical and technical labour inspection services was adopted by the Higher Council on Safety and Hygiene and the Improvement of Workplaces.

Bulgaria.

Articles 6 and 7 of the Convention. Under every district or urban trade union council, and under certain local trade union councils nominated by the Central Council of Trade Unions, there is a labour inspectorate of a strength proportionate to the number of workers. The members of each inspectorate are appointed or dismissed by the appropriate district trade union council, in consultation with the Central Council of Trade Unions.

Article 9. Some trade union councils appoint doctors to deal with questions of industrial hygiene, with all the normal powers and duties of labour inspectors.

Ceylon.

The Government states that the possibility of including provisions in legislation or regulations to give effect to Article 15 (c) of the Convention is being considered.

The statistics covered by Article 21 (g) of the Convention are to be included in the next administrative report of the Commissioner of Labour.

Dominican Republic.

Departmental Order No. 52/58 of 19 September 1958 to reorganise and extend the inspection service of the Labour Department.

In reply to a request made by the Committee of Experts the Government provides statistical information relating to industrial accidents, establishments liable to inspection, permanent workers at such establishments, inspection visits, and contraventions noted. The Government also transmits a copy of the report by the Secretariat of State for Labour for 1958.

The powers of labour inspectors laid down in Article 13, paragraph 2, of the Convention are given in the preliminary draft Regulations on Industrial Hygiene and Safety prepared by the Secretariat of State for Labour, which have been submitted for approval to the competent authorities.

Finland.

Act of 28 June 1958 respecting the protection of labour (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1958, No. 299, p. 631) (L.S. 1958—Fin. 1).

France.

The report contains a list of the new statutory instruments under which the labour inspectors are required to take action, and explains some of the changes in points of detail made in the regulations concerning the recruitment of labour inspectors.

Federal Republic of Germany.

In response to a request from the Committee of Experts in 1959 the Government supplies the following information.

Article 14 of the Convention. Section 1553 of the Insurance Code and the relevant legislation provide for the notification of industrial accidents and cases of occupational disease in mining undertakings to the local mines authorities.

Article 21. It is proposed to include statistics of occupational diseases in future reports of the Mines Inspectorate where this has not already been done.

Greece.

In reply to the request made by the Committee of Experts in 1959 with regard to Articles 12, 13, 14, 20 and 21 of the Convention, the Government states that a Bill has been prepared which, if enacted, would supplement the existing labour inspection laws with respect to the powers of labour inspectors, the compulsory notification of occupational diseases and the publication of annual reports of the Inspector-General of Labour.

Guatemala.

For the Government's reply to the observation made in 1959 by the Committee of Experts see *Report of the Committee*, p. 686.

Guinea (First Report).

Overseas Labour Code of 15 December 1952 (*Journal officiel de la République française*, 15 and 16 Dec. 1952) (L.S. 1952—Fr. 5).

Decree No. 47-2034 of 17 October 1947 (*Journal officiel de l'Afrique occidentale française*, 8 Dec. 1947).

General Order No. 4519/AP of 5 November 1947.

Decree No. 55-1679 of 29 December 1955 to establish the status of inspectors of labour and social welfare (*Journal officiel de l'Afrique occidentale française*, 21 Jan. 1956).

Article 2 of the Convention. The only establishments exempt from supervision by the inspectors of labour and social welfare are those of the army, for reasons of national defence.

Article 3. Apart from their duties of inspection, the inspectors may deal with the amicable settlement of individual and collective labour disputes and collaborate in drafting regulations on matters within their competence.

Article 4. Labour inspection comes under the administrative authority of the Ministry of Labour and Social Affairs and of the Public Prosecutor.

Article 5. The Labour Inspectorate collaborates with the Departments of Public Health, National Economy, Mines and Agriculture and with the courts and in particular with employers' and workers' organisations.

Article 6. The inspectors of labour and social welfare are not yet covered from this point of view. During the transition period the conditions of remuneration of inspectors are assimilated to those of other public officials under particular conditions. Under the draft Labour Code the labour inspection staff will be assured stability of employment and will be independent of all external influences.

Article 7. The duties of inspectors under section 190 of the Labour Code correspond to those provided for by Article 3 of the Convention. Conditions of recruitment for inspectors will be indicated subsequently.

The theoretical and practical training of inspectors is guaranteed by a period of instruction while working with inspectors already appointed. During this period they acquaint themselves with the legislative and contractual texts and regulations which govern conditions of work and employment relations, and with the practical application of standards of workers' health and safety. They then go through a period of instruction under the auspices of the I.L.O.

Article 9. There are labour inspectors who are also medical practitioners. Moreover, a General Order provides that, in mines, quarries and workings where the work is supervised by a special technical department, the officials responsible for such supervision have similar powers to those of the labour and social welfare inspectors, to whom they must report the measures they take and the warnings they issue.

Article 10. At present, Guinea has only one Inspector-General of Labour and Social Welfare, who is assisted by two deputies, with headquarters at Conakry, and three inspectors in the economic districts.

Article 11. The allowances received by inspectors up to 28 September 1958 have been abolished since January 1959.

Article 13. The powers indicated under paragraph 2 are invested in the labour inspectors whose decision is without appeal.

Article 14. General Order No. 5345 of 22 July 1954 provides that all industrial acci-

dents, whatever their degree of importance, must be reported to the inspector of labour and social welfare by the employer or his deputy, under pain of a fine ranging from 400 to 4,000 francs, within 48 hours of the time the accident occurred. The same applies to occupational diseases.

Article 16. The internal organisation of the inspectorate establishes the inspectors' time schedule in such a way as to enable them to visit frequently all the establishments placed under their authority.

Article 18. Sections 219 to 233 of the Labour Code provide for penalties for infringements of the provisions the observance of which is supervised by the labour inspectors. Any attempt to obstruct the labour inspectors in the performance of their duties is punishable by penal sanctions (section 230 of the above-mentioned Code).

Article 19. Administrative circulars have been issued requesting the labour inspectors to submit monthly reports on their activities.

Article 22. There is no system of inspection for commercial establishments.

Article 29. The Government has not made use of the exemption mentioned in this Article. On the contrary, it is contemplating the establishment of a centre for labour inspection wherever the sparseness of the population of a region makes sufficiently frequent inspection impossible.

Haiti.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 686.

Iraq.

For legislation see under Convention No. 19.

Article 1 of the Convention. The Government refers to sections 101 to 109 of the Labour Code.

Article 2. The Government refers to section 2 of the Labour Code.

Article 3. Inspections are carried out in Baghdad by labour inspectors and in the other regions of the country by inspectors or superintendents of labour. Inspectors are instructed to submit reports on their inspection visits. No other duties are entrusted to labour inspectors.

Article 4. The central authority is the Ministry of Social Affairs (Directorate-General of Labour).

Article 5. The Government refers to sections 105 to 107 of the Labour Code.

Article 6. Labour inspectors are public officials and their status is governed by the Iraqi Civil Service Law.

Article 7. Labour inspectors are recruited from among highly educated persons, particularly graduates of the Iraqi Law College. The initial training of inspectors is carried out by means of the verbal and written instructions of senior inspectors. The candidates accompany the inspectors on their tours until they are adequately qualified for their positions. Subsequent training is carried out by foreign experts or through training courses abroad.

Article 8. No women inspectors have yet been appointed.

Article 9. One of the inspectors is specialised in engineering, and some others have acquired knowledge of industrial safety and hygiene by attending training courses held at the I.L.O. Field Offices. Arrangements are being made to appoint doctors, mechanical engineers and women as inspectors.

Article 10. The geographical distribution of the 28 inspectors is as follows: 12 in Baghdad, two in each of the districts of Kirkuk, Mosul and Basrah, and one in each of the other ten districts. An increase in the number of inspectors is being considered for next year's budget.

Article 11. Inspectors are furnished with suitably equipped offices and are reimbursed for travelling expenses.

Article 12. The Government refers to section 105 of the Labour Code.

Article 13. The Government refers to sections 102 to 107 of the Labour Code.

Article 14. The Government refers to section 15 (c) of Regulation No. 38 of 1937 concerning workshops and factories.

Article 15. The Government refers to section 104 (paragraphs 1 and 3) of the Labour Code.

Article 16. Inspectors are instructed to make as frequent visits as necessary, especially to those undertakings which neglect to observe the Labour Code. The activities of the inspection service are controlled by means of daily inspection sheets in which the inspectors give details of the work done by each of them.

Article 17. Advice and warnings are frequently given by inspectors. Whenever necessary, they are followed by the institution of legal proceedings.

Article 18. Penalties are imposed under the Labour Code and the Penal Code in cases of contraventions of the legal provisions which are enforceable by labour inspectors. The number of contraventions submitted to the Labour Court during the period under review was 957.

Article 19. Periodical reports are submitted by inspectors on their inspection activities.

Articles 20 and 21. No such annual reports and statistics are yet available, but the relevant statistics are presently being compiled and will be forwarded in due course.

Articles 22 to 24. The system of labour inspection now covers both commercial and industrial establishments, since the Labour Code covers both fields.

Article 25. Ratification of Part II of the Convention is being considered.

Japan.

Law No. 175 of 12 December 1958 to amend the Mine Safety Law No. 70 of 1949.

Order No. 5 of 2 February 1959 of the Ministry of International Trade and Industry, to amend the Metal and Other Mines Safety Regulations (Order No. 33 of 1949).

Order No. 6 of 2 February 1959 of the Ministry of International Trade and Industry, to amend the Coal Mine Safety Regulations (Order No. 34 of 1949).

Order No. 62 of 29 June 1959 of the Ministry of International Trade and Industry, to amend the Petroleum Mine Safety Regulations (Order No. 35 of 1949).

The above amendments are designed to ensure safety in mines.

Pakistan.

West Pakistan Maternity Benefit Ordinance No. XXXI of 17 December 1958.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 686.

Tunisia (First Report).

Decree of 6 August 1953 respecting labour inspection (*Journal officiel*, 11 Aug. 1953).

Order of 20 August 1956 to reorganise the competitive appointment system for the position of labour inspector (*Journal officiel*, 31 Aug. 1956).

Order of 19 March 1948 to determine the status of labour supervisors (*Journal officiel*, 30 Mar. 1948), as amended by the Orders of 12 April 1950 (*ibid.*, 14 Apr. 1950) and 22 February 1956 (*ibid.*, 24 Feb. 1956).

Order of 14 March 1957 to reorganise the competitive appointment system for the position of labour supervisor (*Journal officiel*, 26 Mar. 1957).

Act of 5 February 1959 to determine the status of public officials (*Journal officiel*, 6 Feb. 1959).

Act of 11 December 1957 respecting the system of compensation for industrial accidents and occupational diseases (*Journal officiel*, 20 Dec. 1957) (L.S. 1957—Tun. 1).

Article 1 of the Convention. In accordance with section 1 of the Decree of 6 August 1953, the Labour Inspectorate, which is placed under the Secretariat of State for Public Health and Social Affairs, is responsible for ensuring the application of labour legislation in industrial, commercial, handicraft and co-operative establishments, and in places where a profession is practised, whether these are under the supervision of a public administration or not.

Article 2. The inspection system in Tunisia applies to all industrial undertakings in which labour inspectors and supervisors ensure implementation of the labour legislation in general.

The Labour Inspectorate also supervises mining and transport undertakings. For technical reasons, the Decree of 6 August 1953 assigned the functions of labour inspection and supervision to the Secretariat of State for Industry and Transport for those activities coming within the sphere of that department, namely mining, transport undertakings and ports.

Article 3. The system of labour inspection applies to implementation of labour legislation in all its aspects. There is a permanent information office at the headquarters of the Divisional Labour Inspectorate at Tunis. Regional labour inspectors are also required to set aside one or two days a week on which the regional Labour Inspectorate functions as an information office.

Under section 6 of the Decree of 6 August 1953 inspection officials are required also to collate statistical material on conditions of industrial labour in their district and to ensure that labour employment clauses in public works contracts are complied with.

Article 4. The Secretariat of State for Public Health and Social Affairs, to which the Divisional Labour Inspectorate is responsible, represents the "central authority" as defined by this Article.

Article 5. There is effective collaboration between the Labour Inspectorate and the various official bodies of other administrations whose express function it is to ensure the application of social legislation. A Bill has been drawn up to consolidate the co-operation between the Labour Inspectorate and the other government services performing similar activities.

The Decree of 6 April 1950 provides for close collaboration between the representatives of the workers, the employers and the State on questions of hygiene, safety and the employment of women and children.

The employers' and workers' representatives co-operate with the Labour Inspectorate through various committees concerned with such subjects as local wage review, occupational classification and supervision of dismissals.

Article 6. The inspection staff is composed of public officials of both sexes. Their Statute of 1948 provides them with every necessary guarantee regarding stability of employment.

Article 7. Recruitment to the Labour Inspectorate is on the basis of qualifications and tests. After a probationary period of one year the labour inspector is either appointed to the permanent strength, or extended for a further probationary period, or dismissed. During the period of service instruction courses on both the legal and technical aspects of their work are organised for all labour inspectors and supervisors.

Article 8. No distinction is made between the sexes.

Article 9. There is effective collaboration between the Labour Inspectorate and the physicians responsible for industrial hygiene. It has not yet been found necessary to introduce any system of collaboration with other technical experts and specialists, as provided for in the Convention, in such subjects as engineering and electricity.

Since the Departments of Public Health and of Social Affairs were merged there has been intensified collaboration with the health services responsible for the fight against all forms of disease.

Article 10. The report gives details of the corps of inspectors who form the Labour Inspectorate.

Article 11. Each regional labour inspectorate generally has several suitably equipped offices. In Tunis, the labour inspectors have free passes for travel on all tram, trolley and bus lines. All regional inspectors have their own cars.

Article 12. Labour inspectors and supervisors enjoy all the prerogatives listed in this Article. When an inspector or supervisor visits any establishment he is required to get in touch immediately with the employer or his representative, to be courteous and to present his credentials.

Article 13. With regard to the general measures for protection and hygiene applic-

able to all establishments subject to inspection the labour inspector, before making out his report, warns the head of the undertaking of the necessity to conform to the relevant legislative provisions.

Article 14. This Article is applied through the provisions of sections 39, 40, 41 and 42 of the Act of 11 December 1957 respecting the system of compensation for industrial accidents and occupational diseases.

Article 15. Labour inspectors and supervisors are bound by the same rules as other officials in regard to any direct or indirect interest in the undertakings under their supervision (section 5 of the Act of 5 February 1959). Under section 4 of the Decree of 6 August 1953 labour inspectors and supervisors are forbidden, on pain of penalties, to reveal manufacturing secrets or working processes which may come to their knowledge in the course of their duties. They are also required, by internal circulars, to treat as absolutely confidential the source of any complaint against an employer.

Article 16. This is a matter generally dealt with in internal administrative circulars.

Article 17. Any employer who contravenes or fails to comply with the social legislation is liable to prosecution.

Labour inspectors and supervisors have considerable discretionary powers in deciding whether a verbal warning or advice should be given or whether a report should be made with a view to immediate prosecution.

Article 18. There are heavy penalties for infringements of the labour legislation. The fine imposed will vary according to the nature of the offence. Any obstruction of labour inspectors in the exercise of their duties is severely punished by the law (sections 7 and 10 of the Decree of 6 August 1953).

Article 19. Labour inspectors and supervisors submit monthly reports. Under section 6 (2) of the Decree of 6 August 1953 labour inspectors are required to submit detailed annual reports on the implementation of the provisions coming within their field.

Article 20. The Divisional Labour Inspectorate publishes a general report every year, immediately after it has been submitted to the Central Administration.

Article 21. With the exception of clause (a) the report of the Divisional Labour Inspectorate contains all the information required by this Article.

Articles 22 to 24. The Labour Inspectorate is responsible for ensuring the implementation of labour legislation in industry, commerce and the professions.

Article 25. Tunisia has not made a declaration excluding Part II from its acceptance of the Convention.

Article 27. Labour inspectors and supervisors ensure compliance with both laws and regulations and registered collective agreements.

The Government of Tunisia intends to amend the Decree of 6 August 1953 so as to make a single administrative authority, namely the Secretariat of State for Public Health and

Social Affairs, responsible for the implementation of labour legislation.

Turkey.

The Government intends to make certain amendments to the regulations concerning the inspection of public workplaces and undertakings which come directly under the Ministry of National Defence.

United Arab Republic (Egypt).

Labour Code of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B) (*L.S.* 1959—U.A.R. 1).

United Kingdom.

Slaughterhouses Act, 1958 (6 and 7 Eliz. 2, Ch. 72). Terms and Conditions of Employment Act, 1959 (7 and 8 Eliz. 2, Ch. 26).

The Slaughterhouses Act, 1958, which came into force on 1 January 1959, provides that a slaughterhouse or a knacker's yard shall be considered a "factory" for purposes of the Factories Act of 1937, and thus be subject to the labour inspection provisions of that Act.

At the close of the period under review a new Factories Bill was before Parliament, the effect of which would be to amend the Factories Acts of 1937 and 1948, and to make further provisions as to the health, safety and welfare of persons employed in factories.

Yugoslavia.

Act respecting the mining industry (*Službeni List* No. 26/59).

The above Act provides for a special mine inspection service.

Mine inspectors must hold a mining engineering degree and must have completed ten years' service in a mining undertaking. The mining inspection services have the same rights and obligations as those provided for labour inspectors under the Act of 12 December 1957 respecting employment relationships. The Labour Inspectorate is the competent authority for ensuring that the provisions of all the legislation concerning labour relationships are applied.

A new Act concerning labour inspection services is in preparation and will include a provision for the maintenance of records of occupational diseases by these services.

* * *

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

Austria, Finland, France, Greece, Haili, India, Ireland, Italy, Japan, Netherlands, Sweden, Switzerland, Turkey, United Arab Republic (Egypt), United Kingdom.

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

Argentina, Norway.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

Countries	Date of registration of ratification
Belgium ¹	27. 1.1955
France ¹	26. 7.1954
New Zealand ¹	19. 6.1954
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Countries	Date of registration of ratification
Belgium ¹	27. 1.1955
France ¹	26. 7.1954
New Zealand ¹	1. 7.1952
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Date of registration of ratification
Australia ¹	30. 9.1954
Belgium ¹	27. 1.1955
France ¹	26. 7.1954
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

Ghana.

In reply to the request made by the Committee of Experts in 1959 the Government has supplied the following information.

Article 3 of the Convention. A worker is able, under section 83 (a) of the Labour Ordinance, to communicate freely with inspectors.

Article 4, paragraph 1. Where practicable, inspections are held at intervals of three months. Special inspections are carried out whenever necessary.

Article 5. Inspectors are prohibited from having a direct or indirect interest in the under-

takings under their supervision. Consideration will be given to legislation forbidding inspectors to disclose the source of complaints.

Federation of Malaya.

Employment Ordinance, 1955 (L.S. 1955—Mal. 2).

The provisions of the Convention continue to be implemented, pending the formal ratification of the Labour Inspection Convention, 1947 (No. 81).

The Employment Ordinance of 1955 came into force on 1 June 1957. It is now the principal Ordinance giving effect to the provisions of the Convention. The Labour Department, which was responsible for enforcement of the various legislation mentioned in the previous report, was reconstituted on 24 October 1957 and is now called the "Department of Labour and Industrial Relations".

* * *

The report from the *Federation of Malaya* supplies information on the practical effect given to the Convention.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

Countries	Date of registration of ratification
Guatemala	13. 2.1952
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	18. 1.1960
Austria	18.10.1950
Belgium	23.10.1951
Bulgaria	8. 6.1959
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
Guinea ¹	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

Countries	Date of registration of ratification
Luxembourg	3. 3.1958
Mexico	1. 4.1950
Netherlands	7. 3.1950
Norway	4. 7.1949
Pakistan	14. 2.1951
Panama	3. 6.1958
Peru	2. 3.1960
Philippines	29.12.1953
Poland	25. 2.1957
Rumania	28. 5.1957
Sweden	25.11.1949
Tunisia	18. 6.1957
Ukraine	14. 9.1956
United Arab Republic (Egypt)	6.11.1957
United Kingdom ²	27. 6.1949
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954
Yugoslavia	23. 7.1958

¹ See footnote 4 to Convention No. 4.

² In respect of Great Britain.

Belgium.

In reply to the direct request made by the Committee of Experts in 1959 the report states that, although the Royal Order of 20 June 1955 concerning the statute for civil servants is not applicable to employees responsible for state security in nuclear undertakings, it is recognised that such employees have the right of association under the terms of the Constitution.

In addition, under the Act of 4 August 1955 concerning state security in nuclear undertakings, the persons responsible for the inspection of security services and for the investigation of infractions are assimilated to judicial police officers.

The duties of auxiliary staff are the same as those of employees engaged in secretarial or maintenance duties.

Byelorussia.

All citizens of Byelorussia are granted and guaranteed the right of association in trade unions and other public organisations. This right of the workers stems from the very nature of the socialist structure established after the October Revolution.

There is no legislative restriction on the creation of workers' organisations or on their activities. Article 101 of the Constitution states that, in accordance with the workers' interests and with a view to developing organisational initiative and political activity among the people, all workers without distinction whatsoever shall be guaranteed the right to form public organisations including trade unions. The establishment of workers' organisations is not subject to any conditions of property or form. Trade unions may be established freely and are not subject to registration with any state authority.

Every citizen of Byelorussia has the right to enter a trade union freely and of his own choosing. No previous authorisation is required. Managerial staffs have the same rights as any other citizens with regard to the formation of their organisations.

Trade unions draw up their constitutions and regulations in complete independence. They elect their own governing organs and are free agents. The dissolution of a trade union may be decided only by a full meeting of that union in accordance with its constitution.

The Decree of 6 January 1930 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R., referred to by the Committee of Experts, does not relate to trade unions. It deals with the procedure for the formation and dissolution of voluntary societies and unions, such as scientific, technical, sporting, cultural and educational organisations or unions of writers, artists, composers, etc. Neither does it refer to co-operative organisations, such as collective farms, which are formed and run on the basis of their constitutions, confirmed in the appropriate manner.

Property owned by trade unions is dealt with in section 154 of the Byelorussian Labour Code. The procedure for dissolution of bodies corporate laid down in section 18 of the Byelorussian Civil Code does not apply to trade unions.

With regard to the other observations by the Committee of Experts, see *Report of the Committee*, p. 686.

Guatemala.

In reply to the observation made by the Committee of Experts in 1959 the report states that the Minister of Labour and Social Welfare sent to Congress on 31 July a Bill for the reform of the Labour Code, dealing mainly with freedom of association.

Hungary (First Report).

Constitution of 20 August 1949 (L.S. 1949—Hun. 4) [Extracts].

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953) (L.S. 1953—Hun. 1).

Decrees No. 53 of 1953 and No. 14 of 1956 to regulate the application of the Labour Code.

Legislative Decree No. 18 of 1955 respecting associations.

Decree No. 538 of 1945 of the President of the Council.

The legislation promulgated after the Liberation ensures complete freedom of association and corresponds entirely to the requirements of the Convention, so that ratification did not call for the adoption of any special legislation.

Article 2 of the Convention. The Constitution guarantees freedom of association; article 56 reads as follows:

(1) The Hungarian People's Republic guarantees freedom of association for the development of the social, economic and cultural activities of the workers.

(2) For the fulfilment of its tasks the Hungarian People's Republic relies on the organisations of socially active workers. In order to protect the order of the people's democracy, to strengthen participation in the construction of socialism, to develop cultural education, to safeguard the rights of the people and to serve the cause of international solidarity, the workers form trade unions, democratic mass organisations, young persons' and women's organisations, etc....

The Constitution deals in separate sections with freedom of association and with the formation of trade unions. Section 15 of Legislative Decree No. 18 of 1955 exempts trade unions from the provisions of the Constitution which deal with associations. Thus, the state authorities have no right of supervision. Since the regulations applying to the formation, operation and termination of associations do not apply to trade unions the results is that, while associations acquire legal character by registration for the purpose of formal constitution, the formation of a trade union is sufficient to establish its legal character without any need for registration.

Section 1 of Decree No. 538 of 1945 of the President of the Council states that there is no restriction preventing officials from joining trade unions. Section 4 of the same Decree provides for disciplinary sanctions against any official who deprives another official under his authority of the rights guaranteed by decrees or who in any way impedes the exercise of those rights.

Article 3. Trade unions draw up their rules in full freedom and no approval is required by the state authorities for them to be valid.

Trade unions are also entirely free in electing their representatives, organising their administration and activities and in formulating their programmes. All the above points are dealt with in the rules of the trade unions. Paragraph 26 of these rules states as follows :

The Hungarian trade unions are constituted according to the principles of democratic centralism, under which—

- (a) the trade union organs are elected by members or their delegates; the elected organs are required to account to the members for their activities;
- (b) the elected organs act in conformity with the trade union rules and with the decisions of the higher trade union organs in the interests of members and in the light of their opinion;
- (c) the lower trade union organs are required to carry out the decisions of the higher trade union organs;
- (d) the trade union organs take decisions by a simple majority and the majority decision is also binding on the minority, but the minority may address any relevant observations to the higher trade union organs.

With regard to the election of the governing committees and of delegates paragraph 29 of the trade union rules states as follows :

Trade union committees, local committees and central governing committees are elected by secret ballot. When the delegates of the governing trade union organs are elected, all members of trade unions may propose or contest candidatures or criticise any delegate.

Trade unions may meet without previous authorisation from the authorities and in the absence of any representative of the authorities. The state authorities may not intervene in any way which might restrict the rights guaranteed by the Convention or lead to suspension of the regular activity of trade unions.

Trade unions have extensive functions under section 4 (A) of the Labour Code in preparing texts relating to the conditions of work and living standards of workers. They participate in litigation by addressing complaints to arbitration commissions or by introducing legal proceedings.

Article 4. Since the Legislative Decree of 1955 exempts trade unions from the provisions covering associations, the state authorities can neither supervise nor dissolve trade unions by administrative methods. The Congress alone is empowered to dissolve a trade union.

Article 5. Affiliation to international organisations is also covered by the rules of the trade unions. The Hungarian trade unions are affiliated to the World Federation of Trade Unions.

Article 6. The rules applying to trade unions also apply to federations and confederations of workers.

Article 7. As in the case of trade unions, federations and confederations also acquire legal personality automatically through their constitution.

Article 8. Neither the law of the land nor its application is such as to impair the guarantees provided for in the Convention.

Pakistan.

For the reply to the observation made by the Committee of Experts in 1959 see *Report of the Committee*, p. 687.

Poland.

Constitution of 22 July 1952 (*Dziennik Ustaw*, No. 33, 23 July 1952), article 72.

Act of 1 July 1949 respecting trade unions (*Dziennik Ustaw*, 15 July 1949, No. 41, text 293) (*L.S.* 1949—Pol. 2).

Rules of the Trade Union Confederation of 19 April 1958 (Bulletin of the Central Council of Trade Unions No. 3, text 51).

For the reply of the Government to the observations made by the Committee of Experts in 1959 see *Report of the Committee*, pp. 687-688.

The Act of 1 July 1949 provides in section 9 that the creation of a trade union must be registered with the Central Council of Trade Unions. By virtue of registration trade unions acquire legal personality. This procedure concerns the workers in all branches of activity as well as state officials and employees of nationalised undertakings.

The Trade Union Rules, adopted by the Congress of Trade Unions, lays down the duties, the objectives and the scope of trade union activity (section 3 of the Act respecting trade unions). The aims and objectives of trade unions are laid down in general in the Rules of the Trade Union Confederation of Poland.

The Act does not provide a procedure for dissolution of trade unions. The rules of particular trade unions lay down the procedure for dissolution of the respective unions; for instance, the Rules of the Union of Steel Workers provide that the dissolution of this union can take place on the decision of the National Congress of delegates for the steel industry.

The right to constitute federations and confederations and to join them is granted by paragraph 5 of the Rules of the Trade Union Confederation, which provides for the collaboration of Polish trade unions with international workers' organisations and social institutions in the field concerning the trade union movement.

Article 6 of the Convention. The free exercise of trade union rights is ensured by the trade unions of the respective industrial branches as well as by the Trade Union Confederation.

A union acquires legal personality by registration with the Central Council of Trade Unions (section 9 (2) of the Act respecting trade unions).

The creation of associations and the participation in associations whose aims are contrary to the political and social régime or to the legal order of the State is prohibited by the Constitution (article 72).

The legal provisions which form the juridical system in the People's Republic of Poland are not of a kind to compromise the guarantees of the free exercise of trade union rights as provided by the Convention.

The provision of section 2 of the Act of 1 July 1949 respecting trade unions is interpreted in Poland as referring to all categories of workers without distinction.

The Rules of the Trade Union Confederation, restating in paragraph 7 the provisions of the

Act, also authorises the members of work co-operatives, whose wages constitute the principal source of income, to become members of unions. Paragraph 6 of these Rules provides that the Central Council of Trade Unions will regulate the question of admission of certain categories of artisans working at home and persons employed on the basis of contract and commission.

The Act of 1 July 1949 lays down the procedure for the acquisition of legal personality, in particular by registration with the Central Council of Trade Unions. The possibility of the dissolution of trade unions is not allowed by the Act but the rules of the respective unions lay down their own procedure of dissolution by the Congress of the union.

The general provisions concerning the creation and dissolution of associations are not applicable to trade unions.

The procedure of the convocation of congresses, plenary sessions and other union meetings is laid down by the Rules of the Trade Union Confederation, in particular by paragraphs 17 and 54, and by the rules of the individual unions.

United Arab Republic (Egypt) (First Report).

Labour Code of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B) (L.S. 1959—U.A.R. 1). Agrarian Reform Law No. 178/1952. Public Meetings and Demonstrations Act No. 14 of 1933.

Article 2 of the Convention. Trade unions are established without previous administrative authorisation. According to section 165 of the Labour Code the convening of the constituent federal assembly initiates the formation of the union, and the executive committee elected by the assembly must, within 15 days, deposit with the competent administrative authority copies of the rules, lists, minutes and statements specified in that section.

Article 3. The rules must make provision for the matters set forth in section 164 of the Code; the Minister of Labour and Social Affairs may issue an Order containing model rules for the guidance of trade unions when drafting their rules. The election of members of union executive committees is governed by section 170 of the Code.

Article 4. Administrative authorities have no right to dissolve or to suspend trade unions. Section 180 of the Code gives the Minister of Social Affairs power to ask the competent court of first instance to order dissolution in certain cases.

Article 5. The Labour Code guarantees the right of workers' and employers' organisations to form federations and confederations and to affiliate with international organisations.

Article 6. The guarantees applicable to organisations apply also to federations and confederations.

Article 7. Employers' and workers' organisations obtain legal personality without any restrictions; it is provided for under section 161 of the Code.

Article 8. The general provisions of the Public Meetings and Demonstrations Act of 1933 may be applicable in the case of workers'

and employers' organisations; the Act in no way impairs the guarantees provided for in the Convention.

Article 9. The provisions of the Labour Code concerning trade unions are not applicable to the armed forces and the police.

U.S.S.R.

As already stated, in the Soviet Union freedom to establish workers' organisations, particularly trade unions, and the right of the workers to join these organisations, are guaranteed by legislative provisions. Above all, this right of the workers of the U.S.S.R. is laid down in article 126 of the Constitution, under which all the workers in the Soviet Union without distinction may establish and join trade union organisations.

Workers' trade unions established in the Soviet Union are not subject to any registration with state institutions (section 152 of the Labour Code of the R.S.F.S.R.), which is in full conformity with the Convention.

As regards the Decree of 6 January 1930 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. and the Decree of 10 July 1932 of the All-Russian Central Executive Committee and the Council of People's Commissars of the R.S.F.S.R., to which the Committee of Experts refers, these instruments define the procedure for establishment and dissolution of voluntary associations and unions, namely scientific, technical, sporting, cultural and educational organisations, unions of writers, artists, composers and architects, and similar organisations. The voluntary associations include particularly the Union of the Red Cross and Red Crescent Societies. These decrees provide that voluntary associations and unions must act in conformity with the statutes of voluntary associations and their unions (approved by the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. on 10 July 1932) and with their rules. They cannot style themselves as trade unions because their aims and functions are quite different (see sections 1, 6 and 8 of the statute).

The fact that the above legislation has no relation to the position of trade union organisations in the U.S.S.R. was stated in the previous report.

Furthermore, the above-mentioned decrees are not applicable to co-operative organisations, particularly collective farms, because these are established and exist on the strength of the duly confirmed rules.

The creation of trade unions in the U.S.S.R. and the limits of their responsibilities as regards their property are determined, in accordance with the Labour Code of the R.S.F.S.R. and other legislation, by the trade union organisations themselves.

The rights and responsibilities of the trade unions as regards property are regulated by section 154 of the Labour Code of the R.S.F.S.R. (1922) and by a Decree of 23 November 1929 of the Central Executive Committee and Council of People's Commissars of the U.S.S.R.

Having regard to the above considerations, the provisions for terminating the existence of

bodies corporate, contained in section 18 of the Civil Code of the R.S.F.S.R., are not applied to trade union organisations.

In the Soviet Union, in all the legislative instruments relating to the trade unions, stress is laid on the full autonomy of the unions as regards questions relating to their activity and existence, which they settle independently of any state authority. It was precisely this which enabled the McNair Committee to deduce not only the absence, in the U.S.S.R., of any legal basis for the temporary suspension or dissolution of trade union organisations but also for their exclusion from the list of organisations which are subject to registration by state authorities.

As regards the right of directors of undertakings and all other citizens to establish and

join trade unions, Soviet legislation contains no provision restricting their establishment or activity. Moreover, nothing authorises the assertion that the State must decide whether one or another group of persons has an interest in establishing trade union organisations.

As regards the other observations of the Committee of Experts see *Report of the Committee*, pp. 689-690 and 709.

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

Hungary, Pakistan, Poland, U.S.S.R., United Arab Republic (Egypt).

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
India	24. 6.1959
Iraq	22. 6.1951
Israel	21. 8.1959
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

Argentina (First Report).

Act No. 13591 of 1949 setting up the National Employment Service Directorate.

The National Employment Service Directorate regulates and co-ordinates the supply and demand of labour, endeavours to ensure stability of employment for workers, encourages the creation and maintenance of jobs and pays unemployment benefits.

In its work of regulating and co-ordinating the supply and demand of labour the Directorate (a) organises a free employment service for workers of all degrees of qualification throughout the country; (b) encourages, if necessary, and facilitates transfer of workers; (c) draws up plans for the immigration of workers and

advises public authorities on the subject; (d) makes known the supply and demand of manpower, without any charge to workers; (e) organises and maintains a register of employers, of public and private establishments and of employees, by occupation; (f) supervises the activities of private non-profit making employment agencies.

In order to encourage the creation and maintenance of jobs the Directorate (a) studies and determines the labour potential and permanent or anticipated maladjustments, by region and occupation; (b) supervises the beginning or resumption of projects and the decline or reduction of any form of labour activity; (c) studies and advises on the intensification of certain activities, the modification of working hours and the organisation of supplementary shifts with a view to avoiding unemployment and facilitating the reclassification of the unemployed; (d) investigates the possibilities of establishing new industries and of developing those already in existence in accordance with the interests of the national economy and with employment requirements; (e) advises on the need to effect or expand public works projects; (f) studies and proposes to the public authorities appropriate measures to encourage agricultural workers to stay on the land.

The Directorate has also been instructed to propose plans for an unemployment benefit scheme and for its financial operation.

Reorganisation of the Directorate is being considered. At present it has three departments, concerned respectively with placement, migration and prevention of unemployment.

Bulgaria.

Resolution No. 250 of the Council of Ministers to amend the procedure for admission to employment (*Izvestiya*, No. 99, 12 Dec. 1958).

By the above resolution the obligatory use of the employment service has been relaxed, including the lifting of the obligation for undertakings to notify all vacancies and to hire

exclusively workers referred to them by the service. The Committee of Labour and Prices of the Council of Ministers is the national authority responsible for the central direction of the employment service. At present no arrangements are made to facilitate the vocational guidance and placement of juveniles, nor for specialisation of the placement service according to occupations.

Czechoslovakia.

Act of 17 October 1958 respecting the duties of undertakings and people's committees in making provision for manpower (*Sbírka Zákonů*, 10 Nov. 1958, No. 28, text No. 70) (*L.S.* 1958—Cz. 1).

Under the above Act the executive authorities of the district people's committees are to organise a free advisory service giving information on employment opportunities and recommending undertakings to engage workers in the light of their abilities and the needs of the national economy (section 2). Undertakings may arrange to recruit the requisite number of workers only with the consent of the executive authority of the district people's committee and then only from the sources or in the areas specified by the said authority (section 4). In order to fulfil the most important tasks indicated in the recruitment plans drawn up by the Government or by the executive councils of the regional people's committees the executive authorities of the district people's committees are to organise recruitment of workers (section 5). The undertakings in which recruitment is to take place will be specified in each case. They must co-operate in such recruitment and release the workers so found from their contracts of employment (section 6). All undertakings must notify the executive authorities of the district people's committees of any vacancies for employment or apprenticeship (section 7), and may not refuse without a valid reason to conclude a contract of employment (or apprenticeship) with a worker recommended to them (section 2).

The Government or the authority it empowers will issue detailed provisions for the execution of the Act.

Conflicting provisions in previous legislation are repealed, in particular (a) Government Ordinance No. 128 of 1951, respecting the organisation of manpower recruitment (*L.S.* 1951—Cz. 6 B); and (b) section 3 (4) of Act No. 110 of 1951 respecting state labour reserves (*L.S.* 1951—Cz. 6 A) in so far as it relates to the recruitment of young persons for state labour reserve schools.

France.

Ordinance No. 59-129 of 7 January 1959 concerning measures to be taken for the benefit of workers without employment (*Journal officiel*, 9 Jan. 1959). Decree No. 59-316 of 16 February 1959 to determine the duties and composition of the national and regional advisory committees on manpower to be established in accordance with section 1 of the above-mentioned Ordinance (*Journal officiel*, 20 Feb. 1959).

Federal Republic of Germany.

See under Convention No. 2.

Greece.

The following supplementary information is supplied by the Government in response to the request of the Committee.

(1) Placement services in the rural areas of the country are not considered necessary in view of the fact that the economically active population in these areas is largely composed of small landholders who do not seek additional employment except in some cases for short periods during the off-season.

(2) Jobs and applicants clearance is provided for by a circular (an extract of which is appended to the report) applying more particularly to the great urban centres of Athens and Piraeus.

(3) A plan for formal staff training has been worked out but has not yet been put into practice because of the temporary status of the majority of staff employed with the employment service.

Iraq.

For legislation see under Convention No. 19.

Article 1 of the Convention. This is applied by sections 83 to 92 of the Labour Code.

Article 2. The employment service is under the direction of the Directorate-General of Labour in the Ministry of Social Affairs.

Article 3, paragraph 1. There is a central employment office in Baghdad; in the other Liwas, the labour departments act as employment services in addition to their normal duties.

Paragraph 2. This is applied by section 87 of the Code.

Article 4. This is applied by sections 90 to 92 of the Code.

Article 6. Co-operation is maintained between the central employment office and the labour offices for the referral of workers. Applicants are referred to undertakings even if vacancies are not notified. Co-operation in this regard is maintained with the different trade unions.

Norway.

Act No. 4 of 28 May 1959 respecting unemployment insurance (*Norsk Lovtidend*, 15 June 1959, No. 23).

This Act, which replaces the Unemployment Insurance Act of 24 June 1938, as amended, provides, *inter alia*, for various measures designed to promote the geographic and occupational mobility of workers.

Philippines.

In reply to a direct request made by the Committee in 1959 the Government states that the functions of the Overseas and Fee-Charging Employment Agencies Unit of the Office of Manpower Services are (a) to receive, investigate and approve applications for the operation of private fee-charging employment agencies and for licences to recruit Filipino workers for overseas employment; (b) to supervise and regulate the activities of private employment agencies and the hiring of workers for overseas employment.

Sweden.

New measures were taken on an experimental basis in 1958 in order to stimulate the geographical mobility of unemployed persons through the payment of special allowances.

United Arab Republic.

For legislation see under Convention No. 2.

For the Government's reply to a direct request made by the Committee see *Report of the Committee*, p. 691.

Article 2 of the Convention. In each Region of the Republic the Labour Department is responsible for the direction of the national system of employment offices.

Article 4. Section 15 of the Labour Code provides for the setting up of advisory committees comprising representatives of employers

and workers in equal numbers. These committees have not yet started to function.

Article 7. Employers to whom the provisions of the Code apply are required to engage registered disabled persons numbering up to 2 per cent. of their total personnel.

Article 11. There are private employment agencies in the Syrian Region.

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

Belgium, Canada, Dominican Republic, Italy, Japan, Netherlands, New Zealand, Switzerland, Turkey, United Kingdom.

The report from *Guatemala* refers to 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
Ghana	2. 7.1959
Greece	27. 4.1959
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 the observation made by the Committee of Experts in 1959 see *Report of the Committee*, p. 691.

Czechoslovakia.

Ordinance No. 30 of 12 June 1959, to amend Ordinance No. 19/1951 (*Sbírka Zákonů*, 1959, No. 16).

The Government states that Ordinance No. 19 of 1951, which permits exceptions to the prohibition of night work by women in order to secure the uninterrupted transportation of employees and the supply of electricity, gas and steam for heating purposes, has been

amended by Ordinance No. 30 of 12 June 1959. Section 3 of Ordinance No. 19 now reads as follows : " In cases where, pursuant to amended sections 1 and 2, it is necessary to work during the night for a temporary period, the Government, after consultation with the Central Council of Trade Unions, may suspend the prohibition of night work for women when, in case of serious emergency, the interest of the State demands it. Such suspension may be permitted for a certain limited period."

Netherlands.

In reply to a direct request by the Committee of Experts in 1959 the Government states that since it is not for the present convinced that there is any contradiction between the terms of section 83, paragraph 7, of the Labour Act of 1919 and Article 4, clause (a), of the Convention, it does not contemplate taking any measures to amend the legislation in question. Section 83, paragraph 7, of the Labour Act establishes an interpretation of *force majeure* which is a little more flexible than that which would be valid for contraventions in respect of other legislation, for example the Penal Code.

At the time when the draft Labour Act was under discussion in Parliament the Government pointed out that cases could arise in each undertaking when compliance with the provisions of the proposed legislation would be contrary to the public interest. It might not always be possible to classify these cases as *force majeure* within the meaning of the Penal Code and it would be extremely unjust to penalise infringements of the law in such circumstances. It was to meet such a situation that section 83, paragraph 7, had been inserted in the proposed Act. The provision would not give rise to abuse, since each case would have

to be brought to the attention of the Chief Labour Inspector for the district. Doubtful cases would be brought before the courts and if, in the opinion of the judge, the given circumstances did not justify any infringement of the provisions of the Act, penalties would be quickly imposed.

In this connection it should be borne in mind that Article 4 (a) of Convention No. 89 does not simply mention *force majeure* and leave it at that: it goes on to define this notion and presupposes the existence of a state of *force majeure* before any action is taken by saying "when in any undertaking there occurs an interruption of work which it was impossible to foresee". Furthermore, Article 4, paragraph 2, of Convention No. 90 does not even mention *force majeure* but merely refers to "emergencies". In the application of section 83, paragraph 7, of the Labour Act, the interruptions and cases of emergency envisaged in Conventions No. 89 and 90 would not be considered as extenuating circumstances in any infringement of the provisions of the Act if the defendant had both the time and the means to apply for exemption beforehand.

The fact that a wide measure of appreciation in each particular case is left to the courts when section 83, paragraph 7, is invoked does not seem to be contrary to the provisions of the Convention. In the first place, *force majeure* will always be invoked by the defendant and it will be for the judge to decide whether this defence is valid. In the second place, nothing in the Convention prohibits a court decision as to what constitutes *force majeure*.

Tunisia (First Report).

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1).

A Bill has been drafted to bring the Decree of 6 April 1950 into line with the Convention.

Article 1 of the Convention. The Decree of 6 April 1950 applies to industry and commerce and to the liberal professions. No clear line of division between industry on the one hand and non-industrial activity on the other has been fixed by national legislation.

Article 2. Section 12 of the Decree states that the nightly rest period allowed to women must be at least 12 consecutive hours and must include the period between 10 p.m. and 5 a.m. Since the adoption of this Decree the question of changing the definition of night rest has not arisen.

Article 3. National legislation prohibits the employment of women, irrespective of age, at night in any undertaking of an industrial or commercial character.

It should be pointed out that in Tunisian statute law no distinction is made with regard to the nature of the duties performed by women in industrial, commercial or other establishments.

Article 4. Section 12 of the Decree of 6 April 1950 states that exceptions to the general regulations concerning night rest for women may be made by orders issued by the Secretary of State for Public Health and Social Affairs

after consulting the Industrial Safety Board. In practice, however, no exceptions have yet been authorised.

Article 5. No advantage has been taken of the possibility of exemption which this Article offers. The prohibition of night work is complete.

Articles 6 and 7. Although in Tunisia seasonal influences might justify special arrangements of the kind mentioned in Articles 6 and 7 of the Convention, the possibility of adopting any scheme in violation of the principle of prohibition of night work for women has not yet been taken into consideration.

Article 8. It is generally recognised that men and women holding responsible positions of a managerial character are outside the scope of the legislation on hours of work. The same is true of women employed in health and welfare services who are not ordinarily engaged in manual work.

Exceptions of this kind may be authorised after consultation with the Industrial Safety Board; however, so far the latter has not authorised any departure from the principle of the prohibition of night work for women.

The enforcement of the legislation concerning the employment of women at night is entrusted to the labour inspectors and supervisors.

Union of South Africa.

In response to a request of the Committee of Experts the Government has supplied an up-to-date list of the Industrial Council Agreements and Wage Determinations made under respective Acts which, together with the Factories Act of 1941, provide for the prohibition of night work by women in the undertakings mentioned in Article 1, paragraph 1 (b), of the Convention.

The Government states that women who are employed in mines and in undertakings engaged in building and civil engineering (paragraph 1 (a) and (c)) are employed only in office or technical staff work, or sometimes on certain surface jobs in mines. In practice, such work is not performed at night, while sporadic exceptions would come under the provisions of Article 8 and/or Article 4. In these circumstances the Government does not consider it necessary to make special legislation to prohibit night work by women in these industries.

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

Austria, Dominican Republic, France, Guatemala, India, Ireland, Italy, New Zealand, Pakistan, Switzerland, Yugoslavia.

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

Belgium, Philippines, 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
Ceylon	18. 5.1959
Cuba	29. 4.1952
Czechoslovakia	12. 6.1950
Dominican Republic	12. 8.1957
Guatemala	13. 2.1952
Haiti	12. 4.1957
India	27. 2.1950
Israel	23.12.1953
Italy	22.10.1952
Luxembourg	3. 3.1958
Mexico	20. 6.1956
Netherlands	22.10.1954
Norway	20. 5.1957
Pakistan	14. 2.1951
Philippines	29.12.1953
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954
Yugoslavia	20. 2.1957

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.

Article 1 of the Convention. The legislation prohibiting the night work of young persons is applicable to undertakings defined as "industrial" in Article 1 of the Convention.

Article 2. The Labour Code defines "night" as the interval between 10 p.m. and 6 a.m. (section 96 of the Code).

The length of the working day for young persons under 16 years of age and between 16 and 18 years is four and six hours respectively; the interval between the two working periods for young persons is therefore much longer than that for adults.

Article 3. Under the legislation at present in force the employment of young workers under 18 years of age at night is forbidden (section 130 of the Code).

Article 4. The duration of night work and the restrictions imposed by the legislation (article 94 of the Constitution and sections 94 to 96 of the Code) apply throughout Byelorussia irrespective of the climatic conditions.

All young workers under 18 years of age are exonerated from the compulsory service to which all citizens are liable (under section 11 of the Code) in the event of natural disaster.

Article 5. During the period 1957-58 there were no exemptions from the prohibition of night work for young persons under 18 years of age.

Article 6. The administration of each undertaking is required to maintain a register of young persons under 18 years of age. The surname, first name and patronymic, and date of birth are entered in the personal file of each young person employed.

The legislation concerning young workers and the rights and duties of citizens in general are widely publicised through the press, radio, conferences and other appropriate channels.

The organs of the State and the corresponding public organisations ensure that the labour legislation is observed and particularly the provisions concerning the prohibition of night work for young persons.

The highest authority for ensuring the strict observance of the legislation on the protection of young persons is the Public Prosecutor's Office. In addition, the trade unions ensure that the legislation is applied. The unions have at their disposal a body of technical and legal inspectors who supervise the application of the provisions relating to the protection and safety of workers in undertakings. The union officials and inspectors have a particularly important function in ensuring compliance with the provisions of the legislation on the work of young persons. The latter may also have recourse to the machinery for the settlement of labour disputes, which also ensures that the legislation is enforced.

The parents and legal representatives of minors are entitled to ask for the premature dissolution of a contract of employment if its continuance imperils the health of the minor or is injurious to him or her in any way.

Contraventions of the legislation are punishable by penalties in accordance with the provisions of the Penal Code and other legislative provisions.

Czechoslovakia.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 691.

Dominican Republic (First Report).

Labour Code of 11 June 1951 (*Gaceta Oficial*, LXXII, 23 July 1951, No. 7309bis) (L.S. 1951—Dom. 1).
Act No. 4933 of 6 June 1958 (*Gaceta Oficial*, No. 8254).

Article 1 of the Convention. National legislation covers both industrial and non-industrial occupations. The exception in regard to family undertakings is recognised (section 224 of the Labour Code).

Article 2. Section 224 of the Labour Code, as amended, prohibits the employment of young persons under 18 for a period of 12 consecutive hours at night time; this period must include the interval from 8.30 p.m. to 6 a.m.

Article 3. National legislation does not recognise the exceptions covered by this Article.

Article 4. Paragraph 1 of this Article does not apply in the Dominican Republic. Although the exceptions named in paragraph 2 are not specifically covered by national legislation, they may be considered as applying *de facto*.

Article 5. In cases of serious emergency the National Congress may suspend the prohibition of night work in the circumstances covered by this Article.

Article 6. The provisions of this Article are put into effect by the Secretariat of State for Labour and Industry and through the Labour Inspectorate.

The Secretariat of State for Labour and Industry, with its technical departments and sections, is the authority responsible for the application of the labour laws and regulations.

Guatemala.

See under Convention No. 79.

Haiti (First Report).

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

Act of 22 September 1947 to regulate the living conditions of children employed in domestic service (*Le Moniteur*, 2 Oct. 1947, No. 87) (L.S. 1947—Hai. 2 (B)).

Act of 25 September 1958 concerning conditions of work (*Le Moniteur*, 2 Oct. 1958, No. 110; errata: *ibid.*, 8 Oct. 1958, No. 112) (L.S. 1958—Hai. 1).

Article 1 of the Convention. The Act of 25 September 1958 concerning conditions of work applies to industrial establishments as defined in the Convention.

Article 2. The Act of 4 September 1947 to organise apprenticeship defines "night" as the period between 6 p.m. and 6 a.m.

Article 3. It is forbidden to employ children during the night, even in vocational training establishments.

Article 6. Employers found guilty of infringing the provisions prohibiting night work by children are liable to fines or terms of imprisonment, according to the gravity of the case.

A draft Labour Code containing provisions which are in conformity with those of the Convention is at present being studied.

Italy.

See under Convention No. 59.

Mexico.

In reply to the observation made by the Committee of Experts in 1959 the Government states that the text of the Convention was published in the Official Gazette and that such instruments are normally included in publications concerning labour legislation.

Netherlands.

See under Convention No. 89.

Norway (First Report).

Workers' Protection Act of 7 December 1956 (*Norsk Lovtidend*, 31 Dec. 1956, No. 45) (L.S. 1956—Nor. 2).

Article 1 of the Convention. The provisions of the Workers' Protection Act cover the

employment of young persons in industrial undertakings, transport and building and construction work (section 36 (1), paragraph 1). No general lines differentiating industry from agriculture, commerce and other non-industrial occupations have been drawn up. Young persons employed in family undertakings are not exempted from the provisions of the Act.

Article 2. In respect of young persons over 16 but under 18 years of age the night rest period of 12 consecutive hours must include at least seven consecutive hours between 10 p.m. and 7 a.m., provided, however, that such young persons may not work later than 11 p.m. without the consent of the Ministry. The report states that workers' and employers' organisations are also consulted in such cases.

Article 3. Very few undertakings have applied for permission to employ young persons over 16 but under 18 years of age on night work for training purposes. Most of the applications which have been made have come from undertakings in the iron and steel industry. The employers' and workers' organisations concerned are consulted when applications are examined and the authorisation is given on condition that the young person who is to be employed on night work for training purposes must be allowed an uninterrupted rest period of at least 13 hours between two working periods.

The Hours of Work in Bakeries Act of 4 June 1918 prohibits the employment in bakeries of young persons under 18 years of age between the hours of 6 p.m. and 6 a.m. No exceptions are made to this prohibition for vocational training purposes.

Article 4. Young persons over the age of 16 may be allowed to work between the hours of 9 p.m. and 6 a.m. in case of natural disasters, accidents or other unforeseen events which make such work essential in order to avert danger or damage to life or property. This is the only provision made for exceptions to the restrictions on night work for young persons.

Article 5. No suspensions under this Article have been made during the period under review.

Article 6. In addition to their publication in the *Norsk Lovtidend* (Norwegian Law Reports), all Acts respecting the protection of labour are brought to the particular attention of the employers' and workers' central organisations. Regulations issued under section 39 of the Act require employers to keep records of all young persons in their employment, such records to include name, date of birth and address, duration of the day's work and the hours between which it is performed, etc.

Pakistan.

The Government states that a new sub-rule (iv) has been added to Rule 8 of the Employment of Children Rules, 1955, for the granting of a rest period of at least 13 consecutive hours between two working periods. Amendment to the consolidated Mines Rules, 1952, is still under consideration.

For the Government's reply to an observa-

tion by the Committee of Experts see *Report of the Committee*, p. 691.

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 the other Soviet Federated Republics.

Ordinance No. 1478 of 8 August 1955 of the Council of Ministers of the U.S.S.R. respecting holidays and conditions of employment for young workers. Ordinance No. 6 of 12 January 1957 of the Labour and Wages Committee of the Council of Ministers of the U.S.S.R. concerning model employment rules.

Article 1 of the Convention. Soviet legislation on night work for young persons applies to all young workers employed in industry, commerce and agriculture, in transport undertakings and related enterprises, and in public institutions and organisations. The legislation covers undertakings defined as "industrial" in the Convention.

Article 2. Under the provisions of the Labour Code (section 96) the night period for both young persons and adults is the interval between 10 p.m. and 6 a.m.

The length of the working day for young persons under 16 years of age is four hours, and for those who are between 16 and 18 the period is six hours. The intervals between two periods of work are 20 and 18 hours respectively, and these intervals must include the period between 10 p.m. and 6 a.m.

Article 3. Young persons under 18 years of age may not be employed on night work (section 130 of the Labour Code) and no exemptions to this regulation are provided under the legislation. The employment of young persons on night shifts is specifically forbidden under the provisions of Ordinance No. 1478 of 8 August 1955.

Article 4. The duration of night work and the restrictions imposed by the legislation (section 96 of the Labour Code) apply throughout the U.S.S.R. irrespective of the climatic conditions.

No young person under 18 year of age can be required to do the compulsory service to which all citizens are liable, under the provisions of articles 11 and 12 of the Code, in the case of natural disaster.

Article 5. During the period 1957-58 there were no cases where the restrictions governing night work were suspended and no cases in which young persons under 18 years of age were permitted to work on night shifts.

Article 6. Under the provisions of the Labour Code (section 145) all undertakings and institutions are required to display in a conspicuous place the regulations in force for the protection of workers and employees. Further, the legislative provisions concerning the rights and duties of all citizens, and in particular those rights and duties relative to the protection of young workers, are brought to the notice of the working population through the press, by special brochures and publications, by conferences, by consultations of experts and through special radio programmes.

A system of inspection exists to ensure the

application of this legislation; this system is applied partly by the public authorities and partly by social organisations. The Penal Code of the R.S.F.S.R. (section 133) and the Penal Codes of the other Soviet Federated Republics lay down penalties for contraventions of the legislation.

The management of each undertaking is required to maintain a register of all persons employed, including workers under 18 years of age. In addition, the surname, first name and patronymic, and date of birth of each worker is recorded in the personnel files of the undertaking.

The highest authority for ensuring the strict observance of the legislation is the Public Prosecutor's Office (article 113 of the Constitution). The Public Prosecutor may require all authorities, institutions and organisations to submit to him the decrees, regulations, instructions and other orders which they may issue in order that he may ensure that these documents are in accordance with the law. The Public Prosecutor may also undertake a prosecution or take any other necessary action to ensure that the interests of young workers are protected. The organs of the Public Prosecutor's Office act independently of local authorities and are answerable only to the Public Prosecutor of the U.S.S.R.

The Labour and Wages Committee of the Council of Ministers of the U.S.S.R. is responsible for supervising the observance of labour legislation by the ministries, state departments, undertakings, institutions and organisations, particularly as regards the prohibition of the employment of young persons on night shifts. The instructions issued by the State Committee are universally binding.

In the economic ministries there are also special sections in which civil servants are specifically entrusted with ensuring that the provisions of the labour legislation are observed.

The trade unions are also responsible for ensuring that the legislation, including that concerning the employment of young workers in industry, is observed. They have at their disposal a body of technical and legal inspectors who supervise the application of the provisions relating to the protection and safety of workers in undertakings. The union officials and inspectors have a particularly important function in ensuring compliance with the provisions of the legislation on the work of young persons. The latter may also have recourse to the machinery for the settlement of labour disputes, which also ensures that the legislation is enforced.

The parents and legal representatives of young workers are entitled to ask for the premature dissolution of a contract of employment if its continuance imperils the health of the young worker or is injurious to him or her in any way.

Contraventions of the legislation are punishable by penalties in accordance with the provisions of the Penal Code of the R.S.F.S.R. and of the other Soviet Federated Republics.

During the period under consideration no infringements of the legislation had been reported by the courts or other competent authorities.

Yugoslavia (First Report).

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

The Government refers to its report on the application of Convention No. 6 for the period 1957-58, which is summarised below.

Under the above-mentioned Act night work of young persons under 18 years of age is prohibited in economic organisations connected with industry (including mining), construction and communications (section 256 of the Act).

The period during which night work is prohibited is, in the case of young persons under 16 years of age, at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m.; and, in the case of young persons between 16 and 18 years of age, at least 12 consecutive hours, seven of which must be included in the period from 10 p.m to 7 a.m.

Exceptions from the prohibition of night work may be authorised in cases of *force majeure*, in particularly serious circumstances, if the

public interest so requires and for the purposes of apprenticeship or vocational training in the industrial sectors or on specified jobs where the work has to be carried on without a break; the rest period between two consecutive working days in each of these cases must be at least 13 consecutive hours.

Economic organisations in which the employment of young persons on night work is prohibited are required to keep special registers for young persons under 16 years of age and for those between 16 and 18 years of age.

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

India, Israel, Mexico, Netherlands, Pakistan, Philippines.

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

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

Netherlands (First Report).

Commercial Code (section 407, as amended and supplemented by the Act of 31 July 1957) (*Staatsblad*, 1957, No. 325).

Order of 15 May 1937 relating to seamen (*Staatsblad*, 1937, No. 242) (*L.S.* 1937—P.B. 4), as amended and subsequently supplemented by the Order of 25 February 1958 (*Staatsblad*, 1958, No. 93).

Article 1 of the Convention. The Convention is applicable in principle to all seagoing vessels whenever this is feasible. The Chief Inspector of Navigation may allow exemptions under certain circumstances.

Article 3. All vessels are inspected by officials of the Inspectorate of Navigation and it is then decided whether the certificate concerning crew accommodation should be granted. The seamen's organisations are kept fully informed.

Article 5. Section 68, paragraph 5, of the

Order of 25 February 1958 stipulates the procedure which is to be followed in case of a complaint lodged by the crew.

Article 8, paragraph 5. Where practicable the temperature in the crew's quarters must be maintained at 5° C at least, which must be raised during the day to 18° C at least in the living accommodation.

Article 13, paragraph 6. The water supply system may be temporarily stopped by the captain if the consumption of water exceeds 30 litres per person per day.

Article 16, paragraphs 1 and 5. Reference is made to section 64 of the Order of 25 February 1958.

Article 18. In the cases indicated under subparagraphs (a) and (b) of paragraph 2, whenever possible the crew accommodation will be adapted to the provisions of the Convention. Each case will be examined separately.

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

Ireland, United Kingdom.

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

Denmark, Finland, France, Norway, Poland, 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.

Draft provisions for the application of this Convention are still under discussion, and it is hoped that agreement will soon be reached on the subject.

The Confederation of Austrian Trade Unions and the Austrian Workers' Council have strongly criticised the fact that directives for putting the Convention into effect, projected by the Government, have not yet been published.

Belgium.

In accordance with the direct request made to the Government by the Committee of Experts in 1959, it has been recommended to the Permanent Committee on State Contracts that a clause should be inserted in the conditions of public contracts extending to the workers engaged in these contracts the application of the legislative provisions and regulations and the provisions of the collective agreements for the branch of industry concerned.

Bulgaria.

In reply to a request made by the Committee of Experts the Government states that observance of the conditions laid down by the Convention is ensured not through special clauses in contracts but by the application of the Labour Code and the provisions issued thereunder, which cover all wage earners and salaried employees of all undertakings, establishments and organisations and are binding on the parties to all contracts of employment (sections 1, 9, 13, 15, 20, 171 and 175 of the Labour Code).

Denmark.

Consideration of measures to ensure the application of the Convention has not yet been completed.

Guatemala.

The Government has replied as follows to a direct request made by the Committee of Experts.

Article 1, paragraph 1, of the Convention. The Ministry of Labour and Social Welfare has informed the Ministry of Communications and Public Works that it is not only customary but is now obligatory to insert labour clauses in all public contracts, since the Convention is legally binding.

Article 2, paragraph 3. The Ministry of Labour and Social Welfare has informed the Ministry of Communications and Public Works of the necessity for consultation with the organisation of employers and workers.

Article 5. The penalties for failure to respect a public contract are laid down by sections 269 to 272 of the Labour Code. With a view to giving full effect to the provisions of the Convention, the Ministry of Labour and Social Welfare proposes to undertake at an early date a study of other measures for protecting the interests of the workers.

Morocco.

In reply to a request by the Committee of Experts the Government states as follows.

Article 1 of the Convention. Exceptions to the General Conditions imposed on contractors carrying out public contracts, under clause 1 thereof, are confined to technical matters. While rare exceptions may be permitted in the case of clause 6 (prohibition of subcontractors), no exceptions to clauses 12 or 13 (payments to workers, care and assistance to workers and compensation due to them) are allowed.

Article 2, paragraph 1. Although some matters—for instance, hours of work—are not specifically mentioned in the General Conditions, a clause in the contract requires compliance with general legislation, including labour legislation and minimum wage regulations.

Article 4, clause (a) (iii). By virtue of the clause referring to general regulations which is incorporated in public contracts, notices concerning hours of work must be posted at the workplace, as required by the Dahir of 18 June 1936 and the Vizierial Order of 13 February 1954 concerning hours of work. Minimum wages fixed under the Dahir of 18 June 1936 are posted up at the headquarters of the provincial authority.

Philippines.

A series of conferences, to which representatives of the Department of Public Works and Communications were invited, have been held in the Department of Labour. Following these conferences the Department of Labour is now

preparing the draft of labour clauses to be inserted in all public works contracts. These clauses will be adopted as the standard form for all public contracts.

United Arab Republic (Syria) (First Report).

For legislation see under Convention No. 11.

The Labour Code makes no distinction between workers employed in private undertakings and those employed on contracts concluded by a public authority. Such contracts include clauses ensuring to the workers wages, hours of work and other conditions not less

favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on.

* * *

The report from *Italy* 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 :

Finland, France, Netherlands, United Kingdom, 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
Guinea ¹	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

¹ See footnote 4 to Convention No. 4.

Argentina (First Report).

Civil Code.
Act No. 11278 of 5 August 1925 respecting the payment of wages in national currency (*L.S.* 1925—Arg. 3).
Act No. 11719 of 1933 respecting bankruptcy.

Article 3 of the Convention. Section 1 of Act No. 11278 states that all wages or salaries of wage-earning or salaried employees shall be paid exclusively in national legal currency, under pain of nullity. Exception is made for payment of wages by cheque, where it is for an accumulated period and for a sum not less than 300 pesos.

Articles 4 to 9. Legislation prohibits the payment of wages in places in which goods are sold or in which alcoholic beverages are retailed, except in the case of persons employed in such undertakings.

Section 4 of Act No. 11278 prohibits any deduction, withholding or taking in payment

of any part of wages or salaries, or any postponement of payment. This prohibition applies especially to the deduction, withholding or taking in payment of any sums in the form of fines or in respect of the supply of goods or food, etc.

Article 10. Under section 5 of Act No. 11278 this prohibition does not apply in the case of a wage-earning or salaried employee who has intentionally caused damage to workshops, tools or material. In such cases the employer may recover by legal proceedings the part of the wage corresponding to the amount awarded.

Article 11. Section 1507 of the Civil Code, in which is incorporated the Bankruptcy Act No. 11719, stipulates that any person whose claim arises from the following cause shall be treated as a privileged creditor : . . . “3. The wages of agents, employees or servants of the bankrupt person, or of employees who have been in his direct employment during the six months immediately preceding the declaration of bankruptcy.”

Articles 12 and 13. Section 2 of Act No. 11278 states the intervals at which wages or salaries shall be paid ; section 3 requires that wages or salaries be paid on working days during working hours and at the workplace.

Bulgaria.

In reply to a request by the Committee of Experts the Government states that no special legislation is necessary to apply Article 6 of the Convention as it is already applied in practice without exception.

As regards Article 15, clause (*d*), records are kept by means of pay slips.

Greece.

In reply to a request by the Committee of Experts the Government furnishes the following information.

Article 4 of the Convention. The Royal Decree of 24 July-21 August 1920 forbids pay-

ment of wages in kind where the contract provides for payment in money, but it does not expressly prohibit an agreement whereby payment of remuneration may be made in kind. In accordance with sections 178 and 200 of the Civil Code, as well as by virtue of ratification of the Convention, which has therefore become the law of the land, payment of wages is null and void if it is made in the form of spirituous liquors.

The few workers whose wages are payable entirely in kind under collective agreements are given adequate protection by the fixing of a minimum wage applicable to all workers. Such payment in kind concerns only workers engaged in threshing and in olive oil pressing. It is traditional; it occurs only during a short period of the year, and assures the workers a higher remuneration. No amendment of the legislation appears necessary in this connection.

Article 6. In view of the ratification of the Convention no further express provision to apply this Article is considered necessary.

Article 7, paragraph 2. Although works stores are not very numerous various systems for the control of prices are envisaged.

Article 14, clause (b). Employers must keep pay rolls of employees in accordance with section 24 of the Social Insurance Institute Regulations (I.K.A.), as published in *Ephemeris tes Kyberneseos*, No. 157, 12 Aug. 1937, Vol. B).

Guatemala.

In reply to a direct request, made in 1959 by the Committee of Experts, regarding Articles 8 and 9 of the Convention, the Government states that the relevant legislative provisions will be revised to bring them into conformity with the Convention.

Hungary (First Report).

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953) (L.S. 1953—Hun. 1).

Decree No. 53 of 1953 to apply the Labour Code. Decree No. 54 of 1953 respecting deductions from wages.

Decree No. 21 of 1955 respecting judicial procedures.

Article 2 of the Convention. No category of workers is excluded from the application of the Convention.

Article 3. Money wages are paid in accordance with the provisions of this Article.

Article 4. Under section 64 of the Labour Code the Council of Ministers may fix part of wages in kind. This method of payment is confined mainly to agriculture.

Article 7. No pressure is put on workers to buy goods from works stores, which are not operated for profit. Prices are, in general, fixed for the whole of the country. Canteens are subsidised by the undertaking and are supervised by inspectors elected by the workers; there is no obligation to use them.

Article 8. The conditions in which deduction from wages may be made, and the proportion which may be deducted, are regulated by section 73 of the Labour Code and Decree

No. 54 of 1953. The legislation regarding deductions from wages has been published in the official gazette and in special brochures, and is available to the workers at the offices of the works committees. Workers are also informed on the subject during vocational training courses.

Article 10. Attachment is regulated by sections 136 to 156 of Decree No. 21 of 1955 which conforms to the rules concerning deductions laid down in Decree No. 54 of 1953.

Article 11. Wages are privileged debts by virtue of section 186 of Decree No. 21 of 1955.

Article 12. Section 74 of the Labour Code provides that workers employed by the month must be paid monthly; those employed for shorter periods must be paid weekly or at the end of the employment. Legislation exists prescribing the intervals for the payment of wages.

Article 14. By section 18 (1) and 74 (3) of the Labour Code the amount of wages must be laid down in the contract and a written account must be given to the worker on each payment of wages.

The relevant legislation is enforced by the competent minister, the trade unions, the courts, and the people's supervisory committees.

Philippines.

Article 10 of the Convention. In reply to a request by the Committee of Experts the Government states that there have been no legal decisions as to the scope of the term "labourer" in the Civil Code, but that this word includes anyone working for another for wages or salary.

United Arab Republic (Syria) (First Report).

For legislation see under Convention No. 11.

Article 1 of the Convention. Section 3 of the Labour Code defines the term "wage" as everything received by a worker in consideration of his work, plus any increases, irrespective of their nature, such as commissions, benefits in kind and any cost-of-living and family allowances, and any *ex gratia* payments, etc.

Article 2. Under the Labour Code only domestic servants and casual workers are excluded from the application of the Convention.

Article 3. Section 45 of the Labour Code provides for payment of wages in legal tender.

Article 4. No advantage is taken of this provision.

Article 5. The Labour Code provides for the direct payment of wages to workers.

Articles 6 and 7. Under section 50 of the Labour Code no worker shall be compelled to buy provisions or articles from any particular establishment or those produced by the employer.

Article 8. Section 51 of the Labour Code prohibits an employer from retaining more than 10 per cent. of a worker's wages in settlement of a loan, or to charge any interest on such loans.

Article 9. Section 19 of the Labour Code prohibits the collection of any fee from an

unemployed person for placing him in employment.

Article 10. Section 52 of the Labour Code prohibits attachment or assignment of wages beyond prescribed limits.

Article 11. By section 8 of the Labour Code all sums due to workers under the Code constitute a privileged debt in case of bankruptcy.

Articles 12 and 13. Section 47 of the Labour Code provides for the periodical payment of wages and requires that payment be made on working days and at the workplace.

Article 15. Sections 215 and 216 of the Labour Code prescribe penalties for contraventions of the Code.

United Kingdom.

Maintenance Orders Act, 1958.

Terms and Conditions of Employment Act, 1959.

Article 10 of the Convention. The Maintenance Orders Act, 1958, provides for the attachment of earnings for the enforcement of maintenance orders in England and Wales, in accordance with the procedure and within the limits laid down therein.

* * *

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

Guinea, Mexico.

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

Austria, Ecuador, France, Italy, Netherlands, Norway, 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 ¹	4. 7. 1958
Bolivia ¹	19. 7. 1954
Brazil ¹	21. 6. 1957
Ceylon ²	1. 5. 1958
Cuba ¹	3. 2. 1953
Finland ¹	22. 12. 1951
France ¹	10. 3. 1953
Federal Republic of Germany ¹	8. 9. 1954
Guatemala ¹	3. 1. 1953
Italy ¹	9. 1. 1953
Japan ²	11. 6. 1956
Luxembourg ¹	15. 12. 1958
Netherlands ¹	20. 5. 1952
Norway ¹	29. 6. 1950
Pakistan ¹	26. 5. 1952
Poland ¹	25. 10. 1954
Sweden ¹	18. 7. 1950
Turkey ²	23. 1. 1952
United Arab Republic (Syria) ¹	7. 6. 1957

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

France.

Under Decree No. 59-983 of 12 August 1959, 28 private employment agencies for persons employed in the public entertainment professions and 104 agencies for domestic servants were authorised to remain in operation until 24 May 1960. These are the only fee-charging employment agencies now remaining in France.

Guatemala.

In reply to the observations made by the Committee of Experts in 1959 the Government states as follows.

(1) The prohibition concerning the operation of private employment agencies with a view to profit does not apply to the individual recruiting agents referred to in section 34 of the

Labour Code, since their operations are occasional and there are no established offices for such purpose.

(2) The legislative provisions for the abolition of private employment offices conducted with a view to profit have been applied and some of these agencies have been closed.

(3) Since fee-charging employment agencies are prohibited, the question of approval of scales of charges does not arise.

(4) Recruitment abroad is not permitted, and employers desiring to engage alien workers must apply for authorisation from the Ministry of Labour and Social Welfare. Placement abroad of Guatemalan workers is subject to the conditions laid down in sections 34 and 35 of the Labour Code.

(5) The labour inspectors ensure that employment offices operate on a non-fee-charging basis.

(6) No penalties are prescribed for infringement of the provisions of the Convention or of the legislation or regulations giving effect to them, but this question is being studied at present.

Japan.

In reply to the direct request of the Committee of Experts in 1959 concerning Articles 10 (d) and 11 (c) of the Convention the Government states that, although until now fee-charging employment offices have not yet placed or recruited workers abroad, it is intended to adapt the provisions of the Employment Security Law to this possibility and to regulate the activities of the employment offices accordingly. With regard to recruitment abroad which may be authorised, a careful study will be made with a view to taking appropriate legislative measures.

Netherlands.

In reply to the direct request by the Committee of Experts in 1959 the Government states that there are seven fee-charging employment agencies not conducted with a view to profit, one for artistes, one for students seeking paid work, and five for domestic staff. These agencies served as intermediaries for 3,024 engagements, including the placement for work abroad of 365 artistes and a certain number for girls. No action has been taken to determine the conditions under which these agencies may find places for workers abroad.

Pakistan.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 692.

Proposed legislation to give effect to the provisions of the Convention is under preparation.

Sweden.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that the licences granted to the existing agencies conducted with a view to profit are not transferable and that they expire on the holder's death.

* * *

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

Italy, Japan, Poland.

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

Finland, Federal Republic of Germany, Norway, Turkey.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Date of registration of ratification
Belgium	27. 7.1953
Cuba	29. 4.1952
France ¹	29. 3.1954
Federal Republic of Germany	22. 6.1959
Guatemala	13. 2.1952
Israel	30. 3.1953
Italy	22.10.1952
Netherlands	20. 5.1952
New Zealand ²	10.11.1950
Norway	17. 2.1955
United Kingdom ^{2 3}	22. 1.1951
Uruguay	18. 3.1954

¹ Has excluded the provisions of Annex II.

² Has excluded the provisions of Annex I.

³ Has excluded the provisions of Annex III.

France.

With reference to Article 8 of the Convention, aliens domiciled in France are repatriated under the terms of the assistance conventions or labour treaties which France has signed with a number of other countries. The details of these instruments vary from one to the other, but in none of them is any distinction made between workers and non-workers for

repatriation purposes. In principle the only persons repatriated are sick persons in French hospitals who are transferred to similar establishments in their countries of origin.

With reference to Article 6, clause (c) of Annex I, the entire cost of bringing to France the wives and children under age of migrant workers, apart from a small contribution paid by the worker himself, is borne by the Ministry of Public Health and Population.

In reply to a direct request by the Committee of Experts the Government states (a) that the conditions governing the admission of aliens and French nationals to apprenticeship are laid down in Title 1, Book 1, of the Labour Code ; and (b) French legislation only requires aliens engaged in remunerated employment, including apprentices under contract receiving remuneration, to hold work cards. French apprentices are therefore not required to have work cards.

* * *

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

France, New Zealand.

is under the supervision of the
nd of the trade union, and both the
n and the director of the undertaking
must make quarterly reports on the
or discussion by the workers.
re agreements have binding force on
undertaking and its employees. Any
of individual agreements which are
o those of collective agreements are
as null and void. Collective agree-
valid for one year.

y to the observation made by the
e in 1959 the Government gives the
details.

4 (3) of the Public Corporation and
Enterprise Labour Relations Law was
in 1948 in order to counteract the
ng extreme left-wing influences in the
ion movement; it entailed no inter-
union affairs. No arbitrary dismissal
s is possible; the permissible reasons
ssing public employees are defined by
e dismissal on account of membership
g office in a union or of proper trade
tivities is prohibited by virtue of the
application of section 7 of the Trade
w and section 3 of the Public Corpora-

tion and National Enterprise Labour Relations
Law. Remedial procedures for wrongful dis-
missal are available in the courts and also
before the Labour Relations Commission.
Hence, section 4 (3) could not conceivably
facilitate acts of interference by management
as suggested by the Committee. In the event
of dismissal on a ground specified by law an
employee who is an officer in a public em-
ployees' union ceases to be a member and
becomes ineligible to continue as an officer;
this is not "interference" by the management.

Section 4 (3) has been examined, however,
in the light of Convention No. 87, with Articles 2
and 3 of which it is considered to be incom-
patible. For this reason, with a view to the
ratification of Convention No. 87, the repeal
of section 4 (3) has been decided upon in
accordance with the terms of the notification
made by the Government to the I.L.O. on
25 February 1959.

United Arab Republic.

For legislation see under Convention No. 11.

Article 1 of the Convention. Section 75 of
the Labour Code protects workers from dismissal
for trade union activities.

Article 2. Book IV of the Code guarantees
protection of the organisations concerned against
any interference from similar organisations.
Trade unions are free in the conduct of their
activities.

Articles 3 and 4. There is a trade union
division within the Department of Labour.

Article 5. Members of the armed forces and
the police are excluded from the scope of the
provisions of Book IV.

* * *

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

Haiti, Hungary, Japan, United Arab Re-
public.

The report from Brazil reproduces the in-
formation previously supplied.

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
Peru.	1. 2.1960
Philippines	29.12.1953
Tunisia	12. 1.1959

Countries	Date of registration of ratification
United Kingdom	9. 6.1953
Uruguay	18. 3.1954

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

France, New Zealand.

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. 8.1957
Iceland	17. 2.1958
Italy	8. 6.1956
Mexico	23. 8.1952
Norway	24. 9.1959
Panama	3. 6.1958
Peru	1. 2.1960
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

Argentina (First Report).

Legislative Decree No. 2739/56 of 17 February 1956 to extend the validity of collective agreements and to increase wages and salaries (*Boletín Oficial*, 21 Mar. 1956).

The above-mentioned Decree established the principle of equal pay for men and women as regards the minimum wage and in all other cases where previously women's rates had been fixed at 90 per cent. or more of men's rates. The Decree also provided that, in other cases, previous differentials between men's and women's rates should be halved, subject to observance of the minimum wage.

As a result of these measures approximately 50 per cent. of women workers enjoy equal pay (25 per cent. in virtue of collective agreements, 25 per cent. in the public sector). In other sectors there exists relative equality of remuneration, generally related to difference in the work. However, in certain trades (e.g. in the clothing and meat industries) women's rates have reached only 90 per cent. of those for men, although they do the same work. The report gives further indications of progress in the application of the equal pay principle and of the difficulties encountered. The Government considers that collective agreements are the most effective means of implementing the principle of equal pay.

The new draft Constitution provides in article 14*bis* that work in all its forms shall

be protected by law, including the principle of equal pay for equal work.

The relevant legislation is enforced by the Ministry of Labour and Social Security.

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.

Remuneration is proportionate to the quantity and quality of work performed, and any discrimination based on sex is precluded by articles 12 and 97 of the Constitution.

The rates payable to wage earners vary according to various types of work performed; they are the same for men and for women. Salaried employees are paid fixed monthly salaries.

The Public Prosecutor's Office is responsible for enforcement of labour legislation, including the laws governing equal pay. The trade union committees in undertakings and institutions deal with wage matters and ensure strict compliance with the equal pay principle.

Czechoslovakia (First Report).

Constitution of 9 May 1948 (*Sbirka Zákonů*, 9 June 1948, No. 52) (*L.S.* 1948—Cz. 3).
Act No. 244 of 25 October 1948 respecting the State wages policy (*Sbirka Zákonů*, 13 Nov. 1948, No. 92) (*L.S.* 1948—Cz. 4).
Government Order No. 27 of 3 April 1951 respecting the direction of State wages policy and the establishment of a State Wages Board (*Sbirka Zákonů*, 12 Apr. 1951, No. 16) (*L.S.* 1951—Cz. 1).
Notice No. 175 of 1956 of the Chairman of the State Wages Board (*Uřední List*, 22 Aug. 1956, No. 87).

Article 27 of the Constitution provides that all working members of the population possess the right to just remuneration for the work done, to be secured by the State wages policy which is administered in agreement with the United Trade Union Organisation; that remuneration shall be governed by the quality and quantity of the work and by the benefit which it brings to the community; and that in equal conditions men and women are entitled to equal remuneration for equal work.

Wages policy is directed by the State Wages Board under Government Order No. 27 of 1951. The Central Council of Trade Unions is represented on this Board. The Board decides on all important wage measures proposed by ministries or trade unions, including wage scales, basic principles for the payment of bonuses, etc. (Notice No. 175 of 1956.) The trade unions participate at all stages in the preparation of wage measures.

Article 2 of the Convention. Equal remuneration for men and women for equal work is guaranteed by article 27 of the Constitution. Existing provisions regarding wages (wage scales, bonuses, etc.) make no distinction between men and women workers.

Article 3. Jobs are classified on the basis of the qualifications, skill, responsibility and the effort required. No distinction is made between men and women. The job classifications are drawn up by the ministries and the central administrations, and are co-ordinated as between the various branches of activity.

Article 4. See above. The classification of individual workers is decided jointly by the head of the undertaking and the works committee.

Wage measures are enforced by the supervisory agencies of ministries and central organs, the Ministry of Finance, the State Bank, and the Ministry of State Supervision.

Ecuador (First Report).

The provisions of the Convention are incorporated in the Constitution and the Labour Code.

Hungary (First Report).

Constitution of 20 August 1949 (*Magyar Közlöny*, 20 Aug. 1949, No. 174) (L.S. 1949—Hun. 4) [Extracts].

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951) (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953) (L.S. 1953—Hun. 1).

Decree No. 53 of 1953 of the Council of Ministers to regulate the application of the Labour Code.

Decision No. 1065/1957 of the Council of Ministers respecting the principles of the system of payment by results.

Articles 1 and 2 of the Convention. Article 50 of the Constitution and section 4 of the Labour Code guarantee women the same rights as men with regard to conditions of work. In addition, section 59 of the Labour Code states that equal work confers a right to equal wages and that in determining wages no distinction is to be made between men and women.

Article 3. Article 45 of the Constitution lays down the principle that remuneration is to correspond to the quantity and quality of the work done. Section 58 of the Labour Code states that this principle is to be applied by extending the system of payment by results, by the widespread use of bonuses and by increased recognition of higher skill and better work.

Article 4. Section 1, paragraph 1, of Ordinance No. 53 of 1953 to regulate the application of the Labour Code states that, whenever questions arise concerning the living conditions of workers, the Council of Ministers is to take the appropriate decisions after consulting the Central Council of Trade Unions.

The trade union committee in each undertaking must be consulted on any decision relating to the choice between time rates and payment by results and the fixing of basic wages, and also, where applicable, on the minimum wages payable to workers for every task performed, within the wage limits fixed by the Council of Ministers (paragraph 3 of Decision No. 1065/1957).

Italy.

There was considerable trade union activity during the period 1958-59 directed towards the realisation of the principle of equal pay. In

September 1958 a national joint technical committee to study men's and women's wages was set up, but it discontinued its work in June 1959 because of disagreement between employers' and workers' representatives on criteria for objective job evaluation. In September 1959 two new national joint committees were created (one of them for the textile industry) to draw up principles for the classification of wage categories according to objective differences in the work performed. Once these committees finish their work, negotiations on the question are to be resumed at the national level.

In commerce a joint technical committee was set up in June 1958 to report on collective agreements in Italy and other European countries, and it was decided that differentials between men's and women's wages should be reduced by 2 per cent. of remuneration where they exceeded 15 per cent.

In agriculture, the General Confederation of Italian Agriculture considers that the problem of equal pay can best be tackled at the provincial and local levels. In certain cases (e.g. as regards casual workers in Emilia and Apulia) differentials between men's and women's wages have been greatly reduced and sometimes eliminated altogether.

The question of equal pay is raised whenever the renewal of collective agreements is discussed. There is a tendency towards a reduction of differentials. Negotiations in the textile industry have reached a positive conclusion, and certain provincial agreements in concessionary public services prescribe equal rates of basic pay.

Two Bills have been submitted to Parliament to provide for the establishment of committees responsible for the objective classification of jobs with a view to eliminating all sex discrimination in workers' remuneration. In a Circular of 23 April 1958 the Minister of Interior requested Prefects and Government Commissioners to urge local and regional authorities and public bodies to apply the principle of equal pay.

In reply to the observations made by the Committee of Experts in 1959 the Government states that these observations have been transmitted to the employers' and workers' organisations concerned, so that account may be taken of them in collective bargaining. In the negotiations for the textile industry, which are almost concluded, the clause dealing with the wages of men doing work for which only women's rates are prescribed will be clarified. Where possible (in the public sector) the Government is seeking to ensure the application of the principle of equal pay. It considers further that, in so far as wages are fixed by collective bargaining between employers' and workers' organisations, its obligations under the Convention are confined to promoting the application of this principle.

Both employers' and workers' organisations have commented on the application of the Convention. The workers' organisations (the Italian Confederation of Workers' Unions, the Italian General Confederation of Labour and the Italian Workers' Union) have in particular complained of the differences in grading between men (for whom there are four categories) and women (only three categories), resulting in

lower wage rates for the latter. These organisations also consider that the standard clause covering women doing work traditionally performed by men is contrary to the principle of the Convention.

The General Confederation of Italian Industry considers that, while formally the situation in Italy may be at variance with the Convention, in substance the latter is observed. Wage differentials in collective agreements are due to differences in the work done by men and women, even where this is referred to in the same terms. The Confederation considers that the Committee of Experts has misconstrued the standard clause regarding the remuneration of women doing men's work, which in fact ensures equal pay where the value of the work performed is equal. In Italy jobs are classified, and wage rates assigned to them, by collective agreement; as these cover entire branches of the economy, and given the variety of conditions in undertakings, it is not possible to adopt in Italy methods of job evaluation current in certain other countries. In any event, Article 3 of the Convention does not create any obligation to apply particular methods of job evaluation.

The General Confederation of Italian Industry also considers that the value of women's work is affected by protective legislation for women (prohibition of employment underground, in carrying and lifting heavy weights, and on cleaning and attending machinery in motion; prohibition of employment in dangerous and unhealthy trades, or special safeguards, such as medical examination; prohibition of night work; special provisions on hours of work and rest; prohibition of employment on split shifts; protection of expectant and nursing mothers), by the cost of other services for women workers (crèches, etc.) and by the greater amount of absenteeism among women workers.

The General Confederation of Italian Agriculture has observed that, while there are different wage rates for men and women in agriculture, the principle of equality is often implemented by an appropriate distribution of work.

The courts, in several judgments, have maintained the view that the provisions concerning equal remuneration in article 37 of the Italian Constitution constitute binding law.

Philippines.

For the Government's reply to observations by the Committee of Experts see *Report of the Committee*, pp. 693-694.

In reply to a direct request by the Committee of Experts the Government states that the arbitrary manner of fixing piece-rates in industries which employ women, although not resulting in different piece-rates for men and women working for the same employer in the same kind of job, results in lowering the over-all income of women in all industries as compared with men, because many women are working in jobs paid by piece-rates while men are in jobs paid by the hour or by the month.

There are assurances from labour unions that future collective agreements will contain equal pay provisions.

The creation of wage boards under the Minimum Wage Law in respect of industries employing many women will be considered.

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 the other Soviet Federated Republics.

Articles 1 and 2 of the Convention. The principle of remuneration according to the quality and quantity of work performed and the equal treatment of the sexes in this respect are ensured in the Soviet Union under articles 118 and 122 of the Constitution.

Salaried employees are remunerated according to fixed salary rates and workers according to wage categories and scales. Remuneration according to the particular occupation, wage grade or category, and the classification of workers do not depend on sex. There is no administrative or legislative provision running counter to the principle of equal remuneration for men and women.

Article 3. For purposes of remuneration jobs are classified according to their importance, skill, complexity, labour content and value to the national economy. Wage scales vary according to type of industry, degree of mechanisation, the size of the enterprise and system of payment.

Article 4. Major decisions on wage matters are taken jointly by the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions in consultation with the economic planners.

The highest authority ensuring compliance with the laws of the U.S.S.R. is the Public Prosecutor of the U.S.S.R. The Labour and Wages Committee of the Council of Ministers of the U.S.S.R. is responsible for the enforcement of labour legislation. The trade union committees also ensure compliance with the principle of equal pay.

United Arab Republic (Syria) (First Report).

For legislation see under Convention No. 11.

Section 156 of the Labour Code provides for the setting up of a joint wages committee in each province or governorship and special committees in important industrial areas. Sections 157 to 159 regulate the work of these committees in fixing minimum wages. Nothing in these sections refers to discrimination based on sex. In government offices there are uniform conditions for men and women, who are therefore treated equally as regards both remuneration and promotion.

The Labour Code is enforced by the Ministry of Social Affairs and Labour.

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

Belgium, France.

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
Peru	1. 2. 1960
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

Federal Republic of Germany.

In reply to the observation of the Committee of Experts concerning the application of Article 10 of the Convention the Government replies that it considers that this Article prescribes not the existence of a specific system of inspection and supervision to ensure the application of the provisions of the Convention but the existence of a system which, taking into account particular conditions obtaining in each country, may be considered an appropriate one. The Government also considers the measures mentioned in the previous report (in particular the possibility of appealing to the courts) constitute effective protection of the rights of workers. In this connection, there has never been any complaint from the trade unions and no difficulties have arisen up to the present. The Federal Government also considers that such measures may be deemed to constitute an appropriate system of supervision answering to the purposes of Article 10 of the Convention. However, while hoping that the Committee will withdraw its objections to the procedure in current use in the Federal Republic, the Government states that it will examine the possibility of taking into account in future the ideas expressed by the Committee.

Norway.

Act of 19 December 1958 to amend Act No. 3 of 14 November 1947 respecting annual holidays (*Norsk Lovtidend*, 27 Jan. 1959).

Article 3 of the Convention. In accordance with former legislation employees who begin work with an undertaking more than 14 days after the holiday year started (that is to say, after 1 June) had no right to vacation leave with the new employer during that year.

Amendments have now been made whereby the right to a paid holiday has been extended to persons who began work in the undertaking before 1 October of the holiday year. If the employee was appointed between 1 June and 30 September he is entitled to the whole of the vacation leave for the holiday year in question, but may not ask for any fraction of the holiday during the same period.

Article 7. Employees paid by the day now receive remuneration during their holidays corresponding to 6½ per cent. of their earnings during the year.

Article 9. The provision has been repealed under which an employee loses his right to a holiday if he leaves his employment without observing the legal period of notice or if he severely neglects his duties.

United Arab Republic (Egypt).

For legislation see under Convention No. 11.

Article 1 of the Convention. Section 42 of the Labour Code defines the contract of employment to which its provisions apply.

Article 2. Sections 58 to 62 of the Code cover holidays with pay.

Article 4. The Labour Code is applicable to all categories of workers.

United Kingdom.

The following information is supplied by the Government in reply to a request addressed to it by the Committee of Experts.

Article 5, clauses (a) and (b) of the Convention. In Scotland the Agricultural Wages Board has increased the holidays with pay for all agricultural workers from 7 to 11 days per annum; this is to take effect as from November 1959. In Northern Ireland the duration of holidays for all agricultural workers was the subject of joint discussions between the central department and organisations of employers and workers, before legislation was introduced in 1956 extending the annual holiday from one week to seven working days and adding six paid customary holidays. It was not considered appropriate to make provision for more generous holiday arrangements for either young persons or long-service workers, and the workers' organisation has not sought special treatment for these categories.

Article 7, paragraphs 1 and 2. Under the relevant Northern Ireland legislation provision is made for paid holidays for female workers but, in view of the small number of female workers other than family workers affected, the Agricultural Wages Board has not considered it necessary to fix remuneration for

them, and the rate of such remuneration is therefore a matter for agreement between the employer and worker. No representations have been made to the Board by interested parties that holiday remuneration should be fixed for this class of agricultural workers.

Paragraph 3. In England, Wales and Scotland, if a worker who, by reason of going away on holiday, has not taken his normal supply of milk or has not received board or individual meals, as the case may be, no deduction from his wages may be made on that account. The position is different in the case of dwelling or lodging (where provided by the farmer) for the reason that the worker would still be in effective occupation of that accommodation, even though during his holiday period he may have chosen to go and stay elsewhere. In Northern Ireland if a worker does not receive board and lodging during the holiday period he must be paid the minimum rate of holiday remuneration without any deductions.

Uruguay.

Act No. 12590 of 23 December 1958 to establish a new scheme for annual holidays applying to workers employed in the private sector (*Diario Oficial*, 29 Dec. 1958).

Yugoslavia.

See under Convention No. 52.

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

Austria, Belgium, Federal Republic of Germany, Italy, Sweden, United Kingdom.

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

France, New Zealand.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Date of registration of ratification
Belgium ¹	26.11.1959
Denmark ²	15. 8.1955
Federal Republic of Germany ¹	21. 2.1958
Greece ³	16. 6.1955
Israel ⁴	16.12.1955
Italy ⁵	8. 6.1956
Norway ⁶	30. 9.1954
Sweden ⁷	12. 8.1953
United Kingdom ⁸	27. 4.1954
Yugoslavia ⁹	20.12.1954

¹ Has accepted the provisions of Parts II to X.
² Has accepted the provisions of Parts II, IV, V, VI and IX.
³ Has accepted the provisions of Parts II to VI and VIII to X.
⁴ Has accepted the provisions of Parts V, VI and X.
⁵ Has accepted the provisions of Parts V, VII and VIII.
⁶ Has accepted the provisions of Parts II to VII.
⁷ Has accepted the provisions of Parts IV, VI and VII.
⁸ Has accepted the provisions of Parts II to V, VII and X.
⁹ Has accepted the provisions of Parts II to VI, VIII and X.

Italy (First Report).¹

PART V. OLD-AGE BENEFIT

Legislative Decree No. 1827 of 4 October 1935 (*Gazzetta Ufficiale*, 26 Oct. 1935, No. 251) (*L.S.* 1935—It. 5), to amend and consolidate the laws relating to social insurance, as amended and subsequently converted into Act No. 1155 of 6 April 1936 (*Gazzetta Ufficiale*, 1936, p. 2066).
Legislative Decree No. 636 of 14 April 1939 (*Gazzetta Ufficiale*, 3 May 1939, No. 105) (*L.S.* 1939—It. 1) to amend the provisions concerning compulsory insurance against invalidity, old age, tuberculosis and involuntary unemployment, as amended and subsequently converted into Act No. 1272 of 6 July 1939 (*Gazzetta Ufficiale*, 7 Sep. 1939, No. 209) (*L.S.* 1939—It. 2).

¹ This report arrived too late to be summarised in 1959.

Act No. 218 of 4 April 1952 (*Gazzetta Ufficiale*, 15 Apr. 1952, No. 89) to regulate the pensions payable under the compulsory invalidity, old-age and survivors' insurance scheme.
Presidential Order No. 818 of 26 April 1957 (*Gazzetta Ufficiale*, 17 Sep. 1957, No. 231) to co-ordinate and regulate the enforcement of Act No. 218.
Act No. 55 of 20 February 1958 (*Gazzetta Ufficiale*, 25 Feb. 1958, No. 48) concerning reversion of the rights of persons receiving pensions under the compulsory invalidity, old-age and survivors' insurance scheme.

PART VII. FAMILY BENEFIT

Presidential Decree No. 799 of 30 May 1955, to consolidate the legislation respecting family allowances (*Gazzetta Ufficiale*, 7 Sep. 1955, No. 206) (*L.S.* 1955—It. 2), as subsequently amended and supplemented.

PART VIII. MATERNITY BENEFIT

Act No. 860 of 26 August 1950 (*Gazzetta Ufficiale*, 3 Nov. 1950, No. 253) (*L.S.* 1950—It. 2) concerning the physical and economic protection of working mothers, as amended by Act No. 394 of 23 May 1951 (*Gazzetta Ufficiale*, 15 June 1951, No. 134) (*L.S.* 1951—It. 2) and Act No. 1904 of 15 November 1952 (*ibid.*, 10 Dec. 1952, No. 283).
Presidential Order No. 568 of 21 May 1953 (*Gazzetta Ufficiale*, 13 Aug. 1953, No. 184) containing regulations to apply Act No. 860 of 26 August 1950.
Act No. 138 of 11 January 1943 (*Gazzetta Ufficiale*, 3 Apr. 1943, No. 77) concerning the establishment of the National Sickness Insurance Institute (I.N.A.M.).
Collective Agreement of 28 August 1934 concerning assistance in the event of sickness to workers engaged in the theatrical trades.
Legislative Decree No. 147 of 12 February 1948 (*Gazzetta Ufficiale*, 23 Mar. 1948, No. 69) containing new regulations governing the duties and the function of the National Insurance and Assistance Institute for State Officials.
Act No. 1436 of 28 July 1939 (*Gazzetta Ufficiale*, 5 Oct. 1939, No. 233) to reorganise the National Insurance Institute for Officials in Public Law Undertakings.

Act No. 1136 of 22 November 1954 (*Gazzetta Ufficiale*, 13 Dec. 1954, No. 285) to extend the scheme providing assistance in case of sickness to cover independent agricultural workers.

Act No. 1533 of 29 December 1956 (*Gazzetta Ufficiale*, 4 May 1957, No. 113) concerning compulsory sickness insurance for artisans.

Legislative Decree No. 1918 of 23 September 1937 (*Gazzetta Ufficiale*, 27 Nov. 1937, No. 275) concerning sickness insurance for seafarers.

Order No. 2223 of 20 October 1939 (*Gazzetta Ufficiale*, 4 Apr. 1940, No. 81) establishing the statutes of the National Assistance Fund for Employees in Agriculture and Forestry, as amended by Presidential Order No. 652 of 29 July 1949 (*ibid.*, 23 Sep. 1949, No. 219).

Ministerial Order of 1 January 1953 (*Gazzetta Ufficiale*, 14 Jan. 1953, No. 10) establishing regulations concerning insurance and assistance for professional journalists.

Act No. 692 of 4 August 1955 (*Gazzetta Ufficiale*, 18 Aug. 1955) to extend the scope of the sickness assistance scheme to cover persons receiving invalidity and old-age pensions.

PART I. GENERAL PROVISIONS

Article 2 of the Convention. Italy has ratified Parts V (Old-Age Benefit), VII (Family Benefit) and VIII (Maternity Benefit).

Article 6. Voluntary insurance schemes have not been taken into consideration in the assessment of the application of Parts V and VIII.

PART V. OLD-AGE BENEFIT

Article 26. The minimum pensionable age is 60 years for a man and 55 for a woman; the minimum ages for blind persons are five years lower.

If a pensioner is engaged in remunerative employment his pension is reduced by one-third, provided that the reduction shall in no case exceed one-third of his remuneration. No deduction may be made from pensions at the statutory minimum level; in any case the reduction may in no circumstances be greater than that part of the pension above the minimum.

Article 27. Any person over 14 years of age, regardless of sex or nationality, who performs work for remuneration in the service of another (even as a homemaker) must belong to the compulsory social insurance scheme. Moreover, certain categories of non-wage earners, namely independent agricultural workers, tenant farmers, share farmers and fishermen fishing on a small scale at sea or in inland waters, are also required to belong to the scheme. In addition to the compulsory insurance scheme there is also a voluntary old-age insurance scheme.

The Government has determined the number of persons protected with reference to clause (b) of Article 27. The classes taken into consideration include all employees in both the public and private sectors.

Number of persons protected (1957):

General scheme (I.N.P.S.)	10,580,000
Special schemes:	
Special funds	346,482
Employees of the State and similar groups	908,641
Employees of local authorities	409,020
Total	12,244,143
Total population of Italy in 1957	49,895,383
Percentage of persons protected	24.54

The report states that the percentage would be much higher if self-employed insured workers were included among the persons protected; moreover, the number of self-employed workers increased considerably in 1958.

Article 28. The amount of the pension is calculated as follows. First of all, the basic annual pension is calculated. For a man this consists of 45 per cent. of the first 1,500 liras of the total basic contributions credited to his account, plus 33 per cent. of the next 1,500 liras, plus 20 per cent. of the remainder; for a woman the corresponding percentages are 33, 26 and 20. To this is added a State contribution of 100 liras, and the resulting amount is multiplied by 55. The total thus obtained is increased by one-twelfth to allow the payment of a "thirteenth month". The amount of the pension after multiplication by 55 is increased by one-tenth for every dependent child under 18 years of age; if the child is an invalid there is no age limit. The pension payable monthly is equal to one-twelfth of the annual pension calculated in the manner indicated above. The guaranteed minimum pensions are 78,000 liras per year for a pensioner under 65 years of age and 114,000 liras for a pensioner aged 65 and over.

The standard wage has been defined with reference to paragraph 4 (a) of Article 66. The monthly wage of an ordinary adult male labourer is 30,826 liras; to this must be added a family allowance of 3,016 liras per month for a wife, making a total of 33,842 liras.

The monthly pension received by a standard beneficiary after 30 years' contributions amounts to 23,200 liras, that is to say, 68.55 per cent. of the total earnings of a standard adult male labourer.

There is no category of female "labourers" established under collective agreements; consequently, the monthly earnings of a Grade III woman worker (25,896 liras per month) have been taken instead. A female standard beneficiary receives after 30 years' service a monthly pension of 17,082 liras, or 65.96 per cent. of the standard wage.

There is no provision in Italian law for the automatic adjustment of pensions to changes in the cost of living. If the general level of earnings changes significantly as the result of substantial changes in the cost of living, special legislative provisions are enacted to adjust the benefits payable accordingly. The report contains a list of the provisions of this type enacted between 1943 and 1958.

Article 29. The following are the qualifying conditions for entitlement to an old-age pension:

(a) fifteen years must have elapsed since the first day of the week or the month during which the first contribution was paid, unless the beginning of the contribution period has been backdated for a period equivalent to that of any military service performed between 25 May 1915 and 1 July 1920 or, if the contributions were paid in respect of employment in establishments working for national defence during the period 1 May 1917-30 June 1920, to 1 July 1920;

(b) a minimum number of contributions must have been paid by or credited to the

account of the insured person, namely 180 monthly contributions, 780 weekly contributions, 15 yearly contributions or 2,340 daily contributions (1,560 for women and young persons).

There are special provisions concerning the minimum period of insurance or contributions covering all insured persons until 1962 and also workers who have reached an advanced age when they become liable to insurance, and blind persons.

Periods in which an insured person has been in certain specific situations mentioned in the report (military service, sickness, unemployment, etc.) are counted as contribution periods.

Article 30. The amount of the pension payable to a person undergoing hospital care in a tuberculosis sanatorium is reduced by half if he has no dependants; if he has one, two, three or four dependants, the amount of the pension is reduced by 40 per cent., 30 per cent., 20 per cent. or 10 per cent. according to the case. If he has five or more dependants no reduction is made in the pension.

Old-age pensions may not be transferred, seized or pledged except to hospitals or homes operated by a public authority to pay for the cost of hospital care, and then only up to the amount of such costs. The insurance institute is authorised to deduct from pensions any amounts due to it under a decision of a court of law.

PART VII. FAMILY BENEFIT

Article 40. Any worker who is the head of a family and is working for another person for remuneration on Italian soil is entitled to family allowances regardless of his age, sex or nationality.

In particular, such allowances are payable in respect of legitimate or legitimised children or persons considered as being on the same footing (illegitimate children, children taken in under an *affiliazione* (semi-adoption) system, children entrusted to the worker, adopted children, brothers, sisters, grandchildren, etc.) up to the age of 18 years. The age limit may be raised to 21 years in respect of a child attending a vocational or secondary school or a university; there is no age limit where the child is permanently incapacitated.

Children's allowances are payable in respect of children who are actually dependent on the worker who is considered as the head of the family, provided that they are not engaged in remunerated employment of any kind, that they are resident in Italy and that they are still within the statutory age limits.

The right to receive allowances does not depend on there being a minimum number of children in the family; an allowance is payable even in respect of one dependent child. Similarly, there is no upper limit on the number of children in respect of whom allowances may be paid.

Article 41. Coverage is calculated in accordance with clause (b) of this Article. The report contains the same statistical information as was given with regard to old-age benefit (see above in connection with Article 27).

Article 42. The benefit provided is of the type described in clause (a) of this Article. Family allowances are paid in cash. The report contains a table showing the amounts of allowances paid; these vary according to the branch of economic activity in which the head of the family is employed.

Article 43. There is no qualifying period for family allowances.

Article 44. The total value of the benefits is calculated with reference to clause (a) of this Article. In 1957 a total of 278,212 million liras was paid in the form of family allowances in respect of an estimated total of 6,502,200 children of persons covered by the general scheme. The monthly wage of an ordinary adult male labourer, defined in the manner prescribed in Article 66, paragraph 4 (a) (see above under Article 28), was 30,826 liras. Thus the total amount paid in benefits represented 11.55 per cent. of the cash earnings of the ordinary adult male labourer multiplied by the total number of children of persons protected.

Article 45. The right to family allowances in respect of a child or person placed on the same footing as a child lapses when the beneficiary reaches the statutory age limit, or, in the event of death, on the day of decease. In addition, the payment of allowances is suspended when the head of the family is working in a foreign country unless a social security agreement dealing with the question has been concluded with the country to which he has emigrated.

PART VIII. MATERNITY BENEFIT

Article 48. All female workers who are pregnant or in childbirth and who work for other persons in any capacity whatsoever are entitled to maternity benefit. There are special provisions concerning the economic protection of female domestic servants and homeworkers. The coverage of the scheme has been calculated with reference to clause (b). The groups taken into consideration include female employees as well as the dependent wives of male employees.

There are approximately 7,300,000 female employees and wives of male employees covered by the maternity insurance scheme. In 1957 the female population of Italy amounted to 25,455,560. Thus the total number of economically active persons protected constituted 28.70 per cent. of the total female population.

Article 49. Insured women workers and members of the families of insured male workers are entitled to general practitioner, specialist and out-patient care, pharmaceutical benefits and obstetrical care for six months of the year under the sickness insurance scheme. Hospital care consists of in-patient treatment in a public hospital or an approved private nursing home; it is provided for up to 180 days in the case of a woman insured on her own account and up to 30 days in other cases. There is no provision in Italian legislation concerning contributions by the beneficiaries to the cost of this care.

The report describes the various measures taken to safeguard mothers (interruptions of work, breaks for nursing) and the types of

medical treatment provided. A woman who falls ill as a result of pregnancy or childbirth and is entitled to benefit under both the sickness insurance scheme and the maternity scheme can, if necessary, remain in hospital for more than 180 days.

Article 50. The benefits are calculated in accordance with Article 66. The standard monthly wage amounts to 25,896 liras. The monthly cash benefit payable to a standard woman wage earner in respect of maternity (20,717 liras) is equal to 80 per cent. of the wage.

Article 51. The maternity insurance scheme does not provide for any qualifying period for receipt of either medical or economic benefits; however, a qualifying period has to be served before members of the various groups of salaried employees, members of families of salaried employees and domestic servants become entitled to receive medical benefit under the sickness insurance scheme.

Article 52. The medical benefits referred to in Article 49 are provided throughout the duration of the contingency. The benefits mentioned in Article 50 are payable in respect of the entire period of compulsory absence from work, that is to say: for women workers in industry, from three months before the presumed date of confinement; for women employees in agriculture, from eight weeks before that date; for other categories of women workers, from six weeks before that date. For persons in all these categories benefits cease to be payable eight weeks after confinement; in certain special cases, however, benefit may be payable for a further six weeks. The period of compulsory abstention from work and the period during which benefit is payable may be longer where the competent authorities have adopted special provisions concerning earlier abstention from work.

Maternity benefits are not payable in any of the cases mentioned in Article 69, clauses (a) to (g) inclusive. Unless an agreement dealing with the question has been concluded with the country of emigration, the members of the family of the worker who is in a foreign country are not entitled to benefits.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. There is no discrimination between Italians and aliens. A foreign worker who performs work for remuneration in the service of another person has the same rights and obligations as an Italian worker.

PART XIII. COMMON PROVISIONS

Article 70. Appeals may be made within 90 days against decisions of the insurance institute on the subject of *old-age pensions* to the executive committee of the Institute concerned. If the competent body has not reached a decision within 30 days the person concerned may appeal to a court of law. He may also appeal to the courts against a decision of an administrative appeals board within five years of that decision.

On questions of *family allowances* workers have a right of appeal under administrative procedure against decisions of the National Social Insurance Institute (I.N.P.S.) to the special family allowances committee attached to that Institute within 120 days from the date on which the impugned decision was communicated. Appeals may be made to the Ministry of Labour against decisions of this special committee within 30 days of the communication of such decisions. If the matter is not one of fixing the amount of the allowances payable, an appeal may be made against a decision of the Ministry, within 30 days of the communication of the decision, to a court of law.

If *maternity benefits* are refused under either of the two schemes mentioned, or if any dispute arises concerning the nature and the amount of the benefits, the person concerned may appeal to the competent provincial authorities or to the central executive committee of the I.N.A.M. The rejection of such a claim or appeal by the administrative authorities may be appealed against in the various types of ordinary courts established by Italian legislation.

Article 71. The *old-age insurance* scheme is financed by contributions from the Government, the employers and the workers. The contributions of the employers (7.75 per cent. of the total wage bill) and the workers (3.85 per cent. of their total earnings) are determined in accordance with a financial system which is a combination of the funding and assessment methods. The basic pension is calculated on a funding basis, while the assessment system is used to calculate the amount required for the payment of the pensions granted.

The contribution of the Government consists of a fixed payment of 100 liras per year for every pension paid directly; a subsidy of 25 per cent. of the amount required every year to equalise pensions, less the cost of minimum benefits, payable to the Pension Equalisation Fund; and a fixed yearly subsidy of 15,000 million liras paid to the Fund to cover part of the cost of providing minimum benefits.

The *family allowance* is financed exclusively by contributions from employers. There are different administrative services for each of the various economic branches, but the law provides that working surpluses held by individual branches shall be used to cover deficits in other branches.

The cost of *maternity benefit* is covered by the levying of an additional contribution collected with the contribution to the sickness insurance scheme. This contribution is paid by employers and is calculated on the basis of the remuneration of all employees entitled to benefit in the event of sickness.

In 1957 the funds earmarked for the payment of invalidity, old-age and survivors' benefits in respect of all wage earners in the public and private sectors (with the exception of the employees of local authorities) amounted to 583,319 million liras, while the contributions paid in by the workers during the same period amounted to approximately 127,303 million liras, or 21.82 per cent. of the first figure. It

is impossible to give separate information concerning the old-age insurance scheme, as in Italy invalidity, old-age and survivors' insurance are all administered as a single unit. The contributions to the maternity insurance scheme are paid entirely by the employers.

Article 72. The workers have a share in the management of the different social insurance schemes; they appoint their own representatives on the boards of management. They have more representatives on these boards than the employers.

PART XIV. MISCELLANEOUS PROVISIONS

Article 77. Seamen and small-scale fishermen have not been included among wage earners for the purpose of calculating the numbers of persons protected.

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

Denmark, Italy.

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

Byelorussia (First Report).

Constitution of 1937.
Labour Code of 1929.
Ukase of 26 March 1956 of the Presidium of the Supreme Soviet of the U.S.S.R., to extend leave periods during pregnancy and confinement (*Vedomosti*, No. 6, text 134 of 1956) (*L.S.* 1956—U.S.S.R. 2).
Decree of 13 October 1956 of the Council of Ministers of the U.S.S.R. to increase the assistance available to working mothers employed in undertakings and institutions (*Sobranie Postanovlenii*, 1956, No. 2, text 7).

Article 1 of the Convention. The provisions of the maternity protection legislation apply to all women working under a contract of employment. Wages of women workers on maternity leave are paid out of the funds of the State Social Insurance Scheme, which covers all workers and employees, irrespective of whether they are employed in state, social or co-operative undertakings and institutions, or of the nature of the undertaking or institution (industrial, commercial, agricultural, handicrafts, etc.).

Article 2. The legislation makes no distinction between women of different age, civil status, nationality, race or religious belief, nor between children born in wedlock or out of wedlock.

Article 3. Maternity leave is granted to all women workers and salaried employees on production of a medical certificate from a health service or a preventive medicine establishment. Women workers and salaried employees are granted a total of 112 calendar days' leave—56 days before confinement and 56 days after.

Postnatal leave is calculated from (and including) the day of confinement. In the event of a difficult confinement or the birth of more than one child the woman obtains a supplementary leave of 14 calendar days over and above her postnatal leave. In the event of illness during pregnancy she receives medical care and leave with pay for the period of her illness.

Article 4. Under article 95 of the Constitution all citizens are entitled to maintenance in the event of sickness or disability; this right is guaranteed by a comprehensive social insurance scheme for workers and employees (financed by the State) and free medical care.

A woman worker or employee is entitled to benefit during maternity leave, payable by the State Social Insurance Scheme, irrespective of the length of service of the woman concerned. The rate of benefit varies from two-thirds to 100 per cent. of her wage. In addition, a layette and nursing allowance is granted to the parents if their monthly wage is not higher than a prescribed maximum. Women during pregnancy and confinement, as well as young mothers with their newborn children, are treated free of charge in special women's and children's dispensaries, maternity homes, etc.

The funds of the State Social Insurance Scheme, out of which maternity benefit is paid, are derived solely from contributions by state undertakings and establishments; no deductions are made from the wages of the insured persons.

Article 5. A woman nursing her child is entitled to breaks of at least half-an-hour in every three-and-a-half hours of work, in addition to general breaks. These breaks are counted as working hours and remunerated accordingly. Where two or more children are born, the length of the nursing break is extended correspondingly.

Article 6. The refusal of an employer to employ a woman worker on the grounds of her pregnancy is forbidden, neither can she be dismissed from her job for this reason. A pregnant working woman is entitled to be transferred to a lighter job without any loss of

earnings. A woman who leaves her job as a result of childbirth loses no seniority if she returns to work during the year following the date of the child's birth.

The highest authority responsible for enforcing the laws on maternity protection is the Public Prosecutor's Office. Supervision is also exercised by the trade unions, acting through an inspection staff.

Hungary (First Report).

Labour Code of 1951 (*Magyar Közlöny*, 31 Jan. 1951, (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*Magyar Közlöny*, 28 Nov. 1953 (L.S. 1953—Hun. 1).

Order No. 8100-6/1953 of the Ministry of Health respecting the application of the Labour Code.

Legislative Ordinance No. 39 of 31 December 1955 respecting workers' sickness insurance (*Magyar Közlöny*, 31 Dec. 1955, No. 132) (L.S. 1955—Hun. 1).

Order No. 8300-4/1954 of the Ministry of Health.
Decision No. 1032/1957 of the Council of Ministers.

Article 1 of the Convention. The Labour Code is applicable to every employer and to every worker employed (section 5); Legislative Ordinance No. 39 of 1955 states that "sickness insurance shall cover all workers in an employment relation and certain persons not in an employment relation" (section 3). There is therefore no distinction made between female employees in industry, commerce, etc., and the provisions concerning maternity protection therefore apply to female employees engaged in non-industrial work even when such employment is not mentioned in paragraph 3 of Article 1 of the Convention.

No exemptions are provided under the legislation for undertakings staffed by the employer's family.

Article 3. The Labour Code states that a woman is entitled to a holiday of 12 weeks before and after confinement. In the event of a difficult confinement the holiday may be extended by a further four weeks on receipt of a request by an officially recognised doctor. The maternity leave is granted in two equal parts, before and after confinement. On request by the woman and if, in the doctor's opinion, her employment before confinement is not likely to be harmful to her health, she may be authorised to take the entire maternity leave after confinement (section 97 of the Code).

Order No. 8100-6/1953 states that, if the confinement takes place after the date indicated on the medical certificate, the prenatal leave of six weeks must be extended to the date on which confinement takes place, without any reduction of the postnatal leave of six weeks. If confinement takes place before the presumed date, however, the postnatal leave is extended by the duration of the leave period which remained unexpired before confinement.

Article 4. Legislative Ordinance No. 39 respecting workers' sickness insurance states that every woman shall be entitled to free medical assistance by a medical practitioner, or by a midwife, during pregnancy or confinement and to benefits payable throughout the duration of pregnancy and confinement. When a woman has been insured for a minimum of 270 days during the two years immediately

preceding the confinement the benefits payable during pregnancy and confinement must be equivalent to the total remuneration which she normally receives; if she has been insured for at least 180 days the benefit must be equal to 50 per cent. of the normal remuneration. Women workers who enter a public hospital or a maternity home receive 80 per cent. of the benefits payable during pregnancy and confinement (section 15) and all women who receive such benefits are also entitled to a maternity allowance (section 16).

In case of illness, whether this arises out of pregnancy and confinement or not, the woman is entitled to medical benefits provided under section 4 of the above-mentioned Legislative Ordinance.

The sickness insurance scheme is financed by contributions paid by the employers, who may on no account make deductions from the salaries of the persons they employ (section 27).

During the period under consideration 110,000 women received the benefits provided for under the Convention.

Order No. 8300-4/1954 provides that, for all women who fail to qualify for benefits provided as a matter of right, the hospital expenses for them and their children up to the end of the confinement, or when an illness arises out of confinement for ten weeks thereafter, shall be paid in equal parts by the State and by the husband, or entirely by the State, when both the woman and her husband are insolvent. All medical expenses incurred as a result of a premature confinement or due to the birth of an ailing child are supported entirely by the State.

Decision No. 1032 of 1957 of the Council of Ministers states that layettes will be provided free of charge to pregnant women under special circumstances even when the beneficiaries are not entitled to social insurance benefits. In addition, the report states that women who are not entitled to social insurance benefits will in case of need be entitled to a special cash grant made by the municipal authority.

Article 5. The Labour Code provides that if a woman nurses her child in a nursery which is operated by the undertaking or is near her place of work, or at her home when this is near her place of work, the interruption of work for nursing will be two half-hour periods per day during the six months immediately following the confinement and one period of half-an-hour per day thereafter until the end of the ninth month. The interruptions for nursing may be replaced by two periods of three-quarters of an hour each during the first six months and one period of three-quarters of an hour until the end of the ninth month if the woman nurses her child in a nursery situated at some distance from her place of work or at her residence if this is far away from her work. In the latter case the interruption may, at the woman's request, be taken in one single period at the beginning or at the end of the working day. The interruption for nursing is considered as work and is paid for at the average wage (section 98 of the Code).

Article 6. The Labour Code states that, between the date on which pregnancy is

certified and the end of the sixth month following confinement, a woman can only be dismissed as the result of disciplinary action (section 96 of the Code).

The Government states that there has been no case of disciplinary action against a pregnant woman or a nursing mother up to the date of this report and that the new Labour Code now in preparation will also prohibit such dismissal for such women.

Article 7. The Government states that national legislation does not provide any exemptions under this Article of the Convention.

The Ministers of Labour and of Health, the Central Council of Trade Unions, the People's Councils and the courts are all entrusted with the application of the provisions of the Convention.

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 the other Soviet Federated Republics.
Order of 8 August 1922 of the People's Commissariat of Labour of the R.S.F.S.R.
Order of 16 July 1925 of the People's Commissariat of Labour of the R.S.F.S.R.
Ordinance of 5 February 1955 of the Presidium of the All-Union Central Council of Trade Unions, issued in virtue of the Decree of the Council of Ministers of the U.S.S.R. of 22 January 1955 concerning the awarding of payment of benefits of the State Social Insurance Scheme, as amended up to 23 February 1957.
Ukase of 26 March 1956 of the Presidium of the Supreme Soviet of the U.S.S.R. to extend leave periods during pregnancy and confinement (*Vedomosti*, No. 6, text 134 of 1956) (*L.S.* 1956—U.S.S.R. 2).
Decree of 13 October 1956 of the Council of Ministers of the U.S.S.R. to increase the assistance available to working mothers employed in undertakings and institutions (*Sobranie Postanovlenii*, 1956, No. 2, text 7).

Article 1 of the Convention. Maternity protection in the U.S.S.R. is one of the aims of the socialist State and is provided for in the Constitution. Wages of women workers on maternity leave are paid out of the funds of the State Social Insurance Scheme, which covers all workers and employees, irrespective of whether they are employed in state, social or co-operative undertakings or institutions or of the nature of the undertaking or institution (industrial, commercial, agricultural, handicrafts), etc.).

Article 2. The legislation makes no distinction between women of different age, civil status, nationality, race, or religious belief, nor between children born in wedlock or out of wedlock.

Article 3. Maternity leave is granted to all women workers and salaried employees on production of a medical certificate from a health service or a preventive medicine establishment.

Under the Decree of 26 March 1956, maternity leave must be granted for a total of 112 calendar days—56 days before confinement and 56 days after. In the event of a difficult confinement or the birth of more than one child the postnatal leave is extended to 70 calendar days.

According to the regulations laying down the procedure for calculating benefit under the State Social Insurance Scheme, if the prenatal

leave is prolonged because confinement took place at a date later than foreseen, benefit is payable in respect of the whole of the period actually spent on prenatal leave. In this case postnatal leave is reckoned from the day of confinement.

In case of illness arising out of pregnancy or confinement the woman is entitled to sick leave and sickness benefits.

Article 4. Under article 120 of the Constitution of the U.S.S.R. all citizens are entitled to maintenance in the event of sickness or disability; this right is guaranteed by a comprehensive social insurance scheme for workers and employers and free medical care.

Under the current legislation women workers or employees on maternity leave are entitled to a cash benefit which is granted to them regardless of any qualifying conditions. The rate of this benefit varies from two-thirds to 100 per cent. of their remuneration. In addition to maternity benefit, a layette and nursing allowance is granted to the parents if the monthly wage is not higher than a prescribed maximum.

Medical care, health services and preventive medicine are available through general medical facilities, and women during pregnancy and confinement, as well as young mothers, are treated free of charge in special dispensaries, maternity homes and other state health establishments.

As all employed women are entitled to cash benefits no payments out of social assistance are necessary. Cash and medical benefits are provided by means of social insurance and public funds. Social insurance contributions are paid by state undertakings and establishments without any deductions from the insured members' wages.

Article 5. A woman nursing her child is entitled to breaks of at least half-an-hour in every three-and-a-half hours of work, in addition to general breaks (section 134 of the Labour Code). According to paragraph 2 of the aforesaid section the interruptions are counted as working hours and remunerated accordingly.

Article 6. Under the Order of the People's Commissariat of Labour of 8 August 1922, a pregnant woman may only be dismissed in exceptional circumstances and with the consent of the trade union concerned. This also applies to married women with children under the age of 12 months. On the other hand, according to the labour laws, a woman's job must be kept open for her throughout her maternity and confinement leave and the employer who refuses to give her back her job or reduces her wages is liable to prosecution under the criminal law.

As regards the enforcement of the labour laws the highest responsible authority is the Public Prosecutor of the U.S.S.R., in accordance with article 113 of the Soviet Constitution. In addition, the enforcement of maternity protection legislation is the responsibility of the trade unions which, to this end, employ a large staff of inspectors. The enforcement of maternity protection standards as far as the medical services are concerned is in the hands of the Ministry of Health.

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

two Regions of the United Arab Republic. The Labour Code guarantees the right of workers to leave their employment without rendering themselves liable to sanctions of any kind. All citizens are equal before the law and there is no discrimination.

* * *

The report from *United Arab Republic* supplies information on the practical effect given to the Convention.

The report from *New Zealand* reproduces the information previously supplied.

United Arab Republic (First Report).
For legislation see under Convention No. 11.
There are no penal sanctions in either of the

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, Canada, Ceylon, Chile, China, Denmark, Dominican Republic, Ecuador, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland, Italy, Japan, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, Sweden, Switzerland, Tunisia, Turkey, Union of South Africa, United Arab Republic, United Kingdom, United States, Venezuela, Viet-Nam.

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 Governments of *Bulgaria* and *Czechoslovakia* state that copies of their reports have been communicated to their respective Central Councils of Trade Unions.

The Government of the *Federation of Malaya* states that the reports will be placed before the National Joint Labour Advisory Council, which comprises national representatives in equal numbers of the two sides in industry.

The Government of *Poland* states that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *El Salvador* states that copies of the reports were forwarded to the following co-operative and commercial associations : 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 *U.S.S.R.* states that copies of its reports have been communicated to the All-Union Central Council of Trade Unions and to the directors of various undertakings.

The Government of *Uruguay* states that copies of its reports have been communicated to the tripartite committee responsible for consideration of questions concerning the International Labour Conference.

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 ¹ : 2 June 1927.
No declaration.

Italy. Ratification ¹ : 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.

¹ Conditional ratification.

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

New Zealand (Cook Islands and Niue), *Portugal* (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, 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 ¹ : Guernsey, Jersey, Isle of Man : 14 July 1921.
No declaration : all other territories.

Italy.

Trust Territory of Somaliland.

Labour Code of 15 November 1958 (*Bollettino Ufficiale della Somalia*, 24 Nov. 1958, Supplements Nos. 2 to 11) (L.S. 1958—It. Som. 1).

The Labour Code, which came into force on 1 January 1959, specifically states that the provision of placement services is the responsibility of the Government. The establishment of an unemployment insurance scheme is unlikely.

United Kingdom.

Hong Kong.

A co-ordinating council of local charitable societies is to establish a pilot employment office with the object of placing skilled and semi-skilled workers recommended by its constituent societies. The office will place unskilled workers only when requests for such workers are received from employers.

Singapore.

As from July 1958 the Seamen's Registry Board took over the function of placing seamen in employment.

Southern Rhodesia.

Employment exchanges were established in 1958 in the four main centres. In addition,

¹ Up to 16 October 1950 Guernsey, Jersey and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in article 35 of the Constitution.

as from January 1959, a number of African employment exchanges previously run by the municipalities were taken over by the Government.

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

New Zealand (Western Samoa), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *United Kingdom* (Barbados, British Guiana, Cyprus, Guernsey, Jersey, Kenya, Isle

of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Sierra Leone, Tanganyika, Uganda, Zanzibar).

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

Denmark (Faroe Islands, Greenland), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Malta, North Borneo, Nyasaland, St. Lucia, Sarawak, Solomon Islands, Swaziland).

3. Maternity Protection Convention, 1919¹

This Convention came into force on 13 June 1921

France. Ratification : 16 December 1950.

Applicable with modification :

States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.

Trust Territory : Togoland : 19 March 1954.

No declaration : Algeria.

Italy. Ratification : 22 October 1952.

Applicable with modification : Trust Territory of Somaliland : 7 June 1954.

Spain. Ratification : 4 July 1923.

No declaration.

*United Kingdom.*² Applicable with modification : Fiji, Nigeria, Singapore, Solomon Islands, Southern Rhodesia : 27 March 1950.

Decision reserved : Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica³, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Swaziland, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

¹ This Convention was revised in 1952 by Convention No. 103.

² 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.

³ Federation of the West Indies.

4. Night Work (Women) Convention, 1919¹

This Convention came into force on 13 June 1921

Belgium. Ratification² : 12 July 1924.

Applicable without modification : Belgian Congo and Ruanda-Urundi : 1 April 1934.

France. Ratification² : 14 May 1925.

Applicable without modification :

States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 25 March 1939.

Overseas Departments : Guadeloupe, Martinique, Réunion : 3 February 1934 ; French Guiana : 25 March 1939.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 25 March 1939.

Trust Territory : Togoland : 25 March 1939.

Algeria : 3 February 1934.

Italy. Ratification : 10 April 1923.

Applicable with modification : Trust Territory of Somaliland : 7 June 1954.

Netherlands. Ratification² : 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. Ratification² : 1 November 1921.

No declaration.

United Kingdom. Ratification² : 14 July 1921.

Applicable *ipso jure* without modification³ : Guernsey, Jersey, Isle of Man : 14 July 1921.

No declaration : all other territories.

¹ This Convention has been revised twice—in 1934 and in 1948. See under Conventions Nos. 41 and 89.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The subject matter of the Convention is covered by sections 72, 73 and 75 of the

Labour Code, which came into force on 1 January 1959.

There has been no change in the factual situation in the territory.

The Labour Inspection Service is responsible for the implementation of the provisions of the Code.

* * *

The following reports supply information on

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

Portugal (Cape Verde, Mozambique).

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

Portugal (Angola, Macao, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor).

5. Minimum Age (Industry) Convention, 1919¹

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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 14 January 1948.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon : 19 March 1954 ; New Caledonia : 14 January 1948.
Trust Territory : 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 modification² : Guernsey, Jersey, Isle of Man : 14 July 1921.

No declaration : all other territories.

¹ This Convention was revised in 1937. See Convention No. 59.

² See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention :

Denmark (Faroe Islands).

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

Denmark (Greenland), *United Kingdom* (Nyasaland).

6. Night Work of Young Persons (Industry) Convention, 1919¹

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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 29 April 1940.

Overseas Departments : Guadeloupe, Martinique, Réunion : 3 February 1934 ; French Guiana : 29 April 1940.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 29 April 1940.

Trust Territory : Togoland : 29 April 1940.
Algeria : 3 February 1934.

Italy. Ratification : 10 April 1923.

Applicable with modification : Trust Territory of Somaliland : 28 December 1953.

Netherlands. Ratification² : 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. Ratification² : 14 July 1921.

Applicable *ipso jure* without modification³ : Guernsey, Jersey, Isle of Man : 14 July 1921.

No declaration : all other territories.

¹ This Convention was revised in 1948. See Convention No. 90.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

France.

States of the Community.

Central African Republic.

Order No. 837 of 22 November 1953 (*Journal officiel de l'A.E.F.*, 15 Dec. 1953).

Order No. 42 of 24 January 1959 to amend the above-mentioned Order.

Order No. 42 has been made as a result of observations received from the Committee of Experts.

Republic of Chad.

Order No. 627 ITT.LS of 3 December 1953 (*Journal officiel de l'A.E.F.*, 1 Mar. 1954).
Amending Order No. 1244/ITAFF.SOC of 5 September 1959.

The above-mentioned Amending Order brings the local regulations into conformity with the provisions of the Convention.

Republic of the Congo.

Order No. 2224 of 24 October 1953 (*Journal officiel de l'A.E.F.*, 14 Nov. 1953).
Decree of 31 July 1959 to amend the above-mentioned Order.

The Decree of 31 July 1959 amends the offending section 4 of Order No. 2224. The only exceptions that will be permitted in future are those provided under the Convention.

Gabon Republic.

Order No. 2475 of 24 December 1953 establishing the hours of night work in Gabon (*Journal officiel de l'A.E.F.*, 1 Feb. 1954).
Order No. 2472 of 24 December 1953 establishing special conditions of employment for young workers, etc. (*Journal officiel de l'A.E.F.*, 1 Feb. 1954).

Article 2 of the Convention. A draft decree which abolishes the powers of labour inspectors to grant exemptions is now being studied in order to comply with the observations made by the Committee of Experts.

Republic of the Ivory Coast.

Order No. 3145/ITLS/CI of 28 April 1954 (*Journal officiel de la Côte d'Ivoire*, 29 Apr. 1954).

The above Order will be amended in order to comply with the observations made by the Committee of Experts.

Republic of the Niger.

Overseas Labour Code of 15 December 1952 (*L.S.* 1952—Fr. 5).
Order No. 0412 ITLS/N relating to the employment of children and young persons.
Order No. 1.619 ITLS/N to determine the hours during which work shall be deemed to be night work.

Article 2 of the Convention. Agricultural and farm workers are practically the only ones covered by the legislation mentioned above, owing to the absence of a mining or manufacturing industry.

Article 3. Section 114 of the Overseas Labour Code gives a definition of night work that is in conformity with Article 3 of the Convention (see also sections 113 ff. of Order No. 1.619 ITLS/N). Night work in bakeries is ruled out by the existing distribution of weekly hours in the occupation.

Article 4. The night work of young persons of either sex is prohibited under section 7 of Order No. 0412 ITLS/N.

Republic of Senegal.

Order No. 3724/IT of 22 June 1954 respecting the employment of children.

The Federation of Mali is at present drafting a Labour Code in which the observations made by the Committee of Experts will probably be taken into account.

Republic of the Upper Volta.

Order No. 539 ITLS/HV of 29 July 1954 respecting the employment of children (*Journal officiel de la Haute-Volta*, 15 Aug. 1954).

Malagasy Republic.

Order No. 065-VP/TR of 21 November 1958 respecting the authorisation of night work for children employed in continuous process factories.

The provisions of Order No. 065, replacing those of section 10 of Order No. 275-IGT of 5 February 1954, are a result of the request received from the Committee of Experts.

*Italy.**Trust Territory of Somaliland.*

See under Convention No. 4.

* * *

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

Denmark (Faroe Islands, Greenland), *France* (Republic of Chad).

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

Portugal (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor).

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification : 28 June 1935.
Applicable without modification : New Guinea, Papua : 8 July 1959.
Not applicable : Nauru, Norfolk Island : 28 June 1935 and 8 July 1959.

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. Ratification² : 26 March 1925.
No declaration.

Spain. Ratification 20 June 1924.
No declaration.

United Kingdom. Ratification : 14 July 1921.
Applicable *ipso jure* without modification³ : Guernsey, Jersey, Isle of Man : 14 July 1921.
No declaration : all other territories.

¹ This Convention was revised in 1936. See Convention No. 58.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

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

Denmark (Faroe Islands, Greenland), *United Kingdom* (Nyasaland).

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 modification¹ : Guernsey, Jersey, Isle of Man : 12 March 1926.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

The following report reproduces the information previously supplied :

Denmark (Faroe Islands).

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.

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

Denmark (Faroe Islands, Greenland), *New Zealand* (Cook Islands and Niue).

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Australia. Ratification : 24 December 1957.
Applicable without modification : New Guinea, Norfolk Island, Papua : 8 July 1959.
Not applicable : 8 July 1959.

Belgium. Ratification : 13 June 1928.
Decision reserved : Belgian Congo and Ruanda-Urundi : 13 June 1928.

France. Ratification : 7 June 1951.
Applicable without modification : Overseas Departments : 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.

*Italy.**Trust Territory of Somaliland.*

For legislation see under Convention No. 2.

Section 79 of the Labour Code confirms the basic principles of Ordinance No. 12 of 28 June 1953 by prohibiting work by young persons under 14 years of age, with certain specific exceptions.

*Netherlands.**Surinam.*

This Convention is not applicable in Surinam.

There are no statutory or administrative regulations applying the Convention.

Section 18 of the Ordinance of 8 December 1876 (*Gouvernementsblad*, 1877, No. 10) states that the parents or guardians of children between 7 and 12 years of age must send their children to a primary school. If they do not

do so and are unable to supply a valid excuse they are liable to a fine. The Ordinance of 1876 does not cover children of 13 years (who are protected by the Convention) because of local economic and social conditions. Production, especially in agriculture, is still based on the family unit and this means that all members of the family have to do their share.

For the time being, therefore, the present position cannot be changed without upsetting the village economy.

The district commissioners, officials of the registrar's department and police officials are responsible for enforcing the Ordinance of 1876.

* * *

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

Netherlands (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification : 24 December 1957.
Applicable without modification : New Guinea, Norfolk Island, Papua : 8 July 1959.
Not applicable : Nauru : 8 July 1959.

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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 8 July 1958.

Overseas Departments : Guadeloupe, Martinique, Réunion : 9 December 1933.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 8 July 1958.

Trust Territory : Togoland : 8 July 1958.

Algeria : 6 February 1932.

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 ¹ : Guernsey, Jersey, Isle of Man : 6 August 1923.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Royal Order of 29 May 1959 to determine the membership of the standing committee of mutual provident associations under section 51 of the Decree of 15 April 1958 respecting mutual provident associations [this Decree came into force on 14 August 1958] (*Bulletin officiel du Congo belge*, 1 July 1959).

Ordinance No. 22/276 of 20 May 1959 to implement the Decree of 15 April 1958 (*Bulletin administratif du Congo belge*, 15 June 1959).

Decree of 18 May 1959 to establish the compulsory conciliation and arbitration procedure in labour disputes and repealing Ordinance No. 22/65 of 15 March 1957 (*Bulletin officiel du Congo belge*, 15 June 1959).

The report states that none of these legislative texts introduces any kind of discrimination.

For the Government's reply to the observation made by the Committee of Experts in 1959 see *Report of the Committee*, p. 698.

* * *

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

France (Comoro Islands), *United Kingdom* (Basutoland, Nyasaland).

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

This Convention came into force on 26 February 1923

Belgium. Ratification : 26 October 1932.
Applicable without modification : Belgian Congo and Ruanda-Urundi : 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 modification¹ : Jersey, Guernsey, Isle of Man : 6 August 1923.
No declaration : all other territories.

¹ 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 :

Belgium (Belgian Congo, Ruanda-Urundi), *United Kingdom* (Guernsey, Isle of Man).

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

Netherlands (Netherlands Antilles), *United Kingdom* (Jersey).

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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 24 January 1939.

Overseas Departments : Guadeloupe, Martinique, Réunion : 9 February 1934 ; French Guiana : 24 January 1939.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 24 January 1939.

Trust Territory : Togoland : 24 January 1939.
Algeria : 2 March 1928.

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.

States of the Community.

Central African Republic.

In reply to the observations made by the Committee of Experts the Government states that a new Order will come into force in the near future under which white lead may no longer be used for painting, spray varnishing, or any other work involving the use of paint.

Republic of Chad.

In so far as the provisions of Article 5 of the Convention are concerned, the legislation of the

Republic of Chad will be amended in order to clarify the situation.

Republic of the Congo.

The Government considers that the request made by the Committee is justified and states that it believes that an editorial error was made when the similar metropolitan legislation was drafted. The Government hopes to be able to take the necessary action to rectify the situation within a reasonable time.

Gabon Republic.

The competent departments will examine carefully the request received from the Committee concerning the application of Article 5 of the Convention with the object of preparing a possible amendment to the national legislation.

Republic of the Ivory Coast.

Order No. 8822/IGTLS/AOF of 14 November 1955 laying down precautions to be taken for the protection of workers engaged in spraying paint or varnish.

Order No. 8827/IGTLS/AOF of 14 November 1955 laying down particular health measures to be applied in establishments where workers are exposed to lead poisoning.

The provisions of Article 2 of the Convention are applied through Order No. 8827 of 14 November 1955 listing the industrial occupations in which the use of white lead, sulphate of lead and products containing its pigments is allowed, and the conditions to be complied with by establishments where such work is carried out.

The provisions of the various paragraphs in Article 5 are applied through Orders Nos. 8827 and 8822 of 14 November 1955.

Republic of the Niger.

Order No. 8822/IGTLS/AOF of 14 November 1955 lays down precautions to be taken for the

protection of workers engaged in spraying paint or varnish.

Order No. 8827/IGTLS/AOF of 14 November 1955 lays down particular health measures to be applied in establishments where workers are exposed to lead poisoning.

Republic of the Upper Volta.

The general Order No. 8829 IGTLS/AOF of 14 November 1955 is at present the only legislation in force which applies the provisions of the Convention. A new Order regulating the use of white lead will come into force for cases where the use of this substance is still authorised.

Malagasy Republic.

In reply to the requests made by the Committee of Experts in 1958 and 1959 concerning the application of Article 5 I (b) of the Convention, the Government states that a decree is now in preparation and will be promulgated in 1960. This decree will establish regulations for workers employed in spraying paint or varnish.

In so far as Article 7 of the Convention is concerned, no cases of lead poisoning have been reported.

Netherlands.

Surinam.

In reply to the request made by the Committee of Experts the Government gives the following information.

Article 1 of the Convention. Lead sulphate, precipitated during the manufacture of chrome yellow, is not considered as a pigment within the meaning of this Article. The reason given is that in this case it forms an inseparable compound with lead chromate.

Article 2. The limits between the various kinds of painting are not determined by legislation.

Article 3. Giving effect to the recommendation made by the Committee of Experts, the Government proposes to introduce provisions regarding the prohibition of the employment of women and young persons under 18 years of age in the painting work covered by this Article.

Article 5, point III (a). In Surinam cases of lead poisoning and suspected lead poisoning must be notified within 48 hours.

Article 7. Statistics of cases of lead poisoning are drawn up by the Labour Inspection Service and appear in the annual report of the Department of Social Affairs and Public Health. The report for 1958 is now in the press and will be sent as soon as it becomes available.

The Government points out that in Surinam the climatic conditions affect the application of the Convention. Article 1 applies only to the internal painting of buildings, work in the open air involving a much smaller risk. However, the climate of Surinam is generally very hot, and any work inside buildings is therefore generally done with the windows open; this ensures effective ventilation and the rapid clearing of dust. Consequently the Government considers that the protection for which the Convention provides is to a great extent ensured in Surinam thanks to climatic conditions and work habits. The Government states that the provisions of the Convention will be more completely applied when changes in construction or painting techniques make this necessary.

* * *

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

France (Senegal), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea).

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Belgium. Ratification : 19 July 1926.
Applicable without modification : Belgian Congo and Ruanda-Urundi : 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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 14 February 1947.
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon : 19 March 1954 ; New Caledonia : 14 February 1947.
Trust Territory : Togoland : 19 March 1954.
Algeria : 18 February 1928.
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.*¹

Applicable without modification : Antigua², Bahamas, Basutoland, Bechuanaland, British Virgin Islands, Dominica², Falkland Islands, Gambia, Grenada², Kenya, Malta, Mauritius, Montserrat², St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda : 27 March 1950.

Decision reserved : Aden, Barbados², Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Jamaica², Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago², Zanzibar : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

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

² Federation of the West Indies.

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

Belgium (Belgian Congo, Ruanda-Urundi).

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

Portugal (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, 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.

New Zealand. Ratification : 26 November 1959.

Not applicable : Cook Islands and Niue, Tokelau Islands : 26 November 1959.

No declaration : Western Samoa.

Spain. Ratification : 20 June 1924.

No declaration.

United Kingdom. Ratification : 8 March 1926.

Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 8 March 1926.

Applicable without modification² : Aden, Bermuda, British Guiana, Cyprus, Dominica³, Gambia, Gibraltar, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar : 27 March 1950.

Applicable with modification² :

Fiji, Nyasaland, Solomon Islands : 27 March 1950.

Barbados³ : 29 December 1958.

Decision reserved² : Antigua³, Bahamas, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gilbert and Ellice Islands, Montserrat³, St. Christopher-Nevis-Anguilla³ : 27 March 1950.

Not applicable² : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

No declaration : British Somaliland.

¹ See footnote 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will only become effective when this Convention comes into force.

³ Federation of the West Indies.

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

Denmark (Faroe Islands), *United Kingdom* (Nyasaland).

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.

Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 8 March 1926.

Applicable without modification² : Aden, Bermuda, Cyprus, Dominica³, Gambia, Gibraltar, Grenada³, Hong Kong, Jamaica³, Malta, Mauritius, Nigeria, North Borneo, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar : 27 March 1950.

Applicable with modification² :

Fiji, Kenya : 27 March 1950.

Barbados³ : 29 December 1958.

Decision reserved² : Antigua³, Bahamas, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Gilbert and Ellice Islands, Montserrat³, Nyasaland, St. Christopher-Nevis-Anguilla³ : 27 March 1950.

Not applicable² : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

No declaration : British Somaliland.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

³ Federation of the West Indies.

Denmark.

Greenland.

In reply to a request made in 1959 by the Committee of Experts the Government states that the maritime passport used in Greenland presupposes regular medical examinations; these maritime passports are used by all seafarers and their possession is a condition for the subsequent issue of a Danish seafarers' book.

Italy.

Trust Territory of Somaliland.

Maritime Code of 21 February 1959 (*Bollettino Ufficiale della Somalia*, Supplements Nos. 1 to 4, 1 Apr. 1959).

The new Code co-ordinates and supplements the existing legislation on this subject. No changes have occurred in 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 :

Netherlands (Surinam), *United Kingdom* (Bermuda, Mauritius, Zanzibar).

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

Denmark (Faroe Islands), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *United Kingdom* (Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Cyprus, Falkland Islands, Fiji, Gibraltar, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Montserrat, Federation of Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika).

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 :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

*Italy.*¹
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 modification² : Guernsey, Jersey, Isle of Man : 28 June 1949.

Applicable without modification³ :

Kenya, Mauritius, Northern Rhodesia, Tanganyika : 27 March 1950.

Gibraltar, Sierra Leone : 29 December 1958.

Applicable with modification³ :

Aden, Antigua⁴, Bahamas, Barbados⁴, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica⁴, Falkland Islands, Fiji, Gambia, Grenada⁴, Jamaica⁴, Malta, Montserrat⁴, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla⁴, St. Helena, St. Lucia⁴, St. Vincent⁴, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago⁴, Uganda : 27 March 1950.
Sarawak : 23 February 1959.

Solomon Islands : 27 February 1959.

Decision reserved³ : Bermuda, Brunei, Gilbert and Ellice Islands, Hong Kong, Seychelles, Zanzibar : 27 March 1950.

No declaration : British Somaliland.

Belgium.

Belgian Congo and Ruanda-Urundi.

Decree of 17 February 1959 amending the Decree of 1 August 1949 to organise compensation for industrial accidents and occupational diseases.

The Decree of 17 February 1959 approves Legislative Ordinance No. 22/251 of 20 August 1957 which extends to domestic workers the system of compensation for industrial accidents and occupational diseases.

Netherlands.

Netherlands Antilles.

With reference to the request for information made by the Committee of Experts in 1959 the Government supplies statistical information on the practical application of the Convention and states that the supervision of the administration of the Industrial Accidents Scheme of 1936 has been entrusted to the Department for Social and Economic Affairs. The supervision of the administration of that scheme has been coupled with that of the Sickness Insurance Scheme of 1936.

Surinam.

Decree of 24 September 1947 to give effect to section 10, paragraph 1, of the Ordinance of 10 September 1947 respecting industrial accidents (*Gouvernementsblad*, 1947, No. 153).

Decree of 31 December 1947 to give effect to section 6, paragraph 1 (a), and section 27 of the Ordinance of 10 September 1947 respecting industrial accidents (*Gouvernementsblad*, 1947, No. 204).

Decree of 10 June 1948 to give effect to section 6, paragraph 1 (a), and section 27 of the Ordinance of 10 September 1947 respecting industrial accidents (*Gouvernementsblad*, 1948, No. 70).

Article 5 of the Convention. In reply to the request made by the Committee of Experts the Government states that the Industrial Accidents

¹ Unratified Convention. Italy forwarded a declaration accepting, in the name of the Trust Territory of Somalia, the application of this Convention.

² See footnote 1 to Convention No. 2.

³ See footnote 2 to Convention No. 15.

⁴ Federation of the West Indies.

Committee authorises compensation to be paid in a lump sum only if it has been satisfactorily established that conversion is in the interest of the worker or his dependants.

United Kingdom.

Kenya.

Workmen's compensation in fatal and permanent incapacity cases is always paid in a lump sum and not by periodical payments.

Some changes have been made in claims procedure.

* * *

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

Belgium (Belgian Congo, Ruanda-Urundi), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Guernsey, Jersey, Isle of Man).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

This Convention came into force on 1 April 1927

Australia. Ratification : 22 April 1959.
No declaration.

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 :
States of the Community : Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa) : 26 January 1935.

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 15 March 1938.

Algeria : 14 March 1933.

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. Ratification² : 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. Ratification² : 6 October 1926.
Applicable *ipso jure* without modification³ : Guernsey, Jersey, Isle of Man : 6 October 1926.
No declaration : all other territories.

¹ This Convention was revised in 1934. See Convention No. 42.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

Belgium.

Belgian Congo and Ruanda-Urundi.

See under Convention No. 42.

France.

States of the Community.

Republic of the Ivory Coast (First Report).

Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in the overseas territories, as amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of

24 September 1958. (These texts were promulgated in French West Africa by General Orders Nos. 7650 and 7736 of 17 August 1957 and No. 7980 of 27 September 1958 (*Journal officiel de la Côte-d'Ivoire*, 30 Sep. 1958).)

Order No. 1300/TAS of 17 September 1958 promulgating Decisions Nos. 148, 187 and 188-58/AT of 8 August and 10 September 1958 to lay down legislation for industrial accidents and occupational diseases in the Republic of the Ivory Coast (*Journal officiel de la Côte-d'Ivoire*, No. 44, 25 Sep. 1958).

Decree No. 59-30 of 22 April 1959 approving certain insurance undertakings for the provision of insurance coverage for industrial accidents and occupational diseases in the Ivory Coast (*Journal officiel de la Côte-d'Ivoire*, 9 May 1959).

Article 1 of the Convention. The new system of compensation came into force on 1 October 1958. The regulations governing industrial accidents are also applicable to occupational diseases; the date on which the disease was medically certified is assimilated to the date of the accident. A worker suffering from an occupational disease, or his dependants if he has died, receives a daily allowance in the case of temporary incapacity and a pension in the case of permanent disability or death.

Article 2. The above-mentioned Orders, which were made jointly by the Labour Inspector and the Director of the Public Health Department on the advice of the Technical Advisory Committee for the Study of Health and Safety of Workers, lists the occupational diseases caused by poisons, microbic infections or working conditions. Some of the schedules appended to these Orders specify the microbic or parasitic infections which may be contracted during employment in particularly unhealthy areas, and which are defined by decree. The schedules of occupational diseases may be revised or amended by means of Orders.

The Labour Inspectorate is the competent authority for ensuring the application of the legislation on compensation for industrial accidents and occupational diseases.

Republic of the Niger.

Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in the overseas territories, as amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958.

Ordinance No. 59-035 of 25 February 1959 establishing a schedule of occupational diseases.

Article 1 of the Convention. Under section 42 of the Decree of 24 February 1957 compensation for industrial accidents is also payable for occupational diseases. The legislation provides for payment of expenses incurred during treatment, rehabilitation, vocational retraining, and reclassification of the worker. In addition the compensation payable to the beneficiary includes a daily allowance which is paid throughout the period of temporary disability, and a pension payable to the victim if he is permanently disabled or to his dependants if he is deceased; certain other benefits are payable when an accident is followed by death.

Article 2. The schedule of occupational diseases given in the Ordinance of 25 February 1959 includes poisoning by lead, lead compounds, mercury, mercury compounds, and anthrax infection.

Republic of Senegal.

Decree No. 57-245 of 24 February 1957 respecting compensation for and prevention of industrial accidents and occupational diseases in the overseas territories, as amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958.

Decision No. 58-072 of 20 November 1958 listing the pathological symptoms of acute or chronic poisoning, of microbic infections imputable to the surroundings or to certain working conditions, or microbic infections presumed to be of an occupational origin.

The provisions of Article 1 of the Convention are applied by Titles V and VI of the Decree of 24 February 1957.

In so far as Article 2 of the Convention is concerned, the above-mentioned Decision provides for the application of the legislation con-

cerning the infections for which compensation is allowed as occupational diseases.

Republic of the Upper Volta (First Report).

Act No. 3-59-ACL of 30 January 1959 establishing a system of compensation for and prevention of industrial accidents and occupational diseases in the Republic of the Upper Volta (*Journal officiel de la Haute-Volta*, No. 6 (Special), 16 Feb. 1959).

Article 1 of the Convention. The legislation provides compensation for victims of occupational diseases, or to their dependants, based on the principles stated in the legislation relating to industrial accidents. The rates of compensation are the same for industrial accidents and for occupational diseases.

Article 2. A schedule of 29 occupational diseases is appended to the Act of 30 January 1959.

The competent authority for ensuring that the provisions of the legislation are applied is the Family Allowances Equalisation and Industrial Accident Fund of the Upper Volta.

Supervision is carried out by the Ministry of Social Affairs, Housing and Labour, and by the Territorial Inspectorate of Labour and Social Affairs.

* * *

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* (Algeria).

The following report reproduces the information previously supplied:

Denmark (Faroe Islands).

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:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 22 February 1948.
Algeria: 6 March 1931.
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 modification¹: Guernsey, Jersey, Isle of Man: 6 October 1926.

Applicable without modification²:
Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica³, Falkland Islands, Fiji, Gambia, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, Nigeria, Northern Rhodesia, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar: 27 March 1950.

Gibraltar: 29 December 1958.

Sarawak: 23 February 1959.

Solomon Islands: 27 February 1959.

Applicable with modification²: North Borneo, Nyasaland: 27 March 1950.

Decision reserved²: Bermuda, Brunei, Gilbert and Ellice Islands, Seychelles: 27 March 1950.

No declaration: British Somaliland.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

³ Federation of the West Indies.

*Portugal.**Cape Verde.*

Act No. 1942 of 27 July 1936 respecting the right to compensation for industrial accidents or occupational diseases.

Decree No. 27649 of 12 April 1937 to regulate the application of Act No. 1942.

Legislative Decree No. 31164 of 12 August 1944 to approve the Code of Procedure in Labour Courts. Ministerial Order No. 10698 of 6 July 1944, ordering the application in overseas provinces of the provisions of the Code of Procedure in Labour Courts.

Legislative Order No. 1175 of 19 July 1954 to ensure better application of the legislation concerning compensation for industrial accidents.

Legislative Order No. 1330 of 9 February 1957 to regulate employment relationships in private, commercial, industrial and agricultural undertakings.

Aliens who meet with an industrial accident in the province of Cape Verde, as well as their dependants, enjoy, when the employer is established in the territory, the same rights as are granted to Portuguese citizens, even if they are resident outside Portugal, provided that the legislation of their country grants the same treatment to Portuguese citizens (section 142 of Legislative Order No. 1330 and section 3 of Act No. 1942).

Workers who are victims of an industrial accident, or their dependants, forfeit their right to all compensation if they cease to reside in Portuguese territory. However, if the injured person is an alien, he retains his right to the compensation which he would be entitled to receive if the legislation of his country of origin grants equality of treatment to Portuguese workers. The method of making these payments is regulated by agreements between the Portuguese Government and the other governments concerned (sections 29 and 30 of Act No. 1942; sections 205 and 206 of Legislative Order No. 1330).

*United Kingdom.**Kenya.*

Workmen's Compensation (Amendment) Ordinance No. 45 of 1955.

Workmen's Compensation (Rules of Court) (Amendment) Rules, 1958 (Legal Notice No. 538 of 1958).

Exemption of Workmen Order, 1956.
Workmen's Compensation Regulations, 1956.

Montserrat.

Workmen's Compensation Ordinance No. 5 of 1957.
Workmen's Compensation Rules (S.R. and O. No. 35 of 1958).

Uganda.

Mutual agreement has been reached between the authorities of Uganda and Ruanda-Urundi with regard to the payment of workmen's compensation for accidents to workmen who are temporarily employed in one territory on behalf of an employer situated in another territory. In such cases compensation will be paid in accordance with the legislation in force in the territory where an employer or employee are normally domiciled. This agreement is recorded in the minutes of a conference which was held to study the matter; no formal text exists.

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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), *Denmark* (Greenland), *France* (Algeria), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands New Guinea, Surinam), *Portugal* (San Tomé and Príncipe), *United Kingdom* (Barbados, Hong Kong, Mauritius, Nigeria, Solomon Islands, Tanganyika).

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

Denmark (Faroe Islands), *Netherlands* (Netherlands Antilles), *Portugal* (Angola, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, Timor), *Union of South Africa* (South West Africa), *United Kingdom* (Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Falkland Islands, Fiji, Gibraltar, Grenada, Guernsey, Jersey, Malta, Isle of Man, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, 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. Ratification¹ : 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. Ratification¹ : 16 September 1927.

Applicable *ipso jure* without modification² : Guernsey, Jersey, Isle of Man : 16 September 1927.

No declaration : all other territories.

¹ Conditional ratification.

² See footnote 1 to Convention No. 2.

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 modification¹ : Guernsey, Jersey, Isle of Man : 14 June 1929.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 16.

Sections 99 to 110 of the Maritime Code apply the Convention. These sections contain detailed provisions which are in conformity with the Convention.

Netherlands.

Netherlands Antilles.

Ordinance of 31 October 1958 to amend the Commercial and Penal Code (*Publicatieblad*, 1958, No. 152).

Surinam.

Sections 487 to 565 of the Commercial Code of Surinam contain provisions dealing with seamen's articles of agreement. A study is being made of the extent to which these provisions apply the Convention. The results of this study will be communicated with the Government's next annual report on the application of the Convention.

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

Netherlands (Netherlands New Guinea), *United Kingdom* (Bermuda, Fiji, Hong Kong, Kenya, Mauritius, North Borneo, Sarawak, Sierra Leone).

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Cyprus, Falkland Islands, Gibraltar, Grenada, Guernsey, Jersey, Malta, Isle of Man, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Lucia, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda, Zanzibar).

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Belgium. Ratification : 3 October 1927.
Decision reserved : Belgian Congo and Ruanda-Urundi : 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.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 16.

The Convention is now applied by sections 57, 107 and 109 of the Maritime Code.

Netherlands.

Surinam.

See under Convention No. 22.

* * *

The following report supplies information on the practical effect given to the Convention :

Netherlands (Netherlands New Guinea).

The following report reproduces the information previously supplied :

Netherlands (Netherlands Antilles).

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

France. Ratification : 17 May 1948.
Not applicable :
Overseas Departments: 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 modification¹ : Guernsey, Jersey, Isle of Man : 20 February 1931.
No declaration : all other territories.

¹ 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 (Cyprus, Guernsey, Jersey, Malta, Isle of Man, Singapore).

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

United Kingdom (Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Falkland Islands, Fiji, Gibraltar, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda, Zanzibar).

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Spain. Ratification : 29 September 1932.
No declaration.
United Kingdom. Ratification : 20 February 1931.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 20 February 1931.
No declaration : all other territories.

¹ 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 (Cyprus, Guernsey, Jersey, Malta, Isle of Man, Singapore).

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

United Kingdom (Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Falkland Islands, Fiji, Gibraltar, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda, Zanzibar).

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification : 9 March 1931.
Decision reserved : 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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.

Trust Territory : Togoland : 19 March 1954.
No declaration : Algeria, and Overseas Departments : 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 modification¹ : Guernsey, Jersey, Isle of Man : 14 June 1929.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

The following reports merely refer to the information previously supplied :

New Zealand (Cook Islands and Niue), *United Kingdom* (Basutoland, Nyasaland).

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 ¹ : 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 ¹ : 21 February 1933.
No declaration.

United Kingdom.²

Decision reserved : Aden, Antigua ³, Bahamas, Barbados ³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica ³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada ³, Hong Kong, Jamaica ³, Kenya, Malta, Mauritius, Montserrat ³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla ³, St. Helena, St. Lucia ³, St. Vincent ³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago ³, Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

¹ Conditional ratification.

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

³ Federation of the West Indies.

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 ¹ : Faroe Islands, Greenland : 11 February 1932.

France. Ratification : 24 June 1937.
Applicable without modification :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 26 July 1954.
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 24 June 1937.¹
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 26 July 1954.
Trust Territory : Togoland : 26 July 1954.
Algeria : 24 June 1937.¹

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 ¹, Surinam ¹ : 31 March 1933.
Netherlands New Guinea : 26 October 1956.

New Zealand. Ratification : 29 March 1938.
Applicable without modification ¹ : Cook Islands and Niue, Tokelau Islands, Western Samoa : 29 March 1938.

Portugal. Ratification : 26 June 1956.
Applicable without modification ¹ : 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 ¹ : Spanish Guinea, Spanish West Africa : 29 August 1932.

United Kingdom. Ratification : 3 June 1931.
Applicable *ipso jure* without modification ² : Guernsey, Jersey, Isle of Man : 3 June 1931.

Applicable without modification :
Aden ¹ : 3 June 1931.

Antigua ³, Bahamas, Barbados ³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica ³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada ³, Hong Kong, Jamaica ³, Kenya, Malta, Mauritius, Montserrat ³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla ³, St. Helena, St. Lucia ³, St. Vincent ³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago ³, Uganda, Zanzibar : 3 June 1931.

Southern Rhodesia : 20 March 1933.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

³ Federation of the West Indies.

Belgium.

Belgian Congo and Ruanda-Urundi.

For the Government's reply to the observations made by the Committee of Experts in 1959 see *Report of the Committee*, pp. 698-699.

The report also states that serious consideration is being given to withdrawal of the reserva-

tions formulated at the time this Convention was ratified.

Work in connection with food crops, which can be made compulsory under section 71, paragraphs 1 and 2, of the Decree of 10 May 1957, may be considered as coming under Article 2, paragraph 2 (*d*), of the Convention, as it may be exacted only under exceptional circumstances. As regards work exacted under section 71, paragraph 3, of the Decree, although this is not expressly provided for in the Convention or in the reservations formulated by Belgium, it must be considered as being aimed at preventing famine or a scarcity of food products. Moreover, compulsory portage is covered by administrative instructions.

In reply to the direct request made by the Committee of Experts in 1959 the report states that public works are carried out by the army only in exceptional cases. Persons imprisoned following an administrative decision are compelled to do light work carried out, as far as possible, within the prison.

Regarding the application of Articles 13, 14, 15, 23 and 24 of the Convention, it should be noted that persons who carry out work under section 73 of the Decree of 10 May 1957 are covered by labour legislation and by the legislation relating to employment contracts.

Finally the report states that Article 25 of the Convention is applied by section 86, paragraph 1, of the Royal Order of 19 July 1954 and by section 180 of the Penal Code.

France.

States of the Community.

Central African Republic.

There is no forced labour of any kind in this Republic.

Military service is not yet compulsory in the country.

Persons convicted in courts of law are required only to do work of public utility, carried out under the supervision and control of a public authority.

No personal services can be requisitioned, even for minor communal work.

Illegal exaction of forced labour is subject to penalties.

Republic of the Ivory Coast.

No forced or compulsory labour of any kind is permitted in the Ivory Coast.

Citizens are subject, on the same footing as those of the French Republic, to laws and regulations regarding recruitment for the army.

No work or service is exacted as part of the normal civic obligations of citizens.

The work or service exacted as a consequence of convictions in courts of law is carried out under the supervision and control of the judicial authorities, who are responsible to the Minister of Justice.

Cases of *force majeure* are governed by section 475 of the French Penal Code.

Article 25 of the Convention is applied by section 228 of the Overseas Labour Code.

Malagasy Republic.

In reply to the request received from the Committee of Experts in 1959 the report states that Order No. 042-CG of 7 February 1958

extended the legislation to rural districts. This legislation has superseded the provisions of the Decree of 9 November 1944. The only types of "forced or compulsory labour" now permitted are those mentioned in Article 2, paragraph 2 (*a*) of the Convention.

Italy.

Trust Territory of Somaliland.

See under Convention No. 65.

Netherlands.

Netherlands Antilles.

Decree of 3 December 1959 to amend the Decision of 6 February 1931 (*Publicatieblad*, 1959, No. 185).

Surinam.

In reply to the request by the Committee of Experts in 1959 the report states that, in accordance with section 14 of the Penal Code, persons serving a prison sentence may be required to work on public works projects, which excludes the possibility of their being placed at the disposal of private individuals, companies or associations. Moreover, as the illegal exaction of forced labour is not covered by any specific penal sanction, the Government is considering the possibility of introducing appropriate legislative provisions.

Portugal.

Overseas Provinces.

In reply to the direct request made by the Committee of Experts in 1959 the report states that the labour system for Native workers is enforced in Angola, Guinea and Mozambique. The Native Workers' Labour Code is a personal law which regulates the legal position of individuals who come under the labour system for Native workers. In these circumstances, Natives who go to work in Portuguese territories where this system is not in force continue to be covered by the provisions of this Code.

United Kingdom.

Basutoland.

In reply to the direct request made by the

maintenance work. Such work is carried out in close proximity to the village; the population works on it only two or three days a year. Consequently, it is felt that it would serve no useful purpose to issue certificates indicating the number of days' work done or to compile statistics on this subject.

Bechuanaland.

For the Government's reply to the observation made by the Committee of Experts in 1959 see *Report of the Committee*, p. 699.

British Honduras.

In reply to the direct request made by the Committee of Experts in 1959 the report states that draft legislation destined to make the Convention applicable has been submitted to the Legislative Assembly for second reading.

Kenya.

In reply to the direct request made by the Committee of Experts in 1959 the report gives a list of minor communal services which may be carried out by compulsory labour under by-laws made under section 36 (1) (18) of the African District Councils Ordinance. Such services can only be exacted after consultation with the representatives of the people concerned.

In reply to the observation made by the Committee in 1959 the report states that it is the Government's intention that the Emergency be brought to an end as soon as possible. It will then be possible to exact forced labour only under the African District Councils Ordinance.

Nigeria.

In reply to the request made by the Committee of Experts in 1959 the Government's report states that no regulations have been made under section 117 of the Labour Code and that consequently no Chief may exact work for his personal benefit.

North Borneo.

In reply to the request made by the Committee of Experts in 1959 the report states that section 40 of the Rural Government Ordinance has become obsolete and it is proposed to repeal it.

Northern Rhodesia.

In reply to the direct request made by the Committee of Experts in 1959 the report states that there are no legislative provisions providing for the safeguards laid down in Articles 10, 11 and 12 of the Convention, which are covered by administrative instructions. With regard to Articles 13 and 17 of the Convention,

it should be noted that persons recruited for compulsory labour are employed under the same conditions as other casual workers. Furthermore, the Workmen's Compensation Ordinance applies to all workers without distinction. The report adds that since the war there has been no recourse to compulsory labour.

Sierra Leone.

In reply to the request made by the Committee of Experts in 1959 the report states that the amendment substituting the term "public authorities" for the term "competent authorities" in the text of the Prohibition of Forced Labour Ordinance of 1956 has not yet come into force. Moreover, a copy of the regulations made under section 6, paragraph 2 (a) of that Ordinance will be supplied as soon as they have been drawn up.

* * *

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

France (Central African Republic, Republic of Chad, Gabon Republic, Republic of the Ivory Coast, Republic of the Niger), *United Kingdom* (Tanganyika).

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

Denmark (Faroe Islands, Greenland), *France* (Republic of the Congo, Republic of Senegal, Republic of the Upper Volta), *Netherlands* (Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Barbados, Bermuda, British Guiana, British Somaliland, Cyprus, Falkland Islands, Fiji, Gibraltar, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, St. Lucia, Sarawak, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

30. Hours of Work (Commerce and Offices) Convention, 1930

This Convention came into force on 29 August 1933

The following report reproduces the information previously supplied :

New Zealand (Cook Islands and Niue).

32. Protection against Accidents (Dockers) Convention (Revised), 1932¹

This Convention came into force on 30 October 1934

Belgium. Ratification : 2 July 1952.
Not applicable : Belgian Congo and Ruanda-Urundi : 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 modification² : Guernsey, Jersey, Isle of Man : 10 January 1935.
No declaration : all other territories.

¹ This Convention revises Convention No. 28 of 1929.

² See footnote 1 to Convention No. 2.

The following reports supply information on minor changes in the application of the Convention :

France (Algeria, French Guiana, Guadeloupe, Martinique, Réunion).

33. Minimum Age (Non-Industrial Employment) Convention, 1932¹*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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.

Trust Territory : Togoland : 19 March 1954.
No declaration : Algeria.

Overseas Departments : 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.

¹ This Convention was revised in 1937. See Convention No. 60

35. Old-Age Insurance (Industry, etc.) Convention, 1933*This Convention came into force on 18 July 1937*

France. Ratification : 23 August 1939.
No declaration.

Italy. Ratification : 22 October 1947.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

36. Old-Age Insurance (Agriculture) Convention, 1933*This Convention came into force on 18 July 1937*

France. Ratification : 23 August 1939.
No declaration.

Italy. Ratification : 22 October 1947.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

37. Invalidity Insurance (Industry, etc.) Convention, 1933*This Convention came into force on 18 July 1937*

France. Ratification : 23 August 1939.
No declaration.

Italy. Ratification : 22 October 1947.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

38. Invalidity Insurance (Agriculture) Convention, 1933*This Convention came into force on 18 July 1937*

France. Ratification : 23 August 1939.
No declaration.

Italy. Ratification : 22 October 1947.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

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 ¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

Italy. Ratification : 22 October 1952.
No declaration.

United Kingdom. Ratification : 18 July 1936.

Applicable *ipso jure* without modification ¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.
No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

41. Night Work (Women) Convention (Revised), 1934¹

This Convention came into force on 22 November 1936

Belgium. Ratification ² : 4 August 1937.
No declaration.

France. Ratification ² : 25 January 1938.

Applicable without modification :

States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 29 April 1940.

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 29 April 1940.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 29 April 1940.

Trust Territory : Togoland : 29 April 1940.

Algeria : 29 April 1940.

Netherlands. Ratification ² : 9 December 1935.

Applicable without modification : Surinam : 25 July 1951.

No declaration : Netherlands Antilles, Netherlands New Guinea.

New Zealand. Ratification ² : 29 March 1938.

No declaration.

Union of South Africa. Ratification ² : 25 May 1935.

Not applicable : South West Africa : 15 June 1949.

United Kingdom. Ratification ² : 25 January 1937.

Applicable *ipso jure* without modification ³ : Guernsey, Jersey, Isle of Man : 25 January 1937.

No declaration : all other territories.

¹ This Convention, which revised the 1919 Convention, was itself revised in 1948. See Conventions Nos. 4 and 89.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

The following report reproduces the information previously supplied :

Netherlands (Surinam).

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934¹

This Convention came into force on 17 June 1936

Australia. Ratification : 29 April 1959.
No declaration.

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 :

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

Italy. Ratification : 22 October 1952.

Applicable with modification : 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 ² : Guernsey, Jersey, Isle of Man : 29 April 1936.

No declaration : all other territories.

¹ This Convention revises the Convention of 1925. See Convention No. 18.

² See footnote 1 to Convention No. 2.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Decree of 17 February 1959 amending the Decree of 1 August 1949 to organise compensation for industrial accidents and occupational diseases.

Ordinance No. 22/190 of 8 April 1959 to amend Ordinance No. 23/157 of 12 May 1950 respecting workers' occupational diseases.

In reply to the request made by the Committee of Experts in 1959 the Government states as follows.

With regard to compensation for occupational diseases which do not result in permanent incapacity but cause temporary incapacity of less than 15 days, it should be noted that the law does not consider such incapacity as a consequence of an occupational disease within the scope of the Decree of 28 March 1957. The legislators have sought to prevent in this way the submission of numerous claims to the insurance institution, particularly those of minor complaints which are difficult to recognise at the beginning as occupational diseases. However, this presumption does not detract from the workers' interests in any way as such incapacity is considered *ipso jure* as an ordinary illness and gives rise to compensation in the same way as industrial accidents under the Decree of 25 June 1949. This Decree provides that sick or injured workmen receive medical care and cash benefits up to the 60th day of incapacity.

With regard to poisoning by phosphorus and its compounds and the direct consequences of this poisoning, the above-mentioned Ordinance of 8 April 1959 has extended the schedule of occupational diseases and trades, industries and processes liable to cause such diseases to include, among others, these types of poisoning.

Regarding the omission of any reference, in the Ordinance of 12 May 1950, to the halogen derivatives of hydrocarbons of the aliphatic series, this results from a similar omission in the Royal Order of 16 November 1949.

The Government also states that no decree has been promulgated, under section 4 of the Decree of 28 March 1957, with a view to extending the system of compensation for occupational diseases to silico-tuberculosis, but that, on the other hand, the competent bodies are to consider the question of completing the schedule appended to the Royal Order of 16 November 1949 so as to include silicosis, possibly in association with tuberculosis. The same applies to the inclusion, in the schedule to the Ordinance of 12 May 1950, of a reference to loading and unloading or transport of merchandise; this question is already being considered.

*Netherlands.**Netherlands Antilles.*

In reply to the direct request made by the Committee of Experts in 1959 the Government states that the new legislation concerning com-

pensation for employment injuries is still being examined. The revision of the schedule of occupational diseases has involved complete reorganisation of the social insurance scheme, and this has delayed finalisation of the provisions in question.

*Union of South Africa.**South West Africa.*

In reply to the request received from the Committee in 1959 the Government gives the following information in its report.

(1) Act No. 30 of 1941 has been extended to cover South West Africa by Act No. 51 of 1956 concerning compensation for industrial accidents (*L.S.* 1956—*S.A.* 3), which came into force on 1 September 1956.

(2) Act No. 57 of 1956 concerning compensation payable for pneumoconiosis does not yet apply to South West Africa but the necessary action to rectify this is now being taken.

*United Kingdom.**Kenya.*

Workmen's Compensation (Rules of Court) (Amendment) Rules, 1958 (Legal Notice No. 538 of 1958).

Article 1 of the Convention. The above Rules provide that a worker suffering from a scheduled disease causing disability or death is entitled to the same compensation as if the disability or death had been caused by an industrial accident, provided that the disease was contracted during a two-year period preceding disability or death.

Article 2. The schedule of occupational diseases in the Ordinance covers the diseases mentioned in the Convention, except for silicosis, poisoning by mercury and poisoning by phosphorus (other than poisoning causes by organophosphorous compounds).

Northern Rhodesia.

Ordinance No. 3 of 1959, amending the Pneumoconiosis Ordinance.

Government Notice No. 40 of 1958, amending the Pneumoconiosis Ordinance to include as a scheduled mine any opencast working operated by Nchanga Consolidated Copper Mines Limited.

* * *

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* (Isle of Man).

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

Italy (Trust Territory of Somaliland), *Netherlands* (Surinam), *United Kingdom* (Guernsey, Jersey).

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 ¹ : 13 January 1937.
Applicable *ipso jure* without modification ² : Guernsey, Jersey, Isle of Man : 13 January 1937.

No declaration : all other territories.

¹ Ratification denounced.

² See footnote 1 to Convention No. 2.

The following report reproduces the information previously supplied :

United Kingdom (Nyasaland).

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

France. Ratification : 21 February 1949.
Not applicable :
Overseas Departments : 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 ¹ : Guernsey, Jersey, Isle of Man : 29 April 1936.

No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

The following report supplies information on the practical effect given to the Convention :

United Kingdom (Isle of Man).

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

United Kingdom (Guernsey, Jersey).

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 ¹ : Guernsey, Jersey, Isle of Man : 18 July 1936.

Applicable without modification ² : Bahamas, Basutoland, Bechuanaland, British Guiana, Cyprus, Falkland Islands, Fiji, Gibraltar, Hong Kong, Kenya, Nigeria, Northern Rhodesia, Nyasaland, Sierre Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda : 27 March 1950.

Decision reserved ² : Brunei, Gilbert and Ellice Islands, Jamaica ³, Malta, Sarawak : 27 March 1950.

Not applicable ² : Aden, Antigua ³, Barbados ³, Bermuda, British Honduras, British Virgin Islands, Dominica ³, Gambia, Grenada ³, Mauritius, Montserrat ³, North Borneo, St. Christopher-Nevis-Anguilla ³, St. Helena, St. Lucia ³, St. Vincent ³, Seychelles, Trinidad and Tobago ³, Zanzibar : 27 March 1950.

No declaration : British Somaliland.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

³ Federation of the West Indies.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

Section 76 of the new Labour Code supplements the earlier legislation of the employment of women and empowers the Minister of Social Affairs to prescribe by decree and in consultation with the Council of Ministers and the Central Labour Board the forms of employment which are prohibited for women.

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

United Kingdom (Hong Kong, Southern Rhodesia).

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

Netherlands (Netherlands Antilles, Netherlands New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands),

Portugal (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Príncipe, Timor), *Union of South Africa* (South West Africa), *United Kingdom* (Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Falkland Islands, Fiji, Gibraltar, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Uganda, Zanzibar).

47. Forty-Hour Week Convention, 1935

This Convention came into force on 23 June 1957

New Zealand. Ratification : 29 March 1938.
No declaration.

The following report reproduces the information previously supplied :

New Zealand (Cook Islands and Niue).

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 report reproduces the information previously supplied :

New Zealand (Cook Islands and Niue).

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 modification¹ : Guernsey, Jersey, Isle of Man : 22 May 1939.

Applicable without modification : Antigua², Barbados², British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Domi-

nica², Fiji, Gambia, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Mauritius, Montserrat², Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla², St. Lucia², St. Vincent², Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago², Uganda : 22 May 1939.

Southern Rhodesia : 11 March 1940.

Bahamas : 30 September 1944.

Swaziland : 3 April 1958.

Applicable with modification : Basutoland, Bechuanaland : 3 April 1958.

Not applicable : Aden, Bermuda, Cyprus, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar : 22 May 1939.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

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 (Nyasaland).

The following report refers to the information previously supplied :

United Kingdom (Basutoland).

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Denmark. Ratification : 22 June 1939.

Not applicable : Greenland : 31 May 1954.

No declaration : Faroe Islands.

France. Ratification : 23 August 1939.

No declaration.

Italy. Ratification : 22 October 1952.

No declaration.

New Zealand. Ratification : 10 November 1950.

Decision reserved : Cook Islands and Niue, Western Samoa : 10 November 1950.

Not applicable : Tokelau Islands : 10 November 1950.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

Since the Labour Code came into force on 1 January 1959 the subject matter of this Convention has been regulated by sections 83 to 85 of that Code, which contain detailed provisions concerning holidays with pay. All employees who have worked for the same

employer for 12 months without a break are entitled to a paid holiday.

It should be borne in mind that, under section 43 of the Code, the employment relationship may not be suspended on account of sickness if this lasts for less than three months and therefore, if the sickness lasts longer than this period, the contract of employment is considered to be terminated. Thus Somali legislation contains no provision to apply paragraph 3 (b) of Article 2 of the Convention. Nor is there any statutory provision for the immediate application of paragraph 5 of the same Article (concerning progressive increases in the length of the annual paid holiday).

The labour inspectors are responsible for supervision and control of the relevant legislation.

* * *

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

Denmark (Faroe Islands, Greenland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands).

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 :

Overseas Departments : 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 : American Samoa, Guam, Puerto Rico, Virgin Islands : 29 October 1938.

Decision reserved : Panama Canal Zone : 29 October 1938.

No declaration : Trust Territory of Pacific Islands.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 16.

Section 38 of the Maritime Code has been added to the legislation in force applying the Convention.

United States.

American Samoa.

Sections 1135, 1136 and 1137 of the Code of American Samoa contain the regulations concerning the licensing of masters and engineers in American Samoa. Under these regulations the Marine Board requires that all applicants for master's or engineer's licences pass a written examination the questions for which are selected from the United States Coast Guard Regulations, the International Rules of the Road and the Pilot Rules of the United States.

* * *

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

Denmark (Faroe Islands, Greenland), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United States* (Guam, Hawaii, Panama Canal Zone, Puerto Rico, Trust Territory of Pacific Islands, 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 :
Overseas Departments : 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 : American Samoa, Guam, Puerto Rico, Virgin Islands : 29 October 1938.
Decision reserved : Panama Canal Zone : 29 October 1938.
No declaration : Trust Territory of Pacific Islands.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 16.

There has been no change in the legislation on compensation for employment accidents to seafarers. The Maritime Code came into force on 1 April 1959; section 104 of this Code requires the shipowner to provide medical treatment for any seafarer who has no equivalent protection under a sickness insurance scheme. Section 105 of the new Code provides that the surviving dependants of a deceased seafarer shall be entitled to a lump-sum payment from the shipowner.

* * *

France.

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 55, *France*, p. 66.

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

United States (American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands).

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Belgium. Ratification : 3 August 1949.
Decision reserved : Belgian Congo and Ruanda-Urundi : 29 October 1949.

France. Ratification : 9 December 1948.
Applicable without modification :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

United Kingdom. Ratification : 30 September 1944.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey, Isle of Man : 30 September 1944.
Applicable with modification : Malta, 29 December 1958.

Decision reserved : Aden, Antigua², Bahamas, Barbados², Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica², Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Mauritius, Montserrat², Nigeria, North Borneo, St. Christopher-Nevis-Anguilla², St. Lucia², St. Vincent², Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago², Zanzibar : 30 September 1944.

Not applicable : Basutoland, Bechuanaland, Gambia, Northern Rhodesia, Nyasaland, St. Helena, Swaziland, Uganda : 30 September 1944.
No declaration : Southern Rhodesia.

Gibraltar may apply for cash assistance under the Government's Public Assistance Scheme.

Article 3. The Merchant Shipping Ordinance provides that the necessary surgical and medical advice and attendance and medicine as well as maintenance shall be paid by the owner of the ship without any deduction from wages. Seamen may obtain medical treatment in hospital with full maintenance through the Government Medical Service. Such treatment is free in respect of persons whose means fall below a prescribed minimum level. There is no time limit to the right to medical treatment.

Article 4. When the seafarer is abroad the cash assistance is made to his dependants who are also eligible for medical care if they are domiciled in Gibraltar.

Articles 5 and 6. Persons employed on a ship whose remuneration does not exceed £500 per annum are insurable compulsorily under the Government's Social Insurance Scheme. They and their dependants are eligible, if they satisfy the prescribed conditions, to maternity benefit and death grant.

Article 7. The right to the public assistance benefit subsists for a period of nine months if the claimant was employed for at least 13 weeks during the preceding 12 months.

Article 8. The Social Insurance Scheme is financed by equal contributions from employers and workers and the administrative expenses are defrayed by the Government.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

United Kingdom.

Gibraltar.

Article 1 of the Convention. There is no compulsory sickness insurance scheme.

Article 2. A British seafarer domiciled in

Article 9. All the benefits are administered by the Government on a non-profit-making basis.

* * *

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

United Kingdom (Guernsey, Malta, Isle of Man).

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

United Kingdom (Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Falkland Islands, Fiji, Grenada, Hong Kong, Jersey, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda, Zanzibar).

58. Minimum Age (Sea) Convention (Revised), 1936¹

This Convention came into force on 11 April 1939

Belgium. Ratification : 11 April 1938.
Decision reserved : Belgian Congo and Ruanda-Urundi : 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 :
Overseas Departments : 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.*²
Applicable without modification :
Aden, Dominica³, Fiji, Gambia, Grenada³, Jamaica³, Kenya, Mauritius, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Uganda, Zanzibar : 27 March 1950.

Gibraltar : 29 December 1958.
Applicable with modification : Antigua³, Bahamas, Barbados³, British Guiana, British Honduras, British

Virgin Islands, Cyprus, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Malta, Montserrat³, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Lucia³, St. Vincent³, Sarawak, Singapore, Tanganyika, Trinidad and Tobago³ : 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 : American Samoa, Guam, Puerto Rico, Virgin Islands : 29 October 1938.
Decision reserved : Panama Canal Zone : 29 October 1938.

No declaration : Trust Territory of Pacific Islands.

¹ This Convention revises the Convention of 1920. See Convention No. 7.

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

³ Federation of the West Indies.

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

Denmark (Faroe Islands, Greenland), *New Zealand* (Cook Islands and Niue).

59. Minimum Age (Industry) Convention (Revised), 1937¹

This Convention came into force on 21 February 1941

Italy. Ratification : 22 October 1952.
No declaration.

New Zealand. Ratification : 8 July 1947.
No declaration.

*United Kingdom.*²
Applicable without modification : Aden, Bechuanaland, Fiji, Gambia, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar : 27 March 1950.

Applicable with modification : Antigua³, Bahamas, Barbados³, Basutoland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica³, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Malta, Montserrat³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Singapore, South-

ern Rhodesia, Swaziland, Trinidad and Tobago³, Uganda : 27 March 1950.

Decision reserved : Brunei : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

¹ This Convention revises the Convention of 1919. See Convention No. 5.

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

³ Federation of the West Indies.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

Sections 76, 79 and 80 of the Labour Code co-ordinate the provisions of Ordinance No. 12

of 28 June 1953. There have been no changes in the practical application of the Convention.

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The following report reproduces the information previously supplied :

New Zealand (Cook Islands and Niue).

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937¹

This Convention came into force on 29 December 1950

Italy. Ratification : 22 October 1952.
No declaration.

New Zealand. Ratification : 8 July 1947.
No declaration

Italy.

Trust Territory of Somaliland.

See under Convention No. 59.

* * *

The following report reproduces the information previously supplied :

New Zealand (Cook Islands and Niue).

¹ This Convention revises the Convention of 1932. See Convention No. 33.

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 :
Overseas Departments : 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.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification¹ : 5 September 1939.
No declaration.

Denmark. Ratification² : 22 June 1939.
Not applicable : Greenland : 31 May 1954.
No declaration : Faroe Islands.

France. Ratification : 28 June 1951.
Not applicable :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

Netherlands. Ratification : 9 March 1940.
No declaration.

New Zealand. Ratification¹ : 18 January 1940.
Not applicable : Cook Islands and Niue, Tokelau Islands, Western Samoa : 18 January 1940.

Union of South Africa. Ratification³ : 8 August 1939.

Not applicable : South West Africa : 15 June 1949.

United Kingdom. Ratification : 26 May 1947.
Applicable *ipso jure* without modification⁴ : Guernsey, Jersey and Isle of Man : 26 May 1947.
No declaration : all other territories.

Denmark.

Faroe Islands.

The Employers' Confederation has initiated the compilation of statistics on wages and hours of work. The Government hopes to be able to supply in its next report information on the progress made in this matter.

Netherlands.

Surinam.

It is intended to begin the compilation of statistics on wages and hours of work for the most important industries, as the Government considers these data indispensable for the framing of economic and social policy. If the results are considered sufficiently representative and reliable these statistics will be published and submitted to the I.L.O.

United Kingdom.

Hong Kong

By regulations made under the Factories and Industrial Undertakings Ordinance, 1955, the

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

hours of work of all women and young persons employed in industry must be reported, and statistics of working hours for such persons can be compiled from these returns.

Kenya.

Part II of the Convention. Details of average earnings in mining and manufacturing industries are published in the annual publication *Reported Employment and Wages in Kenya*.

Part IV. The application of this part is now feasible. The publication cited above contains details of average earnings in agriculture for regular and casual workers, by race and sex, with separate information for juveniles.

* * *

The following reports supply information on the practical effect given to the Convention :

United Kingdom (Bermuda, Nigeria, North Borneo, Tanganyika, Zanzibar).

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

Denmark (Greenland), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *Netherlands* (Netherlands Antilles, Surinam), *Union of South Africa* (South West Africa), *United Kingdom* (Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Cyprus, Falkland Islands, Fiji, Gibraltar, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nyasaland, Northern Rhodesia, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Uganda).

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Belgium. Ratification : 26 July 1948.

Applicable without modification : Belgian Congo and Ruanda-Urundi : 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 ¹ : Guernsey, Jersey, Isle of Man : 24 August 1943.

Applicable without modification : Aden, Antigua ², Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica ², Fiji, Gambia, Gilbert and Ellice Islands, Grenada ², Hong Kong, Jamaica ², Kenya, Mauritius, Montserrat ², Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla ², St. Helena, St. Lucia ², St. Vincent ², Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago ², Uganda, Zanzibar : 24 August 1943.

North Borneo : 8 March 1960.

Decision reserved : Bahamas, Barbados ², Bermuda : 24 August 1943.

Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta : 24 August 1943.

No declaration : Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

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), *New Zealand* (Cook Islands and Niue).

The following reports refer to the information previously supplied :

United Kingdom (Basutoland, Nyasaland).

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

*Italy.*¹

Applicable without modification : Trust Territory of Somaliland : 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 ² : Guernsey, Jersey, Isle of Man : 24 August 1943.

Applicable without modification :

Aden, Antigua ³, Barbados ³, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Dominica ³,

Fiji, Gambia, Gilbert and Ellice Islands, Grenada ³, Hong Kong, Jamaica ³, Kenya, Mauritius, Montserrat ³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla ³, St. Helena, St. Lucia ³, St. Vincent ³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago ³, Uganda, Zanzibar : 24 August 1943.

Bahamas, Bermuda : 30 September 1944.

Not applicable : Cyprus, Falkland Islands, Gibraltar, Malta : 24 August 1943.

No declaration : Southern Rhodesia.

¹ Unratified Convention. See footnote 1 to Convention No. 17.

² See footnote 1 to Convention No. 2.

³ Federation of the West Indies.

*Italy.**Trust Territory of Somaliland.*

For legislation see under Convention No. 2.

*United Kingdom.**Bechuanaland.*

In accordance with a special request made by the Committee of Experts in 1959 the Government states that, under Chapter 34 of the Laws of the Protectorate, a non-adult can neither be arrested nor prosecuted for failure to comply with his employment contract.

In addition, the Government is now considering whether it will be possible to abolish all penal sanctions which the legislation at present provides for failure to comply with an employment contract.

British Guiana.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that legislative action to repeal section 36 (1) of the Labour Ordinance has been delayed pending further revision of the Ordinance as a whole.

Kenya.

Notice of Application of the Employment Ordinance, Cap. 109 (Legal Notice No. 371 of 1958).

The above Notice of Application extends the provisions of the Employment Ordinance to cover workers whose wages do not exceed 200 shillings per month. This means that the provisions of sections 67 and 70 of the Ordinance will in future apply to a greater number of workers.

In reply to the request by the Committee of Experts the report states that, owing to the volume of the legislative programme, it will not be possible to consider, before 1960, the progressive abolition of penal sanctions related to breaches of contract.

Northern Rhodesia.

Penal Code (Amendment) (No. 4) Ordinance No. 39/58.

This Ordinance introduces a new section into

the Penal Code whereby a person employed in a crop or stock producing agricultural undertaking who breaks his contract of service, knowing that this will cause loss or damage to his employer, has committed an offence.

An amendment to section 75 (4) of the Employment of Natives Ordinance has been passed by the Legislative Council and will be brought into effect in the near future. This will limit the cases in which desertion is subject to penal sanctions.

In reply to the request made directly by the Committee of Experts in 1959 the report states that the African Employment Bill is being redrafted and that the Government hopes to bring it before the legislature in 1960.

Swaziland.

In reply to the direct request made by the Committee of Experts in 1959 the report states that, owing to certain legal complications, consideration of the abolition of penal sanctions has been somewhat delayed. It is the Government's intention to proceed forthwith to abolish all penal sanctions for breaches of contract, whether for adults or for non-adults. The only sanction which will be maintained is the fine inflicted for failing to repay an advance of wages.

Uganda.

In reply to the direct request made by the Committee of Experts in 1959 the report states that consideration will be given to the abolition of section 64 of the Employment Ordinance.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Barbados, Basutoland, Bermuda, British Honduras, British Somaliland, Cyprus, Falkland Islands, Fiji, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Nyasaland, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, 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 : Overseas Departments : 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.

Netherlands Antilles : 15 May 1959.
No declaration : *Netherlands New Guinea*.

Portugal. Ratification : 13 June 1952.
No declaration.

United Kingdom. Ratification : 6 August 1953.
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.

Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.

Decision reserved :
Guernsey, Jersey : 8 March 1960.
No declaration : all other territories.

*Netherlands.**Netherlands Antilles* (First Report).

The report states that the provisions of the Convention are generally applied through the supervision exercised by the Shipping Inspectorate.

Surinam.

Considering that there are only a few vessels registered in Surinam the introduction of legal provisions complying with the requirements of the Convention is not regarded as urgent.

The Government will take steps when the development of Surinam shipping calls for additional provisions as regards labour conditions at sea.

* * *

The following report supplies information on the practical effect given to the Convention :

Netherlands (Netherlands New Guinea).

The following report reproduces the information previously supplied :

United Kingdom (Nyasaland).

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 :
Overseas Departments : 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 modification¹ : Guernsey, Jersey, Isle of Man : 29 July 1949.
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.

Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.

No declaration : all other territories.

¹ 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 :

Italy (Trust Territory of Somaliland), *Netherlands* (Netherlands New Guinea).

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

Netherlands (Netherlands Antilles, Surinam), *United Kingdom* (Basutoland, Bechuanaland, Guernsey, Jersey, Isle of Man, Northern Rhodesia, Southern Rhodesia, Swaziland).

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 :
Overseas Departments : 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.
Netherlands Antilles : 15 May 1959.
No declaration : Netherlands New Guinea.

Portugal. Ratification : 13 June 1952.
No declaration.

*Netherlands.**Netherlands Antilles.*

Shipping Decree (*Publicatieblad*, 1953, No. 206).

The above-mentioned Decree contains provisions concerning the examination of eyesight and hearing.

Surinam.

Seafarers who are to be employed in government-owned vessels and in vessels belonging to the Surinam Shipping Company have to pass a medical examination. The introduction of

additional regulations in accordance with the provisions of the Convention will be considered.

* * *

The following report reproduces the information previously supplied :

Netherlands (Netherlands New Guinea).

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 :
Overseas Departments : 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.
Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.
No declaration : all other territories.

United States. Ratification : 9 April 1953.
No declaration.

Netherlands.

Surinam.

The Government intends to make a comprehensive study of the problems relating to the general application of the Conventions concerning employment at sea and will consider the possibility of applying the Convention when the results of this study are available.

* * *

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

Netherlands (Netherlands New Guinea),
United States (Western Samoa).

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

United Kingdom (Basutoland, Bechuanaland, Guernsey, Jersey, Isle of Man, Northern Rhodesia, Southern Rhodesia, Swaziland), *United States* (Guam, Hawaii, Panama Canal Zone, Puerto Rico, Trust Territory of Pacific Islands, 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 :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

Italy. Ratification : 22 October 1952.
No declaration.

*United Kingdom.*¹
Decision reserved : Aden, Antigua², Bahamas, Barbados², Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swazi-

land, Tanganyika, Trinidad and Tobago², Uganda, Zanzibar : 27 March 1950.

No declaration : Guernsey, Jersey, Isle of Man.

¹ Unratified Convention. See footnote 2 to Convention No. 3.
² Federation of the West Indies.

Italy.

Trust Territory of Somaliland.

The Labour Code, which came into force on 1 January 1959, does not make a medical examination compulsory except for certain classes of young workers ; nevertheless an examination can be ordered by the labour inspectors or requested by the workers concerned (section 81).

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 :

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : all other territories.

Italy. Ratification : 22 October 1952.
No declaration.*Italy.**Trust Territory of Somaliland.*

See under Convention No. 77.

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.*Italy**Trust Territory of Somaliland.*

For legislation see under Convention No. 2.

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 :
Overseas Departments : 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.*New Zealand.* Ratification : 30 November 1959.¹
Not applicable : Tokelau Islands : 30 November 1959.
Decision reserved : Cook Islands and Niue : 30 November 1959.
No declaration : Western Samoa.*United Kingdom.* Ratification : 28 June 1949.¹
Applicable *ipso jure* without modification ² : Guernsey, Jersey, Isle of Man : 28 June 1949.
Applicable without modification : Antigua ³, Barbados ³, Brunei, Cyprus, Gibraltar, Grenada ³, Jamaica ³, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Vincent ³, 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 ³, St. Christopher-Nevis-Anguilla ³, St. Helena, St. Lucia ³, Seychelles, Solomon Islands, Swaziland, Zanzibar : 22 March 1958.Dominica ³, Trinidad and Tobago ³ : 16 December 1958.

Nyasaland : 8 March 1960.

No declaration : Northern Rhodesia, Southern Rhodesia.

¹ Excluding Part II.² See footnote 1 to Convention No. 2.³ Federation of the West Indies.*Italy.**Trust Territory of Somaliland.*

The principles previously laid down have been co-ordinated, given wider application and put into more concrete form in sections 95 to 101 of the Labour Code, which came into force on 1 January 1959. In practice, where it has not yet been possible to establish regional and district labour inspectorates under established officials of the competent ministry, the Governors and District Commissioners act as regional and district inspectors respectively.

The authority responsible for supervision and

enforcement is the Central Labour Inspectorate, which is attached to the Department of Labour.

Netherlands.

Surinam.

There are no special legislative provisions which determine the functioning of the Labour Inspection and Safety Service. However, by Resolution No. 4503 of 1 November 1947 (*Gouvernementsblad*, 1947, No. 168), the officials of the Labour Inspection and Safety Service are specifically entrusted with the supervision of the observance of all safety regulations.

The Government will consider the introduction of legislation to ensure the proper working of the Labour Inspection and Safety Service in accordance with the provisions of the Convention.

Article 4 of the Convention. The system of labour inspection is placed under the supervision and control of the Director of Social Affairs in the Department of Social Affairs and Immigration.

Article 6. The status and conditions of service of the inspection staff are those established for all persons in public service. There are no special regulations for the Labour Inspection and Safety Service staff. Tenure of office is either temporary or permanent. The status and conditions of service of all public servants are such that they are independent of changes of government and of improper external influences, and, subject to the needs of the service, they are assured of stability of employment.

Legislation concerning the legal status of public servants is scattered, but it is in course of being unified and simplified.

Article 12. Section 9, paragraph 2, of the Safety Ordinance requires the head or the manager of an undertaking and all persons employed therein to furnish, at the request of the officials of the Labour Inspection and Safety Service, any information relating to the observance of that Ordinance and of regulations issued in virtue thereof. If required, the information is given in writing within a time limit determined by the official.

Article 14. Section 11, paragraph 2, of the (Industrial) Accidents Ordinance of 10 September 1947 (*Gouvernementsblad*, 1947, No. 145) requires employers or their local representatives to notify the competent authorities of industrial accidents within 48 hours after the consequences of the accident have made medical help necessary.

Section 24 of same Ordinance puts occupational diseases on a par with industrial accidents. Thus, notification of such diseases is also required under the provisions of section 11.

Article 15. Section 10, paragraph 1, of the Safety Ordinance forbids labour inspectors to reveal any knowledge of industries or processes which they acquire in workplaces in the pursuance of their duties, unless secrecy would be in conflict with their office or the law.

Paragraph 12 of this same section requires labour inspectors not to reveal the names of persons who bring to their attention contraven-

tions of regulations contained in, or issued under, the Safety Ordinance, unless such persons have stated in writing that they have no objection to their names being made known.

United Kingdom.

Aden (First Report).

A decision on the application of the Convention has been reserved.

The majority of businesses in Aden are family concerns, and it is felt that the field in which the inspectors would operate is so narrow that the financial commitment required for expanding the inspectorate would not at present be justified.

Bahamas (First Report).

A decision has been reserved for this colony in respect of the application of Convention No. 81.

The Government states that, as there are no large industrial premises in the colony, the main economy of which depends on a thriving tourist industry, and the workers of which are scattered among a large number of hotels and guest houses, it would be impracticable to establish a labour inspectorate for the sole purpose of inspecting and supervising conditions of employment in the few and thinly staffed industrial establishments now in operation.

Barbados.

It is envisaged that the Factories Act of 1956 will be proclaimed early in 1960.

In reply to a request made by the Committee of Experts in 1959 the Government supplies the following information.

Article 13 of the Convention. This Article is applied by section 13 of the Shops Act of 1945, sections 4 and 5 of the Quarries (Amendment) Act of 1958, and sections 8, 9, 27 (3) and (4) of the yet unproclaimed Factories Act of 1956.

Article 15. The Government refers to sections 33 (4) and 36 of the Factories Act of 1956, and states that general legislation is under consideration.

British Guiana (First Report).

Labour Ordinance (Cap. 103, Laws of British Guiana, 1953).

Factories Ordinance (Cap. 115, Laws of British Guiana, 1953), as amended by the Factories (Amendment) Ordinance No. 39 of 1954.

Bakeries (Hours of Work) Ordinance (Cap. 120, Laws of British Guiana).

Employment of Women, Young Persons and Children Ordinance (Cap. 107, Laws of British Guiana, 1953).

Holidays with Pay Ordinance (Cap. 108, Laws of British Guiana, 1953).

Factories Regulations (Validation) Ordinance No. 31 of 1955, as amended by the Factories Regulations (Validation) (Amendment) Ordinances Nos. 17 and 37 of 1956 and No. 9 of 1957.

Accidents and Occupational Diseases (Notification) Ordinance, 1955 (*Official Gazette*, 5 Nov. 1955, p. 1226).

Factories Regulations, Factories (Fire Escape) Regulations, Factories (First Aid) Regulations, Distilleries (Safety) Regulations, Factories

(Health and Welfare) Regulations, Factories (Prescribed Forms) Regulations, Factories (Examining Surgeons) Regulations, Factories (Woodworking Machinery) (Safety) Regulations, Docks (Safety) Regulations and Factories (Safety) Regulations (Cap. 115 of Subsidiary Legislation, Laws of British Guiana, 1953).
 Factories (Health and Welfare) (Amendment) Regulations No. 36 of 1953.
 Building (Safety) Regulations No. 4 of 1955.
 Factories (Prescribed Forms) (Amendment) Regulations No. 11 of 1958.
 Order-in-Council No. 64 of 1957 (Supplement to *Official Gazette*, 21 Dec. 1957, p. 201).

Article 1 of the Convention. The Labour Ordinance provides for the appointment of a Commissioner of Labour, a Deputy Commissioner of Labour, Inspectors of Labour and Assistant Inspectors of Labour.

Article 2. All industrial workplaces are covered by the existing system of labour inspection.

Article 3. In addition to their primary duties labour inspectors also perform secretarial duties on advisory committees on minimum wages and conditions of employment, wages councils and arbitration tribunals.

Article 4. Supervision and control of the system of labour inspections are vested in the Commissioner of Labour.

Article 5. Several of the industrial undertakings in British Guiana have established personnel departments, and there is close collaboration between officials of the Labour Inspectorate, personnel officers and trade union officials. There is also close co-operation between the Department of Labour and other government departments.

Article 6. Labour inspectors are appointed by the Governor on the recommendation of a Public Service Commission. They are placed on the Fixed Establishment of the colony and are independent of changes in Government.

Article 7. Labour inspectors are appointed on the basis of their qualifications only. They receive initial training by the Commissioner and Deputy Commissioner of Labour by means of lectures and visits to workplaces. Subsequently they attend a course of special training for Colonial Labour Officers, given by the Ministry of Labour and National Service in the United Kingdom.

Article 8. Women are not precluded from appointment as labour inspectors, but at present there are no women on the inspection staff.

Article 9. Certain registered medical practitioners have been appointed as examining surgeons under the provisions of section 12 of the Factories Ordinance. The services of a Factories Inspector from the United Kingdom have recently been secured. Steps are being taken to amend the Factories Ordinance so as to confer on the Government Analyst similar powers to those of an examining surgeon.

Article 10. The Inspectorate consists of 14 officers, seven of whom are in the Conciliation Section, four in the Enforcement Section, and three in the Factories Section. A branch office was established in New Amsterdam, where

two officers have been stationed to take charge of the work in the Berbice area. The other officers cover the other parts of the colony, except that the factories inspectors cover the entire colony.

Article 11. Labour officers are attached to the Department of Labour in Georgetown, which is the central office. There is also a branch office in New Amsterdam. The officers are paid travelling and subsistence allowances.

Article 12. The report refers to the provisions of section 10 of the Factories Ordinance. A Bill to amend the Labour Ordinance to provide that labour inspectors shall have the powers prescribed in this Article is presently before the Legislative Council.

Article 13. The report refers to the provisions of section 18 of the Factories Ordinance. Under this section the Commissioner is empowered to take the steps provided for in paragraph 2 of this Article.

Article 14. The report refers to the provisions of the Accidents and Occupational Diseases (Notification) Ordinance, 1955.

Article 15. Section 9 (6) of the Factories Ordinance satisfies the requirements of clause (a) of this Article. Civil service regulations ensure compliance with clause (b), while the requirements of clause (c) are observed by administrative action of the Commissioner of Labour.

Article 16. Workplaces are generally inspected at least once every five years, but frequent visits are paid, and *ad hoc* investigations made, following complaints regarding breaches of legislation. During the year under review labour inspectors visited and inspected 471 workplaces.

Article 17. Employers are generally advised of the legal provisions and are required to comply with them. Failing to do so, they are usually prosecuted. However, prosecution is left to the discretion of the Commissioner of Labour.

Article 18. Provision for penalties for violation of the legal provisions is made in the legislation.

Article 19. Labour inspectors submit reports to the Commissioner of Labour, who is the head of the Department. Details of these reports may be communicated to the Minister or the Government on request. A full report on the work of labour inspectors is contained in the annual report of the Commissioner of Labour.

Article 20. The annual report of the Commissioner of Labour is published during the year following that to which it relates. Copies of this report will be transmitted to the Director-General of the International Labour Office.

Article 21. The annual report by the Commissioner of Labour covers the subjects referred to under this Article.

Article 25. A declaration has been made under this Article to exclude Part II (Articles 22 to 24) from the application of the Convention. However, commercial workplaces are subject under existing legislation to the same system of labour inspection as industrial workplaces.

British Honduras.

In reply to the request made by the Committee of Experts in 1959 the Government has supplied the following information.

Article 9 of the Convention. Technical experts, such as the Director of Medical Services, Government Medical Officers, Public Works Department Engineers and the Superintendent of the Electricity Board, are readily available to the Labour Inspectorate for consultation.

Article 15, clause (c). The Labour Bill of 1959, which has had its second reading in the Legislative Assembly and is now before a Select Committee, will give effect to this provision of the Convention.

Article 21. The Annual Report of the Labour Department for 1958 will include the statistics called for under clauses (c), (d) and (g) of this Article.

British Somaliland (First Report).

The Government is the only large-scale employer of labour. However, in the event of any large increase in private employment in the future, the need for a labour inspectorate will be borne in mind.

British Virgin Islands (First Report).

A decision has been reserved for the colony in respect of this Convention.

In a colony of only 67 square miles spread over 36 small islands, there is no practical need at present for the establishment of a labour inspectorate charged with the duties of inspecting and supervising conditions of employment in industrial workplaces. There is little or no industry in the colony, where the principal occupation is stockraising and the majority of the working population is self-employed.

Cyprus (First Report).

Shop Assistants Law (Cap. 159, Laws of Cyprus, 1949 edition), as amended by the Shop Assistants (Amendment) Law No. 8 of 1952.

Minimum Wage Law (Cap. 215, Laws of Cyprus, 1949 edition).

Children and Young Persons (Employment) Law No. 33 of 1953 (L.S. 1953—Cyp. 2).

Accidents and Occupational Diseases (Notification) Law No. 32 of 1953 (L.S. 1953—Cyp. 1 A), as amended by the Accidents and Occupational Diseases (Notification) (Amendment) Law No. 23 of 1957.

Mines and Quarries (Regulation) Law No. 14 of 1953, as amended by the Mines and Quarries (Regulation) (Amendment) Law No. 6 of 1956.

Factories Law No. 38 of 1956.

Mines and Quarries Regulations, 1958 (Supplement No. 3 to *The Cyprus Gazette*, No. 4160, 22 July 1958).

Article 1 of the Convention. A labour inspection service is maintained to enforce the legislation enacted for regulating the conditions of work in industrial undertakings and for providing protection to the workers.

Article 2. All undertakings, including government undertakings, are covered by the system of inspection, and no exemptions have been made under paragraph 2 of this Article.

Article 3. In addition to the functions prescribed in paragraph 1 of this Article, labour inspectors are entrusted with conciliation of

trade disputes, investigations of accidents and collection of statistics. These duties are not such as to prevent the inspectors from discharging effectively their primary duties.

Article 4. The labour inspection service for all industrial undertakings, with the exception of mines and quarries, is a division of the Department of Labour under the control and supervision of the Commissioner of Labour. The mines and quarries inspectorate is under the control of the Inspector of Mines.

Article 5. Close collaboration exists between the labour inspection service and the Department of Medical Services, the Planning and Housing Department, the Fire Fighting Services and the Police. There is active collaboration between the inspectorate and both employers and workers.

Article 6. Inspectors are normally recruited from three grades of labour officers, i.e. Assistant Labour Officers and Labour Officers Grade II and I. In addition the inspectorate staff includes certain specialised inspectors. The staff is employed on a permanent basis.

Article 7. Personal merit and qualifications are the sole considerations in the recruitment of labour inspectors. Inspectors are trained locally in the field by experienced officers. Most of the inspectors supplement their training by undergoing a specially designed training course in the United Kingdom provided by the Ministry of Labour and National Service.

Article 8. This Article is applied.

Article 9. The inspection staff includes engineering and electricity experts. For medical problems it counts on the services of medical experts permanently attached to the Medical Department whose co-operation is secured.

Article 10. The inspection staff consists of 29 inspectors. The Chief Inspector of Factories is responsible for formulating and co-ordinating the methods and procedures of dealing with problems arising in all districts. The following staff is stationed in the central office and its field of operation covers the entire island: Senior Inspector of Factories, Boiler Inspector Mechanical Inspector and two inspectors on special duties. Five Labour Officers are in charge of the inspection service in each of the five main districts, and the remaining 18 inspectors are stationed in five district branches and seven sub-offices.

Article 11. The report refers to paragraph 5 of the Annual Report of the Department of Labour for 1957. Advances free of interest for the purchase of automobiles are made by the Government to labour inspectors. Travelling expenses and subsistence allowances are paid to labour inspectors in connection with the performance of their duties.

Article 12. Powers of entry and inspection are provided for in the legislation.

Article 13. The report refers to sections 87, 92 (1), 47, 48 and 49 of the Factories Law, 1956, and section 30 of the Mines and Quarries (Regulation) Law, 1953.

Article 14. The report refers to sections 3 and 5 of the Accidents and Occupational Diseases (Notification) Law, 1953.

Article 15. Colonial Regulation 45 (1) gives effect to clause (a). Section 20, No. 153, of General Order II/IV, of the Mines and Quarries Regulations, 1958, and section 89 of the Factories Law, 1956, give effect to clause (b). In addition, the provisions laid down in the Official Secrets Act, 1911, and section 130 of the Criminal Code Law enforce secrecy with regard to public employees in general. The requirements of clause (c) are complied with in practice in accordance with administrative instructions.

Article 16. Routine visits of all workplaces are carried out in accordance with a programme aiming at inspections of all workplaces at least once a year. Inspectors, however, concentrate their attention on industrial undertakings in which the nature of the operation involves a greater degree of risk to safety and health. Priority of inspection is given to establishments with a record of unwillingness to comply with the regulations.

Article 17. Inspectors issue warnings and contravention notices in all cases of breaches of the legislation. Legal sanctions are considered when persuasion has failed.

Article 18. The report refers to certain legislative provisions which give effect to this Article.

Article 19. Inspectors submit weekly reports on their activities and observations.

Articles 20 and 21. The report of the Chief Inspector of Factories for 1957 has been published as Appendix II of the Annual Report of the Department of Labour for 1957; copies have been transmitted to the International Labour Office.

Article 25. A declaration of exclusion of Part II of the Convention has been made, but commercial workplaces are liable to inspection for the purposes of certain laws.

Dominica (First Report).

A decision has been reserved for the colony in respect of the application of this Convention.

No rules have been made under section 5 (6) of the Factories Ordinance, 1941, for the appointment of inspectors or for the regulation of their duties and powers. The number of factories in the island is so few that the appointment of a factory inspector or other specialist recruited with sole regard to his qualifications for the performance of inspection duties cannot be justified under present economic circumstances. Inspection of the few existing factories is, however, undertaken by the Labour Officer, amongst his other duties.

Falkland Islands (First Report).

A decision has been reserved for this Convention. The sparse working population is engaged mainly in sheep raising and it is unnecessary to establish a system of labour inspection in the colony to supervise conditions which for local purposes are adequately covered by voluntary negotiation.

Gibraltar.

In reply to the request made by the Committee of Experts in 1959 the Government supplies the following information.

Article 3, paragraph 1, of the Convention. The Government states that the functions of the system of labour inspection correspond to those outlined in this Article. The advisory function is considered one of the most important duties of labour inspectors.

Article 14. Cases of accidents and occupational disease involving workers insured under the Employment Injuries Insurance Scheme (i.e. all manual workers, and non-manual workers earning £500 per annum or less) must be notified to the Director of Labour and Social Security under the Employment Injuries Insurance (Claims and Payments) Regulations and the Employment Injuries Insurance (Occupational Diseases) Regulations.

Article 21. The Annual Report of the Department of Labour and Social Security will in the future include statistics of workplaces liable to inspection and the number of workers employed therein and of violations and penalties imposed.

Article 25. The possibility of extending the declaration to cover Part II of the Convention will be considered in consultation with the Government of the metropolitan territory.

Gilbert and Ellice Islands (First Report).

A decision has been reserved for the colony in respect of this Convention.

In the peculiar circumstances of the colony, which consists of 37 small scattered islands (covering a land area of 369 square miles spread over 2 million square miles of ocean) it is impracticable for a separate labour inspection service to be established and maintained. The economy of the colony is based on the production of copra, and officers of the District Administration reside on or regularly visit the various islands where this work is carried on, for the purpose of inspecting and regulating the living and working conditions of all employed persons. These officers are not recruited with sole regard to their qualifications for labour inspection duties, and they carry out such work as part of their general duties as administrative officers.

Hong Kong.

In reply to the questions raised by the Committee of Experts the Government supplies the following information.

Article 14 of the Convention. Proposals are currently under consideration to amend the Workmen's Compensation Ordinance, 1953, so as to include certain occupational diseases within the definition of "accidents arising out of and in the course of employment" contained in section 5. It is considered inappropriate to request compulsory notification of occupational diseases until such time as these diseases are covered by compensation legislation.

Article 15. The spirit and intention of clause (c) of this Article is fully complied with

in practice. Consideration will, however, be given to the possibility of enacting appropriate legislative provisions, subject to the proviso that these cannot affect the powers of the courts under the Evidence Ordinance to call as witness the originator of any complaint.

Articles 20 and 21. The Annual Reports of the Commissioner of Labour and the Commissioner of Mines include full reports on the subjects listed in Article 21 with the exception of clause (g). With regard to statistics of occupational diseases, details are given of such cases as have been reported voluntarily or have been discovered by medical surveys, but these statistics are incomplete as notification of such diseases is not compulsory.

Jamaica (First Report).

Factories Law (Cap. 124 of the Revised Laws of Jamaica, 1953), as amended by Factories (Amendment) Law No. 68 of 1956.

Labour Officers (Powers) Law (Cap. 203 of the Revised Laws of Jamaica, 1953), as amended by Labour Officers (Powers) (Amendment) Law No. 26 of 1956.

Mining Law (Cap. 253 of the Revised Laws of Jamaica, 1953).

Quarries Law No. 41 of 1955, as amended by Quarries (Amendment) Law No. 11 of 1958.

Article 1 of the Convention. The Ministry of Labour supervises and maintains a system of labour inspection in industrial workplaces.

Article 2. The Government states that no undertakings or parts of undertakings are exempt in virtue of paragraph 2 of this Article.

Article 3. In addition to the duties prescribed in paragraph 1 of this Article, labour officers carry out *ad hoc* assignments from time to time, such as interviewing alien technicians in search of employment and participating in field surveys for the collection of statistical data relating to industrial establishments to which the Minimum Wage Law is applicable. With regard to any such assignment every precaution is taken to preserve the impartiality and independence of the Labour Inspectorate.

Article 4. Supervision and control of labour inspection is vested in the Ministry of Labour. The Permanent Secretary of the Ministry is presently the Chief Factory Inspector (Factories Law, section 3 (1)).

The relationship between federal and state authorities with respect to labour inspection has not yet been determined.

Article 5. Effective co-operation exists between the Labour Inspectorate and other government departments engaged in inspection services. No difficulty is encountered in obtaining technical advice and assistance from other government agents, such as public health officers, medical specialists, electrical engineers and food inspectors.

Except for classified information adequate arrangements exist for the exchange of ideas and information between Labour Inspectorate officials and employers and workers or their organisations.

Article 6. All members of the labour inspection staff are permanent employees on the

pensionable establishment of the Civil Service of Jamaica.

Article 7. Labour officers are normally recruited from among persons with the necessary academic qualifications who have had actual industrial or factory experience. These persons must be of suitable age, of good character and temperamentally suited to the job.

Before being allowed to do any inspection on their own, inspectors undergo a course of training given by senior and experienced officials of the Ministry of Labour. Training includes the study of the labour laws administered by the Ministry and inspection procedures, as well as actual on-the-spot observation of inspections carried out by experienced inspectors. After two years' service labour inspectors are selected to attend the Colonial Labour Officers' Training Course sponsored by the Ministry of Labour and National Service in the United Kingdom.

Article 8. Men and women are appointed to the inspection staff.

Article 9. At present no technical experts or specialists are appointed on the Inspectorate staff for carrying out visits of inspection, but under standing arrangements qualified experts and specialists of other public departments serve the Labour Inspectorate whenever necessary.

Article 10. There are two categories of labour inspectors within the Ministry of Labour, factory inspectors and minimum wage inspectors.

The Factory Inspectorate consists of two chief labour officers, a senior labour officer and two labour officers. Inspections are carried out throughout the island by officers operating from the head office in Kingston, assisted by officers from a branch office in Montego Bay. In the corporate area each inspector is allocated certain industries, and he generally inspects only factories in those industries. In the parochial areas inspection is on the basis of parish instead of industrial classification.

The Minimum Wage Inspectorate consists of one chief labour officer, four senior labour officers and three labour officers. Inspections are carried out by officers operating from the head office in Kingston and the branch office in Montego Bay. Officers in the Minimum Wage Inspectorate also carry out inspections under the Shop Assistants Law and the Women (Employment of) Law.

Article 11. Inspecting officers are suitably and conveniently housed at the head office of the Ministry of Labour in Kingston and at the branch office at Montego Bay. Inspectors are in possession of motor cars purchased through interest-free loans obtained from the Government. Travelling and subsistence expenses are paid to these officers at the prevailing government rates.

Article 12. Inspectors are given identification cards indicating their authority to carry out the provisions of this Article.

Article 13. The Government refers to sections 8, 9 (4), 10 and 11 of the Factories Law, as amended. Under these provisions labour officers have the power to refuse or cancel a

Certificate of Registration of a factory in which workers are exposed to imminent risk of bodily injury, or to withhold it from an applicant until certain requirements, specified after an inspection of the factory, have been met.

Article 14. Under section 20 of the Factories Law, as amended by section 14 of the Factories (Amendment) Law, the manager or person in charge of a factory is obliged to notify the inspection authorities immediately of accidents and cases of occupational disease.

Article 15. By virtue of General Order No. 55 of the Government, labour officers, as civil servants, are precluded from having any direct or indirect interest in the undertakings under their supervision. Clause (b) of this Article is covered by the Official Secrets Acts, 1911 and 1920. Clause (c) is ensured by the inspecting officer's obligations under the Official Secrets Acts and by administrative directive, which requires the inspecting officer to treat the source of any complaint as confidential.

Article 16. Workplaces are inspected at least once a year. Additional inspections are also undertaken whenever complaints, reports of accidents, etc., are received.

Article 17. An inspecting officer is not legally required to warn the operator of an establishment before instituting legal proceedings against him. In practice, before legal action is recommended or instituted, defaulters are generally given ample time to remedy defects or breaches of legal requirements.

Article 18. Penalties for breaches are provided for in the laws enforceable by inspecting officers. The enforcement of penalties is exercised by the government departments concerned with the maintenance of law and order. Adequate provisions exist under section 6 of the Labour Officers (Powers) Law and section 19 of the Factories Law, as amended, to penalise any person who obstructs a labour officer in the performance of his duties.

Article 19. The various branches of the inspection services are required to submit monthly and quarterly reports to the Permanent Secretary and Chief Factory Inspector of the Ministry of Labour.

Articles 20 and 21. The Ministry of Labour (the central inspection authority for Jamaica) publishes annually a report on the activities of the Ministry, in which is included the information required by Article 21.

Article 25. No proposals are as yet contemplated to give effect to Part II of the Convention.

Kenya.

Notice of Application of the Employment Ordinance (Cap. 109) (Legal Notice No. 371 of 1958).

In response to the direct request made in 1959 by the Committee of Experts the Government supplies the following information.

Article 7 of the Convention. More systematic training for subordinate inspectors was established during the reporting period.

Article 15. Consideration is being given to adopting a legislative provision to ensure that

inspectors treat as confidential the source of any complaint.

Article 21. Owing to the introduction of revised methods of recording numbers and types of inspections (other than factory inspections), it has not been possible to include in the Annual Report of the Labour Department for 1958 the full statistics of inspection visits required under this Article of the Convention.

Malta.

Factories Ordinance No. X of 1940.

Factories (Powers of Inspectors) Regulations, 1945.

The Hours of Employment and Shops Ordinance has been repealed and Order No. 1 of 1950 (concerning inspectors) issued under that Ordinance is no longer in force.

In reply to a direct request made by the Committee of Experts in 1959 the Government supplies the following information.

Article 3 of the Convention. Two labour inspectors are detailed once a week to collect data for the compilation of the Index of Retail Prices. This does not in any way interfere with the effective discharge of their primary duties or prejudice their authority or impartiality.

Article 12. Legislation to empower labour inspectors to take samples has been drafted and is presently being considered by the Government.

Mauritius.

Employment of Women, Young Persons and Children Ordinance (Cap. 211), section 3 (4) and (5) and section 8.

Apprenticeships Ordinance No. 13 of 1946, section 6.
Minimum Wages Ordinance No. 36 of 1950, section 11.

Article 3 of the Convention. Inspectors may be required to collect statistical information relating to employment. This does not in any way interfere with the effective discharge of their primary duties.

Article 12, paragraph 1 (c) (iv). This is not applied, but in practice samples of water are taken for analysis when required. No other necessity to make use of the power of sampling has arisen or is envisaged.

Article 14. Pending the enactment of legislation, administrative arrangements have been made whereby the Director of Medical Services will notify the Labour Commissioner of any case of occupational disease scheduled in the Workmen's Compensation Ordinance which is diagnosed by an officer of the Health Department.

Article 15. Pending the enactment of legislation this Article has been applied by administrative instruction.

Article 21. The request of the Committee of Experts for statistics of workplaces liable to inspection (other than factories) and of occupational diseases to be inserted in future Annual Reports of the Department has been noted for compliance.

Article 25. The provisions of Articles 22 to 24 inclusive are not being applied.

Montserrat.

A Labour Officer has been appointed for two years, with effect from 13 February 1959. Legal powers of inspection have not yet been vested in this officer, but the matter is receiving consideration.

Despite the absence of an officer with legal powers of inspection the provisions of the Convention are in the main now satisfactorily implemented, as the Labour Officer maintains a regular system of inspection of places in which workmen other than domestic servants are employed.

In practice there is effective co-operation and collaboration between the Labour Officer and employers and workers and their organisations.

Nigeria.

Labour Code Ordinance, Cap. 99 of the Laws of Nigeria, 1948.
Factories Ordinance No. 33 of 1955.

Article 1 of the Convention. This provision is covered by section 4 of the Labour Code Ordinance and section 69 of the Factories Ordinance.

Article 2. This is covered by section 5 of Labour Code Ordinance and sections 5 (2) and (4) and 70 of the Factories Ordinance.

Article 3. This is covered by section 5 of the Labour Code Ordinance and sections 19 and 70 of the Factories Ordinance. Staff whose duties include inspection comprise 15 labour officers and 18 labour inspectors, supported by 33 assistant labour inspectors.

Further duties entrusted to labour officers and labour inspectors include conciliation, supervision of employment exchanges, collection of statistics, advising employers and trade unions on labour law and good industrial practice, investigating complaints alleging breaches of labour laws, investigation of employment accidents, and factory inspection where a factory inspector is not available.

Article 4. This Article is covered by section 4 of the Labour Code Ordinance and sections 68 and 69 of the Factories Ordinance. The Commissioner of Labour is responsible for the administration of both Ordinances at the regional and federal levels.

Article 5. There is effective collaboration between the inspection services and other government departments.

The Federal Labour Advisory Council is comprised of union and employers' representatives; it meets regularly to consult with the Labour Department. Officials of the inspectorate sit together with employers' and employees' representatives on various joint bodies.

Article 6. This is covered by section 4 of the Labour Code Ordinance and sections 68 and 69 of the Factories Ordinance. Members of the inspecting staff, including the Commissioner and his assistants, are civil servants in the federal public service.

Article 7. Staff whose duties include labour inspection are recruited from university graduates or (as assistant labour inspectors) by examination from persons who have qualified

to enter universities. As many such recruits as possible are enabled to study overseas. The factory inspectors are recruited from persons with appropriate technical qualifications and experience. The selected candidates attend evening courses at the Technical Institute. They are subsequently sent to the United Kingdom for three months (course with the Royal Society for the Prevention of Accidents, six weeks attached to the staff of the United Kingdom Inspectorate).

Article 8. There is no bar to the appointment of women to the inspection staff.

Article 9. The Chief Inspector of Factories is a graduate in engineering. The labour officers work in close co-operation with medical and other specialist staff where necessary. The Chief Inspector of Factories and his trained staff of factory inspectors deal with questions of health and safety in industry.

Article 10. The Government gives detailed information on the geographical distribution of the inspectors, including 15 labour officers, 18 labour inspectors and 37 assistant labour inspectors.

Article 11. The Government gives a list of the various local offices and of the facilities placed at the disposal of inspecting officers for the performance of their duties.

Article 12. This Article is covered by sections 4 and 5 of the Labour Code Ordinance and sections 69 and 70 of the Factories Ordinance. Work on the revision of the Labour Code Ordinance is in progress.

Article 13. This is applied by sections 42, 43 and 76 of the Factories Ordinance. Under sections 42 and 43 a magistrate's court, following an inspector's complaint, may prohibit any process or work either indefinitely or until necessary repairs or alterations have been carried out. Under section 76 a court may order the person complained against to take steps to remedy defects in a specified time. A factory appeals board has been established.

Article 14. This Article is covered by sections 56 and 58 of the Factories Ordinance.

Article 15, clause (a), is covered by section 69 (4) of the Factories Ordinance; clause (b) by section 69 (5) and (7) of the Factories Ordinance; clause (c) by section 69 (6) of the Factories Ordinance. Administrative regulations provide that no government servant may disclose any note, article or information he has obtained in the course of his duties. He is also forbidden to have an interest in any company, firm, etc., carrying on business in Nigeria. The Government intends to revise the Labour Code Ordinance so as to meet the requirements of this Article in full.

Article 16. During the year 3,440 inspections were carried out; 509 factory inspections were made.

Article 17. This Article is covered by section 83 of the Factories Ordinance and section 5 of the Labour Code Ordinance.

Article 18. See section 247 of the Labour Code Ordinance and section 75 of the Factories Ordinance. Section 70 (3) and (4) of the Factories Ordinance makes it an offence to obstruct an inspector in the course of his duties.

Article 19. The General Inspectorate is organised on a regional basis. Individual reports are submitted to regional headquarters weekly.

Articles 20 and 21. The Department of Labour publishes an annual report.

Article 25. In so far as a commercial workplace is a place in which an employee works, as defined by the Labour Code Ordinance, labour officers have statutory powers of inspection.

North Borneo.

In reply to the request made by the Committee of Experts in 1959 the Government has supplied the following information.

Article 3, paragraph 1, of the Convention. The functions of the system of labour inspection are in accordance with the terms of this Article.

Article 15, clause (c). Consideration will be given to the possibility of providing for this requirement by legislation or regulations.

Article 21. This statistical information is now available and, though not shown in the report of the Department for 1958, will appear in subsequent reports.

St. Vincent (First Report).

Department of Labour (Powers and Duties of Labour Commissioner) Order, 1943 (S.R. and O., 1943, No. 19).

Wages Councils Ordinance No. 1 of 1953.

Accidents and Occupational Diseases (Notification) Ordinance No. 24 of 1952.

Factories Ordinance No. 5 of 1955.

Article 2 of the Convention. No undertakings have been exempted in virtue of the provisions of paragraph 2 of this Article.

Article 3. There are only two labour officers (Labour Commissioner and Labour Inspector). These two officers have to undertake all the functions of a Labour Department including labour relations, inspection and employment. The Labour Inspector is primarily engaged in the duties of labour inspection. He is also called upon to supervise the office staff and to collect labour statistics.

Article 4. Labour inspection is placed under the central authority of the Federated Unit (Labour Commissioner St. Vincent).

Article 5. There is voluntary co-operation between the Labour Department and other government departments as well as employers' and workers' organisations with regard to inspection.

Article 6. Labour officers are permanent civil servants who are not affected in any way by any changes of government.

Article 7. Labour officers must have the same qualifications as other civil servants, i.e. they must have at least a Cambridge School Certificate. Initial training is given in the Department of Labour and subsequent training in the United Kingdom. Both labour officers have been trained in labour administration in the United Kingdom.

Article 8. Both men and women are eligible

for appointment but no woman has yet been appointed.

Article 9. No technical experts and specialists are, as yet, associated in the work of inspection, but it is expected that arrangements will be made in due course for *ad hoc* consultation with specialists within the Federation.

Article 10. There are two officers on the staff and it is hoped that a third will be appointed in the near future.

Article 11. Suitable offices, equipment and transport facilities are provided. Officers are also paid travelling and subsistence allowances.

Article 12. Labour officers are empowered to carry out the duties listed under this Article.

Article 13. Regulations have not yet been made under the Factories Ordinance, 1955, to give to labour inspectors the powers enumerated in this Article. Section 9 (3) of the Factories Ordinance, 1955, confers the necessary powers on magistrates.

Article 14. The Labour Department must be notified of industrial accidents and occupational diseases under the Accidents and Occupational Diseases (Notification) Ordinance, 1952.

Article 15. Provision is made for these requirements in the Factories Ordinance, 1955. They are also included in the conditions of service of civil servants.

Article 16. Despite the limited staff efforts are made for a thorough inspection of each workplace twice a year.

Article 17. The general rule is to give warning and advice prior to prosecution.

Article 18. Provision is made for penalties in the Factories Ordinance, 1955.

Article 19. There are no local inspection offices.

Article 20. An annual report of the Department of Labour is submitted within three months after the end of the year.

Article 21. Statistics are included in the annual report.

Article 25. Commercial workplaces are inspected in so far as they come within the scope of the Wages Councils Ordinance.

Sarawak.

In reply to the direct request made by the Committee of Experts in 1959 the Government has supplied the following information.

Consideration has been given to ensure adequate training of District Officers acting as Assistant Commissioners of Labour. To this end a full-time Commissioner of Labour has been engaged to concern himself with this and other matters.

It is not expressly stated that occupational diseases are required to be notified under section 13 of the Workmen's Compensation Ordinance. Consideration will be given to remedial legislation.

Future annual reports will provide the statistics required in Article 21 (c), (d) and (g), of the Convention.

Seychelles (First Report).

A decision has been reserved for the colony in respect of this Convention.

There is comparatively little industrial employment in the colony, as by far the larger part of the working population is employed in agriculture. While it is part of the duties of the Labour and Welfare Officer to inspect the conditions of all workers covered by the Employment of Servants Ordinance, there is no specially trained official engaged full time in carrying out the functions described in Article 3 of the Convention.

It is not considered practicable under present circumstances to recruit an official with sole reference to his qualifications for the performance of labour inspection duties.

Sierra Leone.

Wages Boards (Maritime Workers) Rules, 1957 (Public Notice No. 157 of 1957).

Wages Boards (Agricultural Workers) Rules, 1958 (Public Notice No. 60 of 1958).

In response to a request by the Committee of Experts in 1959 the Government supplies the following information.

Article 12 of the Convention. Section 23 of the Wages Boards Ordinance, 1946 (Cap. 258), is still in force.

Rules have not been made under section 78 (1) (xvii) of the Employers and Employed Ordinance (Cap. 70). Action will be taken to have the necessary rules made as soon as possible.

Action will be taken as early as possible to bring the law into harmony with the provisions of paragraph 1 (c) (iv) of this Article of the Convention.

Article 13, paragraph 2. Effect has hitherto been given to this paragraph in practice, but steps will now be taken to enact legislation to give force to it.

Article 15. Drafting of legislation to give effect to the provisions of clause (b) of this Article is in progress.

The Government will consider the possibility of making legislative provision to cover clause (c) of this Article.

Article 21. The comments of the Committee of Experts will be complied with in future.

Singapore.

Article 11 of the Convention. The Government states that the provisions of this Article are complied with.

Article 21. The statistical information required under clauses (c), (d) and (g) of this Article will be supplied in future issues of the Annual Report of the Labour Department.

The Government intends to take up later the question of modifying its declaration so as to include Part II of the Convention.

Solomon Islands (First Report).

New legislation under which it will be possible to apply this Convention is under consideration. A Labour Office has been established and a new post of Commissioner of Labour

has been filled, but the officer appointed has not yet arrived in the Protectorate.

Tanganyika.

Employment Ordinance No. 47 of 1955 (Cap. 366, Laws of Tanganyika) (L.S. 1955—Tan. 1).

Employment (Amendment) Ordinance, 1956.

Regulation of Wages and Terms of Employment Ordinance, Cap. 300.

General Notice No. 585 of 21 March 1952: Appointments of Chief Inspector and Inspectors under the Factories Ordinance, Cap. 297.

Factories Ordinance, Cap. 297.

General Orders, Fifth Edition (Governing Conditions of Service of Civil Servants).

Mining Ordinance (Cap. 123).

Accidents and Occupational Diseases (Notification) Ordinance, Cap. 330.

Electricity Ordinance (Cap. 131).

Explosives Rules (made under section 63 of Cap. 224).

Article 1 of the Convention. There are labour inspection services.

Article 2. No such exceptions have been made in respect of Tanganyika.

Article 3. The inspectors are required to give information and advice to employers and workers in matters relating to conditions of employment. They submit reports to the competent authority (the Labour Commissioner), noting any defects or abuses not specifically covered by existing legal provisions. The inspectors are further entrusted with certain special duties (which do not conflict with their main functions) such as securing compliance with legal requirements concerning the housing, feeding and medical care of workers and the conditions under which migrant labour is engaged.

Article 4. The supervision and control of the system of labour inspection is the responsibility of the Labour Commissioner, who is head of the Labour Department.

Article 5. Close liaison is maintained between the various government services and with employers' and workers' organisations through the Labour Advisory Board, on which all are represented. Interdepartmental co-operation is facilitated by inclusion of the Medical and Education Departments, with the Labour Department, in the portfolio of the Minister for Social Services.

Article 6. The inspectors are full-time government servants.

Article 7. The Government states that the procedure for recruitment of inspectors is in accordance with the requirements of this Article. Inspection personnel is composed of labour officers and factory inspectors.

The Government gives in its report detailed information on the action taken to ensure that the inspection staff shall have instruction appropriate to the duties required of them.

Article 8. Both men and women are eligible for appointment to the inspection staff.

Article 9. The Government states that there is close liaison with medical officers, that the services of a chemical expert are available, and that specialists in mechanical and electrical engineering belong to the Factory Inspectorate.

Article 10. The Department of Labour consists of five senior labour officers and 21 ordinary labour officers. They are responsible to

the Labour Commissioner for labour matters in their respective areas.

The labour officers are assisted by six senior labour inspectors and 29 labour inspectors, who do not possess the full powers required by Article 12.

A chief factory inspector and three factory inspectors are responsible to the Labour Commissioner for administration of the Factories Ordinance, Cap. 297.

Article 11. The territory is divided into 14 areas, which are administered by labour officers under the direction of the Labour Commissioner. In addition, three factory inspectors are in post in the three largest industrial centres, under the technical direction of the chief factory inspector at headquarters.

The Government states that the necessary transport facilities are provided, and that there is also provision for the repayment to labour officers of their travelling expenses.

Article 12. The provisions of this Article are applied under the Employment Ordinance, Cap. 366, and the Factories Ordinance, Cap. 297.

The Government states that, under proviso (c) to section 9 (2) (a) of the Employment Ordinance, the powers conferred by subparagraphs (i) to (v) of that section may not be exercised by a labour inspector unless he has been so authorised in writing by the Labour Commissioner or a labour officer. This restriction is due to the limited academic qualifications and industrial experience of labour officers; it is considered to be in accordance with the spirit of Article 7, paragraph 3, of the Convention, which requires that labour inspectors shall be "adequately trained" for the performance of their duties.

The Government states that inspectors of mines, appointed under section 8 of the Mining Ordinance (Cap. 123), exercise the powers for which provision is made in Article 12 (1) (c) (iv) of the Convention.

Article 13. The Government refers to section 43 (1) (a) and (b) of the Factories Ordinance, which it quotes.

Reference is also made to Part VII of the Mining Ordinance (Cap. 123).

Article 14. Reference is made to sections 3 and 5 of the Accidents and Occupational Diseases (Notification) Ordinance, Cap. 330; section 89 of the Mining Ordinance, Cap. 123; Rule 28 of the Explosives Rules; section 31 of the Electricity Ordinance, Cap. 131.

Article 15. The Government refers here to section 11 of the Employment Ordinance, Cap. 366, and section 68 of the Factories Ordinance, Cap. 297.

Article 16. The Government gives information on the number of visits of inspection and says that the aim is for each industrial undertaking to be fully inspected at least once a year.

Article 17. The Government states that no previous warning is prescribed in existing legislation and that immediate legal action may be instituted. However, it is normal practice for inspectors to give warning or advice before instituting proceedings.

Article 18. In this connection the Govern-

ment mentions section 12 and Parts IV to X of the Employment Ordinance; Parts XI and XII of the Ordinance describe the procedures of the courts for dealing with offences under it.

Article 19. Reports of inspections carried out by officers of the Department of Labour fall into two categories: reports in respect of employing concerns not registered as factories; and reports in respect of registered factory premises. The former are submitted directly to the Labour Commissioner and the latter through the chief factory inspector.

Articles 20 and 21. Effect is given by the Annual Report of the Department of Labour.

Articles 22 to 24. There is legal provision for carrying out the provisions of these Articles (in section 9 (2) (a) (i) of the Employment Ordinance, Cap. 366). However, such inspections are normally confined to wages surveys.

Trinidad and Tobago (First Report).

A decision has been reserved for the colony in respect of this Convention.

While machinery exists for the enforcement by labour inspectors of some subjects covered by the Convention, the powers and obligations prescribed for the inspectors in local legislation are not fully in accord with all the provisions of the Convention.

It is the aim of the Trinidad Government that the legislation and labour inspection service should be modified to meet all the requirements of the Convention as soon as possible, and this is now receiving close consideration. An I.L.O. expert is due shortly to advise on the revision of Trinidad labour laws, and it is proposed to take advantage of this revision to amend the relevant legislation so that it will conform with the Convention and enable the territory to apply it without modification.

Uganda (First Report).

Factories Ordinance No. 5 of 1952.
Factories (Amendment) Ordinance No. 3 of 1953.
Mining Ordinance (Cap. 129) (Parts I (General), VII (Inspection and Accidents) and XI (Miscellaneous)).
Explosives Ordinance (Cap. 226).
Part III of Electricity Ordinance (Cap. 131) (as suspended by section 5 of the Uganda Electricity Board Ordinance (Cap. 132) and reintroduced in parts by the Sections of Electricity Ordinance (Cap. 131) Brought into Force Order (Legal Notice No. 13 of 1948)).
Employment of Women Ordinance (Cap. 85).
Employment of Children Ordinance (Cap. 86).
Uganda Employment Ordinance (Cap. 83).
Employment Rules.

Article 1 of the Convention. Factory inspectors acting under the Factories Ordinance inspect factories and other places subject to that Ordinance from the point of view of safety, health and welfare. Mines inspectors, acting under the Mining Ordinance, inspect mines and quarries from the point of view of safety, health and welfare. Explosives inspectors and government electrical inspectors are also available. Labour officers and inspectors inspect all industrial workplaces from the points of view of the employment of women and children, hours of work, payment of wages, employment records, etc.

Article 2. Inspection services exist to deal with all existing protective legislation. No undertakings have been exempted in virtue of the provisions of paragraph 2 of this Article.

Article 3. Factory inspectors also deal with steam plants and gas plants in premises of any description. Labour officers also have duties connected with the living conditions and care of employees, industrial relations and workmen's compensation. Defects or abuses which are not subject to specific legislation are brought to the notice of the Factories Advisory Board by the Chief Factories Inspector. The Board discusses the matters and makes specific recommendations to the Government.

Article 4. Labour inspection is under the supervision and control of the Labour Commissioner, except that part undertaken by mines inspectors, which is under the control of the Commissioner for Mines.

Article 5. A Factories Advisory Board exists to provide advice in respect of safety, health and welfare in factories. Its members comprise representatives of government departments, employers and employees. Co-operation between the inspection services and all other government services is sound and effective.

Article 6. All posts in the inspection services are permanent and pensionable posts in the Government and are under the supervision of an independent Public Service Commission.

Article 7. No conditions other than their qualifications for the performance of their duties are applied in the recruitment of labour inspectors. Inspectors receive their main training on the job, i.e. by working under senior colleagues. Courses in the United Kingdom are arranged whenever appropriate. Mines inspectors are fully qualified and trained before recruitment.

Article 8. Only male inspectors have been appointed but, if there should be any significant increase in the employment of women, consideration will be given to the appointment of female inspectors.

Article 9. The staff of the inspection services includes all the qualified technical experts and specialists normally required. In the event of an abnormal requirement (such as the testing of dust for explosibility) the services of suitable establishments in the United Kingdom are obtained. Approved private engineers are also connected with the inspection services by virtue of the Chief Factories Inspector's power of approval under section 30 of the Factories Ordinance.

Article 10. Full details of the establishment and staff of the Factories and Labour Inspectorates are set out in the Annual Report of the Labour Department for 1957. Similar details for the Mines Inspectorate are contained in the Annual Report for the Mines Department for 1957.

Article 11. Labour officers and inspectors have suitably equipped office accommodation at convenient centres throughout the country. The Factories Inspectorate has only an office in Kampala, but the establishment of a local office at another centre is now under consideration. Advances are given to inspectors to enable

them to purchase motor vehicles, and adequate travelling and subsistence allowances are paid.

Article 12. Under section 69 of the Factories Ordinance factory inspectors enjoy all the specified powers, except that no specific provision has been made to enable them to make the inquiries specified in paragraph 1 (c) (i) of this Article. Consideration, however, is being given to the introduction of legislation to give effect to this provision. Mines inspectors have equivalent powers under section 82 of the Mining Ordinance.

Article 13. Factory inspectors may apply to the magistrates' courts for such orders to be made. They may themselves issue orders of the type mentioned in paragraph 2 (b) of this Article in cases of "imminent danger of grave bodily injury". Under section 83 of the Mining Ordinance such orders may also be issued by mines inspectors.

Article 14. Section 88 of the Mining Ordinance requires notification to mines inspectors of mining and quarrying accidents which cause incapacity of five days or more. Legislation to provide for the reporting of accidents in factories or at building and construction sites has been drafted and is now being considered by the Government. Under the provisions of section 35 of the Workmen's Compensation Ordinance employers are under a legal obligation to report cases of occupational diseases when these are certified by a medical practitioner.

Article 15. Clauses (a) and (b) are fully complied with under the requirements of the Civil Service Standing Orders, the Official Secrets Act, the Uganda Employment Ordinance and departmental instructions. Consideration will be given to making legislative provision to give effect to clause (c).

Article 16. The Government refers to the Annual Report of the Factories Inspectorate for 1958. It has not proved possible to increase the establishment of the Factories Inspectorate for financial reasons. Inspectors of mines make regular and frequent inspections of all mines and submit reports to the Commissioner of Mines.

Article 17. These provisions are being fully applied.

Article 18. These provisions are being fully applied by the relevant legislation.

Article 19. All inspection services submit annual reports. Factory inspectors and labour officers submit monthly reports to the Labour Commissioner and reports of individual inspectors to their superior officers.

Article 20. These provisions are being fully observed.

Article 21. The provisions of this Article are being fully observed. However, no provision has been made for the collection of statistics of the numbers of building and construction sites subject to inspection. These numbers vary constantly as projects are started and finished, and it is not yet considered to be practicable to secure observation of any requirement to register temporary building and construction operations.

Article 25. Commercial workplaces are not at present inspected, but certain non-industrial concerns, such as hotels, restaurants and shops covered by the Uganda Employment Ordinance, are inspected.

* * *

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

Netherlands (Netherlands Antilles, Surinam),
United Kingdom (Jersey, Mauritius).

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

Netherlands (Netherlands New Guinea),
United Kingdom (Basutoland, Bechuanaland, Bermuda, Fiji, Guernsey, Isle of Man, St. Lucia, Swaziland, Zanzibar).

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 :

States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 26 July 1954.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 26 July 1954.

Trust Territory : Togoland : 26 July 1954.

Not applicable :

Overseas Departments : 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 modification¹ : Guernsey, Jersey and Isle of Man : 27 March 1950.

Applicable without modification : Aden, Antigua², Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica², Gambia, Gibraltar, Grenada², Jamaica², Malta, Mauritius, Montserrat², Northern Rhodesia, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Southern Rhodesia : 27 March 1950.

Applicable with modification :

Barbados², 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 Tobago², Uganda, Zanzibar : 27 March 1950.

Sarawak : 23 February 1959.

No declaration : British Somaliland.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

Belgium.

Belgian Congo and Ruanda-Urundi.

Ordinance No. 22/241 of 19 May 1959 to establish the Superior Labour Council.

Legislative Ordinance No. 22/244 of 20 May 1959 to amend the consolidated decrees respecting the contract of employment.

Ordinance No. 22/43 of 23 January 1959 to apply the decrees respecting the contract of employment.

Article 7 of the Convention. New decrees were issued on 7 March 1959 to encourage town planning in the big towns : one of them modifies the statutes of the Savings Fund so that it may more easily grant loans for housing construction ; another amends the rules applying to the African Cities Office so that they may be more flexible ; lastly, fresh action has been taken to improve housing and to make more housing loans available.

Action was recently taken to give substantial advantages to Africans who are without employment owing to the economic situation and wish to set up as independent farmers.

Article 18. A survey has been under way since March 1959 with a view to standardising employment relationships. This is a long-term job by reason of the inevitable effects of the new arrangements on social insurance schemes.

Public employments are now accessible to all, without discrimination for reasons of race, colour, sex, belief, tribal association or trade union affiliation ; this has been the case since the sole statute for officials of the African Administration came into force. The same applies to conditions of engagement and advancement, vocational training facilities and conditions of work.

As regards private employment, there have never been jobs reserved for any group of persons. Indigenous persons engaged under work contracts may, if they so wish, have the regulations governing employment contracts applied to them. There is no discrimination on grounds of race, colour or other consideration in respect of the points mentioned under clauses (c) to (i) of this Article of the Convention.

Although remuneration is substantially equal where qualifications are the same, African skilled workers are much preferred to their European colleagues of the same level of skill, particularly because of the lower cost of indigenous manpower (no travelling expenses, no periodical leave for recuperation, etc.).

Article 19. It is not possible at present to indicate even an approximate period within which a binding minimum age for leaving school can be laid down. Provision of education for all children cannot be contemplated at present ; the fall in budgetary resources in 1959 and the increase in population are factors

which must be taken into account. However, the efforts already made are being energetically continued with a view to reaching the objective of education for all as soon as possible.

France.

States of the Community.

Republic of the Ivory Coast.

Constitution of the Republic of the Ivory Coast (Act No. 59-I of 26 March 1959, *Journal officiel de la Côte d'Ivoire*, 28 Mar. 1959, No. 21).
Act No. 59-III of 24 August 1959 to establish a national agricultural credit fund.

Article 3 of the Convention. The Ivory Coast receives economic assistance from the French Republic thanks to contributions from the Assistance and Co-operation Fund (formerly FIDES) and from the European Development Fund for the Overseas Countries and Territories of the European Economic Community.

The French Republic pays the salaries of the technical advisers whom it places at the disposal of the Republic of the Ivory Coast.

Article 7. Research is in progress with a view to establishing a five-year plan adjusted to the country's present situation.

A survey is also being made to determine the importance of migration movements.

Article 12. Recourse is had mainly to manpower from the Upper Volta, the Niger and Dahomey. Questions of common interest raised by application of the Convention are settled under the permanent arrangements for liaison between the Ivory Coast and the above States (*Conseil de l'entente*).

Article 17. A National Agricultural Credit Fund was established in 1959.

Article 18. There is no discrimination by reason of race, colour, sex, belief, tribal association or trade union affiliation.

Article 19. On 1 January 1958 about 30 per cent. of the children were attending school. The number of schools and of classes has more than doubled in five years.

In the future a special effort is to be made as regards technical education.

Republic of the Niger.

Constitution of 18 December 1958 of the Republic of the Niger.
Order No. 59-52 of 18 July 1956 to determine the school-leaving age.

Article 5 of the Convention. The Constitution gives the Government full powers regarding labour matters and social legislation. The elected representatives of the people take a direct part in the elaboration and implementation of social development programmes.

Article 7. As a general rule migrant workers go—without their families—to Nigeria or Ghana for seven to eight months in the year. They come back to the Niger at the season of crop cultivation.

Article 18. There is no discrimination between workers by reason of race, colour, sex, tribal association or trade union affiliation.

Article 19. Order No. 59-52 of 18 July 1956 fixes the school-leaving age at 14 years.

Republic of the Upper Volta.

Article 3 of the Convention. The Upper Volta will receive subsidies from the European Fund in the near future. The Assistance and Co-operation Fund took the place of the Investment and Economic and Social Development Fund (FIDES) on 1 July 1959.

Article 7. The Housing Service is under the Ministry of Social Affairs, Housing and Labour. Its functions include co-ordinating public and private action calculated to promote and hasten the improvement of housing, administering the Office for Low-Priced Housing and preparing regulations on housing in general, cheap housing arrangements and rents.

The procedure for transferring housing credit operations from the local section of the Office for Low-Priced Housing to the Bank of the Upper Volta is proceeding.

Articles 10 to 13. Many workers emigrate every year to work on plantations, particularly in the Ivory Coast and Ghana. The Labour Transport Association (*Syndicat interprofessionnel d'acheminement de la main-d'œuvre*), to which all the planters of the Ivory Coast belong, arranges for the placement of 20,000 workers a year, with written contracts and free transport, in the plantations of the Ivory Coast: these arrangements are supervised by the Manpower Office. A convention is being discussed by the Governments of the Upper Volta and the Ivory Coast, and it is the intention to negotiate identical conventions with other neighbouring countries, such as Spanish Guinea and Ghana.

Article 18. The regulations and collective agreements in force do not provide for any discrimination.

Malagasy Republic.

Order No. 277-IGT of 5 February 1954 respecting the employment of children.

Article 19 of the Convention. Under the above-mentioned Order no exception to the age limit of 14 years for employment can be granted if it prejudices conformity with the provisions concerning school attendance. In the places where school instruction is generally given the minimum age for admission to employment remains fixed at 14 years, save in case of individual permit issued at the employer's request by the Inspector of Labour and Social Legislation, who may also withdraw it.

New Zealand.

Cook Islands.

The Cook Islands Amendment Act, 1957, which was aimed at giving greater autonomy and responsibility to representative institutions in the territory, marked a major step forward in the constitutional development of the Cook Islands. The most important provisions of the Act are those providing for a reconstituted Legislative Assembly with increased membership and powers, and the establishment of an Executive Committee to assist the Resident Commissioner in his administration of the executive government.

*United Kingdom.**Basutoland.*

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

Article 7 of the Convention. Efforts are being made to explore the possibilities of attracting industries to Basutoland. An Economic Survey Mission, appointed by the Commonwealth Relations Office in conjunction with the International Bank for Reconstruction and Development, has recently been studying this question. Its report is awaited.

Extensive research is continuing into the possibilities of hydro-electric development, which, if undertaken, may be expected to attract industries. Diamond prospecting is also being carried out with results which are promising. A small clothing factory is being established and it is hoped that a third printing works will soon be built.

Although a plentiful supply of labour exists it is largely unskilled and unaccustomed to permanent full-time employment. Lack of capital and of markets, and the system of communal land tenure, are other limiting factors in the establishment of new industries.

Article 19. The prescription of a minimum school-leaving age is not an immediate object of educational policy; the problems are, with the limited resources available, to provide sufficient schools, teachers and equipment. Enforcement of a minimum school-leaving age would be virtually impossible in the remote mountain villages of Basutoland at the present time.

It is not proposed to take any measures in the foreseeable future to prescribe a minimum age for and conditions of employment in occupations other than industrial undertakings, since in the present stage of development of society in Basutoland such legislation would have no meaning. There are no opportunities for organised employment of children.

Bechuanaland.

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

Article 7 of the Convention. The Government has planned the construction of one trade school to promote local industries and develop handicrafts and trades, and is now considering the establishment of a second similar institution. In recent years a local fishing industry has been developed, employing adult males who might otherwise have sought employment outside the territory. The development of water supplies has greatly facilitated the expansion (and corresponding demand for local labour) of the two main forms of employment, namely cattle and crop raising.

Article 19. Legislation prohibiting the signing of labour contracts by youths under 18 years is now under consideration.

Education facilities continue to develop yearly and both the Tribal and the Central Government devote a very high percentage of their

expenditure to educational development. A school-leaving age can be prescribed only when education is made compulsory, which is not feasible until the results of present far-reaching educational development plans have been studied. Compulsory education would conflict severely with customary employment of young children as herders of stock. While this custom is changing gradually and paid adult herders are now more common than in the past, it remains almost impossible to implement such measures at present.

Nyasaland.

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

Article 7, paragraph 2 (d), of the Convention. The Government is aware of the desirability of establishing suitable industries in rural areas. Five centres in the charge of missionary bodies in the central province offer training in home-craft. There has also recently been established the African Loans Board which seeks to provide funds for business and agricultural projects to applicants who are able to satisfy the Board's requirements as regards their genuine enthusiasm and the provision of adequate security.

Article 15, paragraph 1. While the issue to workers of statements of wage payments is accepted as a desirable objective, at the present stage of development and in the prevailing financial climate no undertaking can be given to introduce the provision of these statements in the immediate future.

Northern Rhodesia.

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

Article 7, paragraph 2, of the Convention. Studies of certain aspects of migrant labour problems made by the Rhodes-Livingstone Institute for Social Research are closely examined by the Government and are taken into account when social policy is being formulated or revised. Present policy directed towards labour stabilisation in urban areas is being fostered by the establishment of a wage structure based on the needs of the family unit, the concentration in building programmes on the provision of permanent housing for families, and the encouragement of pension and long-service schemes in industry and commerce.

For some years to come the important projects in rural areas must be concerned with the development of agriculture and fisheries, the marketing and processing of primary produce and communications with the main external markets. In the Northern and Luapula Provinces a four-year impact scheme involving expenditure of 2 million pounds was launched in 1957 under the special control of a Development Commissioner. The aim is to produce stable rural communities, based on agriculture and fisheries as primary industries, but with as much diversification as possible in the economy. Provision has been made for agriculture and marketing development schemes, the improve-

ment of communications, forestry development, the building up of the timber trade, fisheries development on Lakes Mweru and Tanganyika and development of other minor rural industries. The position, however, of male immigration to the towns exists to a greater or less extent in all rural areas of Northern Rhodesia. If the impact scheme in the Northern and Luapula Provinces is successful in establishing a stable rural population—and there are already indications of success—there will be an increasing demand on the Government to provide funds for similar schemes in other rural areas, over and above the basic schemes initiated by Development Area Training Centres.

Article 18. The calculation of compensation payable to disabled workmen differs between Africans and non-Africans by reason of the difference in the standards of earning capacity and general customs of living of the average members of the two groups. While the present system has, in practice, proved satisfactory and has operated to the benefit of African workers, the problem is under constant review in the light of possible changes in the position of the different groups.

It is the Government's policy to abolish discrimination under the Workmen's Compensation Ordinance as and when such abolition proves to be practicable and will not result in injustice to a particular group. Part IV of the Ordinance (Compensation for Africans) now prevails in relation to African workmen only in case of conflict or inconsistency with any other provisions of the Ordinance, and section 82 provides special protection and assistance to Africans in relation to the claiming of workmen's compensation and the payment of compensation resulting from a fatal accident.

The Government has approved, in principle, the introduction of a state scheme of workmen's compensation insurance, and before any of the necessary legislation is drafted the need for retention of discriminatory provisions will be closely examined.

Article 19. Owing to the shortage of staff and buildings and the heavy cost involved, compulsory education for all is not yet practicable. A few Native Authorities have, however, required compulsory attendance of all children living within a given distance (usually three miles) of a school. In 1958, 58 per cent. of children between 7 and 14 years were estimated to be at school. The Government aims to provide a full eight-year primary education for all African children as fast as the supply of teachers and funds allow. In view of the work still to be done it is not possible to give a firm estimate of when it will be possible to introduce compulsory education and prescribe a school-leaving age.

Southern Rhodesia.

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

Article 15, paragraph 1, of the Convention. The revised General Employment Bill now

being drafted implement this paragraph in respect of workers excluded from the Native Labour Boards Act, 1947. In the meantime these workers are protected except as regards providing them in all cases with statements of wage payments.

Article 18, paragraph 1 (a), (e), (g) and (i). There is no discrimination in law or practice.

Paragraph 1 (b). The Southern Rhodesia Legislative Assembly has accepted a motion calling for an amendment to the Public Services Act to remove restrictions on the employment of non-Europeans in the Public Services. There is no legislation which discriminates in the admission to private employment, but there is a preference for the employment of Europeans in many occupations.

Paragraph 1 (c). There is no discrimination as regards conditions of engagement except those caused by the implementation of international labour Conventions which apply only to indigenous workers. For example the Recruiting of Indigenous Workers Convention requires attestation of contracts of all recruited indigenous workers. This is causing considerable difficulty in the drafting of non-racial labour legislation as it is obviously impracticable to insist that a locally recruited graduate clerk, who has no need of such protection, shall have his contract attested. There are no legislative bars to promotion. In many occupations the European is preferred.

Paragraph 1 (d). There is no discrimination in opportunities for vocational training but there are more vocational training centres for Europeans at present. However, those for non-Europeans are being increased.

Paragraph 1 (f). There is no discrimination in law. All Africans are entitled to and receive free medical treatment from all government medical officers and in any government hospital. Non-Africans have to pay. There is no discrimination as regards safety measures. As regards welfare measures non-Africans are able to obtain higher scales of public relief. Against this Africans have the advantages of many free services which are not available to Europeans.

Paragraph 1 (h). Under the terms of the Industrial Conciliation Act, 1959, which comes into force on 1 January 1960, there will be no discrimination.

Article 19. In practice African apprentices are trained on the job. There are few opportunities for technical training, but arrangements are being made to provide them.

It is not possible to forecast when the Government will be in the financial position of being able to prescribe a school-leaving age for Africans. It is, however, an aim of policy to make education up to a certain minimum age compulsory for all sections of the community.

It is impracticable to prohibit the employment of African children during school hours until a school-leaving age has been prescribed for them but it is forbidden through existing legislation to employ any child in any occupation under the apparent age of 12 years. Even then the child may only work with the consent of the parents or guardian and a Native Commissioner.

Swaziland.

Article 7, paragraph 1, of the Convention. A Social Survey is at present being undertaken throughout the Territory in collaboration with the Department of Sociology of the University of Natal. Information gained from the Survey will assist the Government in assessing the impact of economic development on the indigenous community, and in trying to ensure that the necessary social adjustments are made as harmoniously as possible.

Article 9. Through its newly appointed Labour Officer the Government has been engaged in persuading the larger employers to adopt minimum standards of food and housing recommended by it for wage earners.

Article 18. It is the policy of the Government to eliminate penal sanctions for breaches of contract by indigenous workers as soon as local circumstances permit.

Article 19, paragraphs 2 and 3. In reply to a request by the Committee of Experts the Government states that plans have been drawn up to provide for an increase of 50 per cent. in the enrolment of African schools between 1960 and 1965. Included in these plans is the provision of more hostel accommodation since, owing to the scattered nature of the population, higher primary and secondary education must be centralised to a degree. It is aimed to provide sufficient accommodation for all Eurafrikan children of school age by 1964.

In the case of African children, apart from those living in the two principal urban areas, it is doubtful whether compulsory attendance can be considered for 10 to 12 years. In the case of Eurafrikan children such a step might be possible within five years. The possibility of prescribing a school-leaving age for Africans in the two principal urban areas is being investigated. To impose compulsory educa-

tion in rural areas now might lead to a serious disruption of rural family life.

The enrolment at African schools has increased by nearly 120 per cent. in eight years and the Territory has not the resources to cope with a more rapid increase than this. If the rate of increase is maintained, as seems likely, enrolment in ten years' time will be more than 80 per cent. of the possible enrolment.

In the case of Eurafrikan children it is estimated that over 85 per cent. of children of school age are at school, despite the scattered population.

It is not proposed at present to prescribe a minimum age for and conditions of employment in occupations other than those covered by existing legislation, i.e. Transvaal Ordinance No. 54 of 1903 regarding underground work in mines, and the Employment of Women and Children Proclamation. It is not considered necessary to prescribe a minimum age for agricultural occupations until it is possible to attain compulsory education for the whole population and educational facilities are provided for the majority of children of school-going age. Every effort is being made to expand these facilities.

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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* (Republic of the Ivory Coast, Republic of the Niger, Republic of the Upper Volta), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Northern Rhodesia, Swaziland).

The following reports refer to the information previously supplied :

United Kingdom (Guernsey, Jersey, Isle of Man).

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 :

States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 6 December 1954.

Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 6 December 1954.

Trust Territory : Togoland : 6 December 1954.

Not applicable :

Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.

No declaration : Algeria.

*Italy.*¹

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, Antigua², Bahamas, Barbados², Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago², 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.

¹ Unratified Convention. See footnote 1 to Convention No. 17.

² Federation of the West Indies.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Royal Order of 31 March 1959 to determine conditions for the recognition of industrial associations.
 Decree of 18 May 1959 to reorganise the procedure for conciliation and arbitration in collective labour disputes.
 Ordinance No. 22/241 of 19 May 1959 to establish a Higher Labour Council.

The Decree of 18 May 1959 to reorganise the procedure for conciliation and arbitration in labour disputes repeals and replaces Legislative Ordinance No. 22/175 of 29 April 1958 respecting conciliation and arbitration committees. Under the new system the compulsory conciliation procedure consists of three stages. A strike or lockout cannot take place unless this procedure has met with failure.

The Royal Order of 31 March 1959 puts into effect the Decree of 25 January 1957 regulating the exercise of the right of association by the inhabitants of the Belgian Congo and Ruanda-Urundi. It fixes the conditions for the recognition of industrial associations, as well as

the circumstances in which the authority may withdraw its recognition (rules changed and no longer in accordance with the law, serious breach of the rules by virtue of which recognition was granted, of legislative provisions or of public order). The reasons for any decision to refuse or withdraw recognition must be made public. The authority may give the association official notice of a limited period during which it may put the situation to rights.

* * *

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

Denmark (Faroe Islands), *France* (Comoro Islands), *New Zealand* (Western Samoa).

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

Italy (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Basutoland).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947¹

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 :
 States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 6 December 1954.
 Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 6 December 1954.
 Trust Territory : Togoland : 6 December 1954.
 Not applicable :
 Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
 No declaration : Algeria.

*Italy.*²
 Applicable without modification : Trust Territory of Somaliland : 31 July 1952.

United Kingdom. Ratification : 27 March 1950.
 Applicable without modification : Aden, Antigua³, Bahamas, British Guiana, British Honduras, British Virgin Islands, Cyprus, Dominica³, Gambia, Gibraltar, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, Northern Rhodesia, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Tanganyika, Trinidad and Tobago³, Zanzibar : 27 March 1950.

Applicable with modification : Barbados³, 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.

¹ Under Article 9 of this Convention its provisions cease to apply in respect of any territory to which the provisions of the Labour Inspection Convention, 1947 (No. 81) apply, by virtue of a declaration communicated in accordance with Article 30 or Article 31 of the latter Convention.

² Unratified Convention. See footnote 1 to Convention No. 17.

³ Federation of the West Indies.

*Belgium.**Belgian Congo.*

Ordinance No. 91/349 of 2 November 1957 respecting the administrative organisation of the Colony.

In response to the request made by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. Under the above-mentioned Ordinance mining engineers are charged with the supervision in mining undertakings of the implementation of labour legislation concerning safety, but not of other social legislation.

Article 4. Forty inspectors have visited 4,927 undertakings with a total of 430,511 workers (224 undertakings more than in 1957).

*France.**States of the Community.**Central African Republic.*

Decree No. 59-105 of 20 August 1959 to establish the Ministry of Education, Labour and Social Welfare of the Central African Republic.

This Decree places the labour inspection services under the authority of the Minister of Education, Labour and Social Welfare.

Republic of Senegal.

Decree No. 59-711 of 8 June 1959 to amend Decree No. 55-1679 of 29 December 1955, providing a special statute of administration for general inspectors and inspectors of labour and social legislation in French Overseas Territories (*Journal officiel de la République française*, No. 134, 12 June 1959).

The above-mentioned Decree changes the official title of inspectors of labour and social legislation; in future they will be known as "advisers for labour and social legislation in overseas territories".

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The principles previously enacted in Ordinance No. 21 of 23 November 1951 have been co-ordinated, given wider application and put into more concrete form in sections 95 to 101 of the Labour Code, which came into force on 1 January 1959.

United Kingdom.

British Honduras.

A provision granting labour inspectors authority to enter premises "believed to be liable to inspection" is included in clause 10 (a) of the Labour Bill now before a Select Committee of the Legislative Assembly.

Montserrat.

General Orders Nos. 117 and 118 of the Colony of Montserrat.

Articles 1 and 2 of the Convention. A labour officer has been appointed for two years in the first instance with effect from 13 February 1959. This officer has had training and experience in labour inspection.

Article 3. Any worker or his representative is free to interview the labour officer or to communicate with him on any matter affecting his conditions of employment.

Article 4. Legislative provision is made for paragraph 2 (a) and (b) of this Article by section 6 of the Labour Ordinance No. 5 of 1950. Consideration is being given to vesting the labour officer with the powers provided for in this Ordinance. The provisions of paragraph 2 (c) (i) and (ii) are adhered to in practice. There is no legislation empowering inspectors to carry out the provisions of paragraph 2 (c) (iii) and (iv).

Article 5. General Orders Nos. 117 and 118 relate to the provisions of clause (a) of this Article. There is no legislative or administrative provision giving effect to clauses (b) and (c), but it is normal practice for officers to treat information of the kind described as confidential.

Northern Rhodesia.

Mining Regulations, 1958 (*Government Gazette*, Supplement, 21 Nov. 1958).

Article 4 of the Convention. Section 1701 of the new Mining Regulations specifies the powers of inspectors which are in addition to those enumerated in section 13 of the Mining Ordinance, 1958. They include the power to take or remove samples for the purpose of analysis.

In reply to the request made by the Committee of Experts in 1959 the Government states that the Factories (Amendment) Bill, which provides inspectors with the power to take samples, has had its first reading in the Legislative Council. It is hoped that it will be enacted by 1960.

Article 5. In reply to the request made in 1959 the Government states that at the present stage of development of the territory it is not considered desirable to give effect to Article 5 (c) by legislation. By administrative instruction labour inspectors are required to use discretion concerning the treatment of complaints, and it is an offence under the relevant Ordinance for a person wilfully to obstruct a labour inspector in the execution of his duty. It is therefore considered that under present conditions existing legislation and administrative instructions adequately conform to the requirements of this Article.

Nyasaland.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 700.

The Government hopes that it will be possible to amend the African Employment Ordinance at the next session of the Legislative Council, when proposals to eliminate section 5 (2) (b) of the Ordinance will be considered.

St. Lucia.

Legislation embodying the provisions of Articles 4 and 5 of the Convention has come before the legislature in a Bill entitled "Ordinance to Repeal and Replace the Labour Ordinance". The Bill, which has been recommitted to the Legislature by the Governor, was to come again before that body on 6 November 1959.

Sierra Leone.

Wages Boards (Maritime Workers) Rules, 1957 (Public Notice No. 157 of 1957).

Wages Boards (Agricultural Workers) Rules, 1958 (Public Notice No. 60 of 1958).

Article 5, clause (b), of the Convention. In reply to an observation of the Committee of Experts, the Government states that legislation similar to section 27 of the Wages Boards Ordinance to cover inspectors of machinery is being drafted. It is hoped that this legislation will be enacted in the near future.

Solomon Islands.

New legislation under which it will be possible to apply this Convention is being studied. A Labour Office has been established, and a new post of Commissioner of Labour has been filled, but the officer appointed to the post has not yet arrived in the Protectorate.

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

Belgium (Belgian Congo), *France* (Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of the Upper Volta), *Italy*

(Trust Territory of Somaliland), *United Kingdom* (Bermuda).

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

Belgium (Ruanda-Urundi), *United Kingdom* (Basutoland, Bechuanaland, British Somaliland, Falkland Islands, Fiji, Guernsey, Jersey, Isle of Man, Sarawak, 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, Antigua¹, Bahamas, Barbados¹, British Guiana, British Honduras, British Virgin Islands, Dominica¹, Fiji, Gambia, Gibraltar, Grenada¹, Jamaica¹, Kenya, Mauritius, Montserrat¹, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla¹, St. Lucia¹, St. Vincent¹, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Trinidad and Tobago¹, Uganda, Zanzibar : 27 March 1950.
Swaziland : 8 March 1960.
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 : 27 March 1950.

Not applicable : Cyprus, Falkland Islands, Malta : 27 March 1950.

No declaration : British Somaliland, Guernsey, Jersey, Isle of Man.

¹ Federation of the West Indies.

The following reports refer to the information previously supplied :

United Kingdom (Basutoland, Nyasaland).

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 :
States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic : 19 March 1954.
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.
Trust Territory : Togoland : 19 March 1954.
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 modification¹ : Guernsey, Jersey, Isle of Man : 27 June 1949.
Applicable without modification :

Aden, Malta, Nigeria, Trinidad and Tobago² : 19 June 1958.

Dominica², St. Lucia² : 29 December 1958.

Applicable with modification :
British Guiana, Gibraltar, Sierra Leone : 19 June 1958.

British Honduras, Grenada², Jamaica², Mauritius, North Borneo, St. Vincent², Sarawak : 29 December 1958.

Nyasaland : 23 February 1959.

Basutoland, Bechuanaland, Swaziland, Uganda : 17 March 1959.

Zanzibar : 8 March 1960.

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 : 29 December 1958.

Southern Rhodesia : 23 February 1959.

Northern Rhodesia : 7 July 1959.

No declaration : all other territories.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

United Kingdom.

Basutoland (First Report).

Trade Unions and Trade Disputes Proclamation (Cap. 103 of the Laws of Basutoland).

Article 2 of the Convention. Registration is compulsory. The applicant union must com-

ply with the requirements of sections 9 and 10 of the Proclamation. An appeal against refusal of registration lies to the High Court (section 10 (3)). Prison officers are subject to the same regulations as members of the police force.

Article 3. Union rules must deal with the matters listed in the Schedule to the Proclamation. The treasurer of a registered union must periodically present audited accounts to the members and transmit them to the Registrar of Trade Unions. The objects of a registered union must not be unlawful or contrary to the provisions of the Proclamation.

Article 4. Registration may be cancelled on any of the formal grounds set forth in section 11 or if the union wilfully violates any provision of the Proclamation. An appeal against cancellation of registration lies to the High Court (section 11 (3)).

Article 5. No legal provisions prevent international affiliation.

Article 6. There are no special provisions regarding federations and confederations, which may be organised in the same way as trade unions.

Article 7. The Proclamation does not provide for the acquisition of legal personality, which is optional.

Article 8. Regulation VII under Cap. 31 of the Laws provides that the local authority may prohibit or restrict meetings or gatherings on government reserves; this is rarely invoked. Assemblies in a public place which obstruct traffic or interfere with public order constitute an offence under the Police Offences Proclamation (Cap. 17). Persons dangerous to the peace of the country may be deported or confined under the Public Safety Proclamation (Cap. 35).

Article 9. Members of the police force and prison service may not join trade unions; they may form associations catering for them exclusively but have not yet done so.

Bechuanaland (First Report).

Trade Unions and Trade Disputes Proclamation (Cap. 124 of the Laws), as amended by Proclamation No. 21 of 1949.
High Commissioner's Notice No. 53 of 1949.

Article 2 of the Convention. Registration is compulsory. The applicant organisation must comply with the requirements of sections 9 and 10 of the Proclamation. An appeal against refusal of registration lies to the High Court (section 10 (3)). Officers of the prison service are subject to the same regulations as the police.

Article 3. The rules of a union must deal with the matters set forth in the Schedule to the Proclamation.

Article 4. Registration may be cancelled, involving eventual dissolution, on any of the formal grounds set forth in section 11 or if the union has wilfully violated any provision of the Proclamation. An appeal against cancellation lies to the High Court (section 11 (3)).

Article 5. There are no legal provisions. These matters are left to the organisations to decide for themselves.

Article 6. There are no special provisions relating to federations and confederations.

Article 7. Acquisition of legal personality may be said to be optional.

Article 8. Trade unions are subject to the laws relating to riot, unlawful assembly, breach of the peace, sedition or offences against the State or the Sovereign.

Article 9. Members of the police force may not join trade unions but only associations whose membership is confined to the police. There are no armed forces.

Article 11. The free exercise of the right to organise is ensured by the Proclamation.

Bermuda (First Report).

The provisions of the Convention are given effect to in the Trade Union and Trade Disputes Act, 1946. There is little interest in trade unions, of which only three now exist, with a total membership of under 800. Apart from government employees most workers are employed in private establishments providing goods and services to visitors. In general they prefer to arrange their own terms without negotiating collective agreements. The position will be kept in review.

British Guiana (First Report).

Trade Unions Ordinance (Cap. 113 of the Revised Laws, 1953).

Article 2 of the Convention. Seven or more members may apply to register a union (section 15 of the Ordinance), complying with the formal requirements laid down. Refusal of registration, which entails dissolution within three months, may be appealed against to the Supreme Court (section 24 (e)).

Article 3. The rules of the trade union must deal with the matters set out in the First Schedule to the Ordinance. The objects, as defined in the rules, must be statutory objects within the meaning of the Ordinance.

Article 4. Steps are being taken to amend section 27 of the Ordinance which contravenes this Article and is the subject of a Modification.

Article 5. No legislation prohibits international application.

Article 6. There is no separate legislation concerning federations and confederations.

Article 8. The Summary Jurisdiction (Offences) Ordinance (Cap. 114 of the Laws) represses riotous disturbance and disorderly conduct and, while providing for peaceful picketing, makes certain acts of compulsion unlawful.

Article 9. The police may join only the Police Federation, which must be unassociated with any other body.

Article 11. The free exercise of the right to organise is implicit in the Ordinance.

British Honduras (First Report).

Trade Unions Ordinance No. 1 of 1941, as amended by Ordinances No. 2 of 1942, No. 5 of 1947, No. 20 of 1947, No. 1 of 1952 and No. 21 of 1957.

Trade Unions Regulations No. 61 of 1941, amended by No. 47 of 1943.

Trade Unions Rules No. 60 of 1941.

Public Safety Ordinance No. 25 of 1935.

Articles 1 and 2 of the Convention. Section 8 of the Ordinance provides for compulsory registration, for the obtaining of which compliance with the formal requirements laid down in section 16 is necessary. If there is such compliance registration cannot be refused; an appeal against refusal lies to the Supreme Court (section 16 (e)).

Article 3. The rules of a union must deal with the various matters set out in section 17 of the Ordinance and the Second Schedule thereto. The political fund must be kept separate from other union funds and may be devoted only to such normal political objects as the support of candidates for election, the holding of meetings and the distribution of political literature. The pursuit of political objects by a union must be approved by a resolution adopted by a majority of members voting.

Article 4. Registration can be cancelled by the Registrar of Trade Unions for any of the reasons stated in section 19 of the Ordinance (ceasing to comply with conditions precedent to registration or contravention of provisions of the Ordinance). This decision entails dissolution but is subject to an appeal to the Supreme Court (section 16 (e)).

Article 5. No special provisions relate to the matters dealt with in this Article. In fact, existing organisations are affiliated to international organisations.

Article 6. The provisions relating to organisations apply also to federations and confederations, which are not governed by any other special provisions.

Article 7. There are no provisions requiring trade unions to acquire legal personality. The rules must simply provide for the appointment of trustees in whom property is vested on behalf of the union.

Article 8. Sections 237 to 272 of the Criminal Code relate to such offences as seditious assembly, riot, public disturbance and terror, use of armed force against the Government, defamation of the Sovereign, etc. Under the Public Safety Ordinance, 1935 (No. 25) the Governor-in-Council is empowered, where a state of civil commotion which threatens the public safety exists or is likely to arise, to make regulations restricting or prohibiting the gatherings of persons "in any place" and prohibiting the holding of meetings "in any place" without the permission of the Commissioner of Police.

Article 9. The armed forces are subject to the British Army Act and Queen's Regulations. Members of the police may not join trade unions but can belong to the Police Association, which must be independent of and unassociated with any body or person outside the force.

Article 10. The definition in this Article falls within the definition of a trade union contained in section 2 of the Ordinance.

Brunei (First Report).

There is no trade union legislation. Legislation on the model of that of Sarawak is expected to be enacted at an early date. This would enable the Convention to be applied without modification.

Cyprus (First Report).

The report covers the matters which, in the view of the Government, prevent ratification. The minimum age for union membership is 18 years; officers must be 21 years of age. The sanction of the Governor-in-Council is needed for the amalgamation of unions representing more than one trade or calling (section 27 (7) of the Trade Unions Law (Cap. 172)); it is proposed to remove this restriction in the near future. Membership of a trade union is limited to persons actually engaged in or working at a trade or calling to which the union relates at the time of admission (section 21). Officers must not be officers of another union, subject to the right to serve also as officers of a federation. Certain decisions are required to be taken by secret ballot, such as concern, for example, election of officers, complaints against officers, strikes; a more precise definition will shortly be prescribed regarding the questions which must be decided by secret ballot.

Falkland Islands (First Report).

Most of the provisions are covered by local law, but in certain respects there is incompatibility (e.g. registration requires more than a nominal minimum membership and can be refused on grounds of "unlawful purposes").

Fiji (First Report).

Fiji is not yet ready to accept the obligations of the Convention. Its laws provide that an association must draw all its members except the president and secretary from a particular industry (which includes also agriculture). An applicant for membership shall not be a member of another industrial association. These provisions run counter to Articles 2, 3, 5, 6 and 7 of the Convention, but have contributed substantially to the sound development of trade unionism, and the need for such development has not yet passed away.

Gibraltar (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 128 of the Laws).

Article 2 of the Convention. This Article is applied in its entirety, subject to the one limitation in section 17 (2) of the Ordinance—the subject of the Modification—that no alien shall be among the members of the union who apply for registration. Non-compliance with this provision is one of the grounds—the others being formal—on which registration may be refused under section 10, subject to an appeal to the Supreme Court. Two-thirds of the workers are Spaniards who cross the frontier daily. The Gibraltar unions would welcome them as members but the Spanish authorities do not permit them to join.

Article 3. The rules of a trade union must include provision for the matters—formal questions governing the functioning of the union—contained in section 14 and the Schedule to the Ordinance, and, under section 13, the audited accounts of a union must be submitted to the Registrar of Trade Unions within one month of being submitted to the members. A Modification subsists in respect of section 17 (2) of the Ordinance, by virtue of which an alien shall not, unless he is resident in Gibraltar, be the president, chairman, secretary, treasurer or other like officer of a union or be a member of its management committee; if, however, not less than 10 per cent. of the membership consists of non-resident aliens, they may nominate one of their number to serve on the committee with power to vote on all matters not related to or connected with the calling or financing of a strike.

Article 4. Cancellation of registration of a union on the formal grounds contained in section 11, or on the ground of having violated the provisions of the Ordinance, is subject to an appeal to the Supreme Court.

Articles 5 and 6. No specific provisions relate to the formation of federations and confederations or to international affiliation. If the principal objects of a federation or confederation were the regulation of relations as in the case of trade unions for the purposes of the Ordinance, they would be subject to the same guarantees and limitations as trade unions themselves.

Article 7. Compulsory registration, the conditions attaching to which have been described earlier, confers legal personality.

Article 8. The Public Order Ordinance and the Summary Conviction Ordinance permit of the prohibition of or imposition of conditions on the holding of public processions or public meetings in certain circumstances.

Article 9. The Convention does not apply to the armed forces. The police may join only approved Police Associations or the Gibraltar Civil Service Association; the Commissioner of Police may permit continued membership in a trade union to which a recruit belonged before joining the police.

Gilbert and Ellice Islands (First Report).

See under Convention No. 98.

Grenada (First Report).

Trade Unions and Trade Disputes Ordinance No. 20 of 1951.

Trade Unions and Trade Disputes (Amendment) Ordinance No. 17 of 1956.

Trade Unions Regulations No. 4 of 1935.

Trade Unions Rules No. 8 of 1952.

Article 2 of the Convention. Application must be made for provisional registration within three months of formation of a union; registration ensues six months after provisional registration; an appeal against refusal of registration lies to the Supreme Court.

Article 3. The rights accorded by this Article are enjoyed, but union rules must deal with the matters scheduled in the Ordinance of 1951, and must provide for secret ballots to

be taken in respect of decisions of major importance (the latter is the subject of the Modification).

Article 4. Cancellation of registration by the Registrar of Trade Unions may be effected on the grounds laid down in the Ordinance of 1951, which relate to violations of the Ordinance or union rules or other illegality. An appeal lies to the Supreme Court.

Article 6. No special provisions relate to federations and confederations.

Article 7. No conditions exist beyond those attaching to compulsory registration.

Hong Kong (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 64).

The above Ordinance confers certain privileges and immunities from civil action upon organisations which register under it. Registration with the Registrar of Trade Unions is compulsory; an appeal against refusal lies to the Governor-in-Council. Present legislation provides in a large measure for the guarantees laid down in the Convention, but amending legislation is being prepared which will give effect to the Convention to a greater degree.

Article 2 of the Convention. Sections 5 and 7 to 10 of the Ordinance lay down the conditions for the formation and registration of trade unions. The conditions laid down are the minimum considered necessary in view of the comparatively recent development of trade unionism in the colony. That they are not restrictive is confirmed by the fact that 315 trade unions have been registered. Only one application has been refused under section 10 of the Ordinance—this was because the applicants failed to secure the prescribed number of signatories of the application.

Article 3. Certain conditions concerning the constitutions and administration of trade unions are laid down in sections 12 to 27 of the Ordinance, but these have never restricted the growth of the local trade union movement.

Article 4. Apart from voluntary dissolution, the dissolution of a union can ensue only as a result of cancellation of registration under section 11 of the Ordinance. Since 1948 there have been 65 cancellations (14 at the request of the unions, 34 because the unions ceased to exist, 11 in cases of voluntary dissolution, 2 as a result of amalgamation and 4 for violation of provisions of the Ordinance).

Article 5. Federations and confederations must register under the Societies Ordinance (Cap. 151), thus obtaining legal status. Two such central workers' organisations have been registered. Their affiliation with international organisations is governed by section 5 of the Societies Ordinance (the Hong Kong T.U.C. is affiliated with the International Confederation of Free Trade Unions). Section 14 of the Trade Unions and Trade Disputes Ordinance governs applications by individual local unions to affiliate with organisations established outside the colony; seven applications have so far been approved.

Article 6. Registered federations can advise their constituent unions and participate in wage negotiation and other union activities. New legislation will shortly extend to federations the rights secured to individual unions, provided that the constituent unions of a federation are all within the same trade or industry.

Article 7. Sections 28 and 30 of the Trade Unions and Trade Disputes Ordinance confer on registered unions immunity from actions of tort and actions for acts in restraint of trade. New legislation will shortly confer corporate status on all registered unions.

Article 8. The Illegal Strikes and Lockouts Ordinance (Cap. 61) gives powers to control strikes in public services where these would endanger public health and safety.

Article 9. Members of the regular armed forces and of the police force are not allowed to join trade unions.

Jamaica (First Report).

Trade Union Law (Cap. 389, Revised Laws of Jamaica, 1953).

Article 2 of the Convention. Organisations must apply for registration, thereby fulfilling the formal conditions set out in sections 13 to 16 of the Trade Union Law.

Article 3. Sections 2 to 5 of the Trade Union Law set out the conditions governing the constitution of trade unions. When applying for registration the organisation must state the whole of its objects, and the Registrar of Trade Unions must register it if its rules and objects are satisfactory in law and do not contravene the requirements of the Trade Union Law.

Article 4. Section 23 of the Law lays down the conditions governing cancellation of registration. Cancellation or refusal of registration entails dissolution; at present there is no provision for judicial appeal against such cancellation or refusal—this being the subject of the Modification—but an amendment of the law to provide for such appeal is to be introduced in the current legislative programme.

Article 5. No legal provisions relate to affiliation of national organisations with international organisations.

Article 6. No legal provisions relate to federations and confederations.

Article 7. Trade unions do not acquire ordinary corporate personality.

Article 8. The Emergency Powers Law (Cap. 111), the Public Officer (Maintenance of Order) Law (Cap. 322) and the Public Order (Marches and Processions) Law (Cap. 324) are considered not to contravene the Convention. The Public Utility Undertakings and Public Services Arbitration Law (Cap. 329) places restrictions on strikes and lockouts in certain scheduled essential services until the provisions of the Law have been complied with.

Article 9. The police may not join trade unions but may join the Police Federation, which makes representations on their behalf.

Kenya (First Report).

The measures implementing Conventions Nos. 11, 82, 84 and 94 in Kenya have also secured freedom of association and protection of the right to organise. Workers' and employers' organisations and voluntary negotiation have developed notably in recent years. It is an aim of policy to encourage the formation of strong and independent organisations, but the stage of development will not, for some time, be sufficient to permit of the application of Convention No. 87.

Malta (First Report).

Trade Unions and Trade Disputes Ordinance, 1945.
Trade Unions Regulations, 1946.

Article 2 of the Convention. There are no restrictions on the right of workers and employers to form or join organisations of their own choosing. Unions must register, thus complying with the formal conditions laid down in section 8 of the Ordinance; refusal of registration is subject to an appeal to the Supreme Court (section 10).

Article 3. Trade union rules must deal with the matters prescribed by section 15 of the Ordinance.

Article 4. Failure to apply for registration or refusal of registration entails dissolution within three months (section 8), refusal being possible only on the formal grounds set forth in the Ordinance and being the subject of appeal to the Supreme Court (section 10). A trade union may be struck from the register, which also entails dissolution, on the formal grounds stated in the Ordinance or if the union wilfully violates any provision of the Ordinance or fails to make the prescribed annual financial return (sections 11 and 12); an appeal from the decision of the Registrar of Trade Unions lies to the Supreme Court.

Articles 5 and 6. No distinction is made between employers' and workers' organisations and their federations or confederations, which are not governed by any special provisions. There is no legal restriction on the affiliation of employers' and workers' organisations with international organisations of employers and workers.

Article 7. Acquisition of legal personality is not subject to special conditions. It is automatic upon registration.

Article 8. On 28 April 1958 a Proclamation was issued prohibiting all public meetings. On 18 August 1958 a new Proclamation confined this prohibition to public meetings in Floriana and Valletta. Private trade union meetings in Malta have not been affected.

Article 9. The police and armed forces are subject to special legislation.

Article 10. The definition of trade union objects in the Ordinance is in accordance with this Article.

Article 11. Provided that the Ordinance is complied with, any seven or more persons have the right by law to organise and to register as a trade union.

Mauritius (First Report).

Trade Union Ordinance No. 36 of 1954.

Trade Union Rules (Government Notice No. 137 of 1954).

Article 2 of the Convention. Section 4 (1) of the above-mentioned Ordinance requires a trade union to apply for registration within three months of its formation. Registration can be refused on the formal grounds stated in section 6 of the Ordinance. Under section 13 (1) a trade union may be joined only by persons normally engaged in the trade, business or industry concerned.

Article 3. Section 12 (1) of the Ordinance requires union rules to deal with the matters contained in the Schedule thereto, and to provide for "normal" engagement in the trade, etc., as a condition for membership. Candidates for union office must have been normally engaged for at least 18 months in the trade or a trade or section thereof represented by the union, but the Governor-in-Council may temporarily suspend this stipulation if no suitable candidate can be found (section 13). No person who, within the past ten years, has been convicted of an offence involving fraud or dishonesty may be a union officer or a person employed in the collection of union funds (section 14). Trade unions having members engaged in more than one trade, industry or calling are required to make provision for their respective sectional industrial interests (section 24). The principal objects of a union must be the regulation of relations between workmen and employers, etc.

Article 4. The Registrar of Trade Unions may cancel the registration of a trade union on any of the grounds specified in section 7 of the Ordinance, including especially violation by the trade union of any provisions of the Ordinance. The union may appeal to the Supreme Court.

Article 5. No legal provision relates to the formation of federations and confederations but some federations have been registered on the same conditions as apply to trade unions. There is no legal impediment to affiliation with international organisations.

Article 6. No legal provisions exist.

Article 7. Acquisition of legal personality is automatic upon compulsory registration. No conditions exist beyond those attaching to registration itself.

Article 8. Sections 28 to 30 of the Ordinance give effect to this Article. The laws concerning the safety of the State, a state of siege, associations and meetings and the Penal Code do not infringe the guarantees provided for in the Convention.

Article 9. The armed forces and police are excluded from the application of the Convention.

Nigeria (First Report).

Trade Unions Ordinance (Cap. 218), 1948 Revision.

Article 1 of the Convention. Effect is given to the Convention by customary law and practice and not by any specific legislation preventing or permitting freedom of association.

Article 2. The conditions concerning registration, which are not restrictive, must be com-

plied with (sections 12 to 17, 19, 24 to 29, 31 and 32 of the Trade Unions Ordinance).

Article 3. There must be compliance with sections 2, 4, 5, 10, 15, 25, 26, 30 to 32 and 34 of the Ordinance, which, in general, safeguard the rights of trade unions to conduct their affairs without interference.

Article 4. Suspension and dissolution of organisations are covered by sections 13, 16 to 18 and 32 of the Ordinance.

Articles 5 and 6. There are no restrictions.

Article 7. Unions can sue and own property but have no legal personality in the ordinary sense of the term.

Article 8. There are no restrictions.

Article 9. Members of the armed forces and police, prison officers and the Fire and Guard Service of the Civil Aviation Department may not form trade unions but have organisations of their own which safeguard their interests.

North Borneo (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 143 of the Revised Laws, 1953).

Article 2 of the Convention. Registration is compulsory (sections 5 and 8 of the Ordinance), the powers of the Registrar of Trade Unions being defined in sections 9, 10 and 11 of the Ordinance. The only restrictions are those which are the subject of the Modification—that, according to section 10 (2), a union may not be established if, in the view of the public authority, an existing trade union adequately represents the interests in the trade concerned (a provision which has never been invoked); and that government servants may join only unions catering for government employees exclusively, with the exception that tradesmen may, with prior approval, join a craft union not so restricted.

Article 3. Organisations draw up their constitutions and rules in freedom; the rules must deal with the matters required by section 22 of the Ordinance. The requirements as to accounting and auditing of funds are prescribed by sections 20 and 21. Under section 16 the officers of a registered union or federation, other than the secretary, shall be persons who for a period of not less than three years have been engaged or employed in the trade, occupation, etc., concerned, but this requirement may be waived at the discretion of the public authority. If a union caters for more than one trade or calling suitable provision must be made for the protection of the respective sectional industrial interests.

Article 4. The Registrar of Trade Unions may refuse to register a trade union (section 10 of the Ordinance) or may cancel registration (section 11); absence of registration entails dissolution. Decisions of the Registrar may be appealed against to the High Court.

Article 5. The right to set up federations and confederations is limited by the proviso that federations may group only unions concerned with similar trades, while trade unions of government employees may federate only with other unions of government employees.

Relations with organisations outside North Borneo are to some extent subject to the consent of the public authority (sections 15 and 30 of the Ordinance).

Article 6. The provisions of Articles 2, 3 and 4 apply to federations and confederations as to organisations and subject to the same Modifications.

Article 7. Legal personality is conferred by the Ordinance. This involves no restrictions beyond those already noted.

Article 8. No general measures impair the guarantees of the Convention.

Article 9. The police may not join trade unions. At present members of the armed forces may join, but the position is under review.

Northern Rhodesia (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 25) and Regulations.
Northern Rhodesia Police Ordinance (Cap. 44),
Societies Ordinance (Cap. 262).

Article 2 of the Convention. Certain employers' organisations may be required to register under the Societies Ordinance; registration may be refused if it appears to the Registrar that the organisation is likely to be used for any purpose prejudicial to the welfare of the territory.

Article 3. Trade unions are required by law to hold a secret ballot requiring the assent of a two-thirds majority of those voting before a strike or lockout is called. Closed shop agreements must be ratified at regular intervals by a secret ballot requiring the participation of three-quarters of the fully paid-up members and the assent of at least two-thirds of such members, and are null and void unless so ratified. A member of a union party to such an agreement can appeal against expulsion or suspension from membership to an agreed independent person or magistrate and the measure can be upheld only if the appellate instance is satisfied that it was just and equitable. All secret ballots are supervised by the public authority.

Article 4. If an employers' organisation is refused registration under the Societies Ordinance or if registration is cancelled, there is no right of judicial appeal.

Article 11. This provision is covered by the Trade Unions and Trade Disputes Ordinance.

A declaration of acceptance with modifications will be made as soon as possible. This will depend on further consideration in the light of pending amendments to the Trade Unions and Trade Disputes Ordinance.

Nyasaland (First Report).

Trade Unions Ordinance No. 32 of 1958.
Trade Disputes (Arbitration and Settlement) Ordinance, 1952.
Police Ordinance (Cap. 64).
Police Association Rules (Government Notice No. 44 of 1957).

Article 2 of the Convention. Any 15 employees or employers may form a union (section 11 (3) of the Trades Union Ordinance). Employees of the Crown may belong only to trade unions

whose membership is confined to employees of the Crown; the Governor-in-Council may exempt any given category from this provision (section 29 (1) of the Ordinance). A trade union must register. The Registrar of Trade Unions may in some cases refuse registration (section 11 of the Ordinance); an appeal lies to the Supreme Court against such refusal.

Article 3. The rules of the union must deal with the matters listed in the Schedule to the Trades Union Ordinance (section 38). The constitution of the union must provide for the election of trustees, who must be members or officers of the union or persons approved by the Registrar and who must not be persons convicted of a crime involving dishonesty within the five years preceding their election as trustees (section 42).

Article 4. The Registrar may cancel the registration of a trade union, which also entails dissolution for any of the statutory grounds listed in section 18 (2) of the Trades Union Ordinance, all of which, in one way or another, involve non-compliance with the requirements of the Ordinance; such cancellation may be appealed against to the High Court.

Article 5. The rights guaranteed by this Article are applied by sections 36 (1) and 47 (k) of the Trades Union Ordinance.

Article 6. Federations and confederations are advisory bodies exempt from the provisions of the Trades Union Ordinance and not registrable.

Article 7. Effect is given to this Article by section 2 (5) of the Trades Union Ordinance.

Article 8. Strikes and lockouts in essential services are prohibited until there has been compliance with the provisions for promoting a settlement contained in the Trade Disputes (Arbitration and Settlement) Ordinance, 1952. The same Ordinance contains provisions prohibiting unlawful picketing and besetting.

Article 9. Members of the police of lower grades only may join the Police Association, which can make representations on their behalf, but may not join any other trade union.

St. Lucia (First Report).

Trade Unions and Trade Disputes Ordinance No. 4 of 1948, as amended by Ordinances Nos. 18 of 1951 and 30 of 1956.

Article 2 of the Convention. Under section 2 of the Trade Unions and Trade Disputes Ordinance, any seven or more members of a union may fulfil the registration formalities. A union which is not registered or whose registration is refused must be dissolved, on pain of a penalty, within three months.

Article 3. The first schedule of the Ordinance requires certain matters to be dealt with in the rules of the union.

Article 4. The Registrar of Trade Unions may refuse registration on the formal grounds laid down in the Ordinance, subject to appeal to the Supreme Court.

Articles 5 and 6. No legal provisions prevent the application of these Articles in practice.

Article 7. Acquisition of legal personality is optional and not subject to any conditions.

Article 8. Public Order Ordinance No. 15/1952 prohibits the wearing of uniform in connection with political objects.

Article 9. Under Police Ordinance No. 10 of 1958 the police may belong only to the Police Welfare Association and not to any other union.

Sarawak (First Report).

Trade Union and Trade Disputes Ordinance No. 10 of 1947, as amended by Ordinances No. 23 of 1948, No. 7 of 1950, No. 28 of 1953 and No. 15 of 1955.

Article 2 of the Convention. A trade union may not be set up if, in the view of the Registrar of Trade Unions, an existing trade union adequately represents, for the particular trade, the objects of the proposed union (section 10 (2) of the Ordinance). Government servants may join only trade unions the membership of which is confined to persons employed by or under the Government, except that tradesmen may, with prior approval, join a union whose membership is not so restricted (section 15).

Article 3. Officers of trade unions must be persons actually engaged in the trade, occupation or industry concerned, although this requirement may be waived at the discretion of the public authority (section 143). Trade unions catering for more than one occupation must make proper provision for protection of the respective sectional interests (section 10 (1)). Trade union funds may be used only for purposes specified in national laws or approved by the public authority and not for any political purpose (sections 17A, 17B, 17C).

Article 4. The Registrar may cancel the registration of a trade union in accordance with section 11 of the Ordinance on formal statutory grounds and, especially, if a trade union wilfully violates any provisions of the Ordinance. An appeal lies against his decision to the Supreme Court.

Article 5. No registered trade union may affiliate with any organisation outside the colony in such manner as to come in any way under the control of the latter except by the consent of the Governor-in-Council; affiliation or continued affiliation without such consent renders the trade union an unlawful society (section 14C).

Article 6. The Modifications relating to Articles 2 and 3 apply to federations. Federations may be formed or joined only by unions belonging to similar trades, occupations or industries. Unions of government employees may federate only with similar unions.

Article 7. All trade unions must be registered (section 8). The conditions attaching to registration are set out under Articles 2 and 3 above.

Article 8. Section 141 of the Penal Code makes an assembly of five or more persons an "unlawful assembly" if the common object is to resist the execution of any law or legal process or to commit any of the acts therein specified by means of criminal force.

Article 9. The armed forces and police are excluded from the application of the Convention.

Solomon Islands (First Report).

No trade unions exist. Legislation is substantially in accordance with the Convention. Efforts will be made to encourage trade unions as soon as the population shows any interest; consideration will then be given to measures to apply the Convention. It is hoped shortly to apply Convention No. 84 as a transitional phase.

Southern Rhodesia (First Report).

Workers and employers may establish and join organisations of their own choosing without previous authorisation. Subject to existing legal provisions such organisations may draw up their constitutions and rules, elect their officers and organise their administration and establish industrial councils, which are equally representative of employers and workers.

The Convention is considered unsuitable for application to members of the armed forces.

Swaziland (First Report).

Transvaal Law No. 6 of 1894 (Right of Meeting and Assembly).

Trade Unions and Trade Disputes Proclamation (Cap. 125 of the Laws of Swaziland).

Trade Union Registration Rules (High Commissioner's Notice No. 8 of 1950).

Swaziland Police Regulations (High Commissioner's Notice No. 72 of 1957).

Articles 1 and 2 of the Convention. These Articles are applied, subject to the provisions of sections 4 and 6 of the Trade Unions and Trade Disputes Proclamation concerning compulsory registration of trade unions. It is the practice to allow civil servants, if they wish, to organise themselves in associations restricted to the Civil Service only, and to affiliate with national or international federations. Prison officers are subject to the same regulations as the police force.

Article 3. Trade union rules must deal with the matters prescribed by section 13 of the Proclamation, and the applicants for registration must fulfil the formal requirements of section 9 (1).

Article 4. Suspension and dissolution of organisations are covered by section 10 of the Proclamation.

Articles 5 and 6. These Articles are implemented by virtue of the definition of "trade union" contained in section 2 of the Proclamation.

Article 7. Effect is given to this Article by section 17 of the Proclamation. The acquisition of legal personality other than that defined in section 17 (2) of the Proclamation is optional.

Article 8. Transvaal Law No. 6 of 1894 relates to the right of meeting and assembly. Consideration is being given to replacing this by new legislation.

Article 9. The rights of members of the police are limited by section 18 of the Swaziland Police Regulations. It is likely that prison officers will be treated in the same way in the near future.

Article 10. This is applied by section 2 of the Proclamation.

Article 11. The Proclamation gives effect to this Article.

Uganda (First Report).

Trade Unions Ordinance No. 10 of 1952.
Prisons Ordinance No. 2 of 1958.

Article 2 of the Convention. Trade unions must register with the Registrar of Trade Unions in accordance with sections 9 and 10 of the Trade Unions Ordinance. Registration may be refused by the Registrar if he is satisfied that there is in existence another trade union already registered that is sufficiently representative of the whole or of a substantial proportion of the interests in respect of which the applicants seek registration (section 16 (d) of the Ordinance). Any refusal of registration is subject to appeal to the High Court (section 18). Prison officers may join a prison officers' staff association approved by the public authority, but not any other trade union.

Article 3. Under section 36 (1) of the Ordinance, union rules must deal with all the matters listed in the Schedule thereto. A union whose members are engaged in one trade or calling is required to make suitable provision for the protection and promotion of their respective sectional industrial interests (section 16 (1) (f)). Trade unions representing more than one trade or calling may not amalgamate without the sanction of the Governor-in-Council (section 32). All officers of a trade union other than the secretary must be actually engaged in the industry or occupation with which the union is directly concerned and to have been so employed for at least three years, although this requirement may be waived at the discretion of the Registrar of Trade Unions; no person may be an officer of more than one trade union (section 29). The taking of all decisions in respect of the election of officers, amendment of rules, strikes, lockouts, dissolution and any other matter affecting members of the union generally is required to be by secret ballot (section 36 and Schedule to the Ordinance). Persons not employed and resident in Uganda and persons whose subscrip-

tions are more than 13 weeks in arrears may not be voting members (section 30). Trade union funds may be used only for the objects specified in section 43 of the Ordinance or for such other objects as the Governor may approve.

Article 4. The Registrar of Trade Unions may cancel or suspend registration on any of the grounds stated in section 17 of the Ordinance, subject to appeal to the High Court (section 18).

Article 5. There is no restriction on the exercise of the rights provided for in this Article.

Article 6. There are no statutory provisions and no restrictions governing federations or confederations.

Article 7. There are no special conditions beyond those noted in connection with registration, upon which legal personality ensues automatically (section 22).

Article 8. Apart from the provisions of the Ordinance already mentioned, meetings of more than specified numbers of persons without special permission are subject to restriction under section 62 of the Police Ordinance.

Article 9. Members of the police force or prison service may not join associations other than those approved by the authorities. No legislation excludes members of the armed forces from trade union membership.

* * *

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

France (Comoro Islands), *United Kingdom* (Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Cyprus, Fiji, Gibraltar, Grenada, Hong Kong, Jamaica, Malta, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Southern Rhodesia, Swaziland, Uganda).

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 :
Overseas Departments : 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 modification¹ : 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.

¹ See footnote 1 to Convention No. 2.

*Italy.**Trust Territory of Somaliland.*

The Labour Code, which came into force on 1 January 1959, reaffirms in broader terms the principles laid down in Ordinance No. 22 of 23 November 1951. Three employment offices were opened, and preparations were begun for opening four more regular offices. In the other district centres employment offices without specialised staff are attached to the offices of the district commissioners. The regional governors, in their capacity as regional labour inspectors, are responsible for supervising and ensuring the application of the provisions of the Code.

*Netherlands.**Netherlands Antilles.*

In reply to the direct request made by the Committee of Experts in 1958 the Government states that its only objection to the establishment of advisory committees is that such committees might cause considerable delay in the work of the employment service, which must deal with relatively small numbers as rapidly as possible.

Netherlands New Guinea.

There are no employment agencies in the territory. Job seekers may apply to the Labour Affairs Department of the Service for Social Affairs at Hollandia and, if necessary, to the labour inspectors. See also under Convention No. 2.

Surinam.

For the Government's reply to the observation made by the Committee of Experts in 1959 with regard to Articles 4 and 5 of the Convention, see *Report of the Committee*, p. 700.

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

It is intended to provide the Employment Service with a legal basis of its own, so as to make it better equipped for rendering its services in conformity with the principles of the Convention.

Article 3 of the Convention. During the period under review the Employment Service operated in two districts. Before extending it to other districts it is planned to wait for the introduction of a system of registration of wage earners, entailing the setting-up of registration offices in all districts. Since the Employment Service will be entrusted with such registration, these offices will also commence the organisation of the employment market in districts where this has not been done hitherto.

Article 9. The status and conditions of service of the staff of the Employment Service are those established for all persons in public service. Like all public servants they are independent of changes of government and of improper external influences and, subject to the needs of the service, are assured of stability of employment.

*United Kingdom.**Aden (First Report).*

At present the Government of Aden is not in a position to accept financial responsibility for setting up a comprehensive employment service of the type required by the Convention. It does, however, maintain a Labour and Welfare Office where unemployed persons may register their names and be referred to vacancies which have been notified.

Bahamas (First Report).

The economy depends largely on the tourist industry. This provides regular employment which workers have no difficulty in finding by their own efforts. A small labour office supervises the recruitment of workers for temporary agricultural employment in the United States.

British Guiana.

Article 4 of the Convention. The representatives of employers and workers on the two advisory committees are appointed in equal numbers from the organisations of employers and workers concerned.

Article 6, clause (a). Each applicant supplies particulars regarding his qualifications, experience and the employment which he desires. He is then interviewed by an official of the service who assesses his ability and advises him with regard to employment that may be available. There are no facilities for vocational guidance or vocational training. Applicants may be referred to vacancies in any part of the country and there is co-operation between the two offices in this respect.

Clause (b). The service has not itself taken measures on an organised basis to assist geographical mobility and temporary transfer of workers, as the need has arisen in the past only on a few occasions. In those cases it was arranged that employers would provide travelling facilities and housing. As a member of the Regional Labour Board of the British West Indies, British Guiana co-operates in arrangements for the movement of farm labourers to employment in the United States. Also, by agreement with the Canadian Government, domestic workers are referred to employment in Canada. Advances have been made in both these cases to enable workers to meet their travelling expenses. Workers wishing to travel to take up employment within the territory usually receive advances from the employer concerned.

Article 12. The administrative areas comprised in the term "interior" in the Government's first report are the following: (1) the Rupunumi district; (2) the North-West district; (3) the Mazanuri-Potaro district with the exclusion of Bartica and its environs; and (4) the upper reaches of the Corentyne and Berbice rivers.

British Somaliland (First Report).

At the present stage of development it is impracticable to apply the provisions of this Convention.

British Virgin Islands (First Report).

For several years there has been full employment in this small community of less than 8,000 people. Such employment opportunities as exist are well known.

Cyprus.

No legislative or administrative regulations exist dealing with the employment service as a whole.

Articles 4 and 5 of the Convention. Consideration will be given to the establishment of a Central Advisory Committee to advise on the policy of the service for the island as a whole. In the meantime it is within the competence of the Labour Advisory Board to consider any matter pertaining to the service.

Article 6, clause (b). The question of occupational mobility has not received attention. Geographical mobility is not a big problem as in most cases the place of work is within daily travelling distance of the workers' homes and, if public transport facilities are inadequate, special transport to and from the place of work is provided by the employer.

Falkland Islands (First Report).

A comprehensive employment service is neither necessary nor economically feasible in this island community with a small and scattered population.

Gibraltar.

The precise functions of the employment service are not formally defined; they have evolved from long-established practice based originally on the functions of the service in the United Kingdom.

Article 4 of the Convention. A youth employment committee has been established on which employers, workers and the education authority are represented.

Article 6, clause (a). There has been virtually no unemployment among Gibraltarian workers and it has not been found necessary to assist them to obtain vocational training. Vocational guidance is available to young persons.

Clause (b). There is little need for occupational mobility. The level of employment is relatively stable except in the building and contracting industries, and in these industries the occupational demarcation is less rigid than in larger territories. Because of the restricted range of skills in the territory employers requiring skilled workers not normally available locally carry out training on the job.

Article 8. A youth employment service is now in operation.

Gilbert and Ellice Islands (First Report).

The Convention has not been applied, partly because of the geographical features and partly because the indigenous workers are all land-owners and do not depend for their living on industrial or other employment; if they are in remunerated employment and this ends, they can and do resume their agricultural pursuits.

The very few non-indigenous workers in the territory remain only for the duration of their employment contracts, at the end of which they are repatriated by their employers.

Kenya.

Articles 4 and 5 of the Convention. The Labour Advisory Board deliberated in November 1958 on the unemployment situation and the functioning of the employment service.

Article 6, clause (a) (i). Evaluation of the physical and vocational capacity of applicants is generally done on the basis of the evidence of their education or training and of their performance in previous employments. However, the Labour Department provides occupational testing facilities for a wide range of skilled occupations and is promoting arrangements for aptitude testing. There are as yet only limited arrangements for vocational guidance.

Article 8. Very few juveniles make use of the employment service. Authorised officers of the Labour Department in all areas undertake some placement work in the course of their control of the engagement of children under 16 years of age when this involves residence away from a parent or guardian. Liaison between the employment service and members of secondary schools staffs responsible for career guidance needs improvement. Arrangements are being made for better contact between industry and the schools.

Malta.

Emergency Ordinance No. VI of 1959 (*Government Gazette*, 6 Feb. 1959, No. 11177, Supplement).

The above legislation had the effect of withdrawing the obligation on employers of 50 workers or more to engage their workers through the service.

The register of applicants is in two parts. Part I consists of persons not following gainful employment or unemployed in the sense of section 12 of the National Insurance Act, 1956. Part II consists of (1) persons in gainful employment but not utilising their special skill, knowledge and experience; and (2) men aged 19 or over in gainful employment but earning less than £4 per week. Priority in referral is given to persons in Part I.

Article 4, paragraph 3. Members of the National Employment Board representing employers and workers are appointed from persons nominated by the organisations of employers and workers.

Article 6, clause (a) (iv) and clause (b). Vacancies in the two islands are notified to the central office in Valletta. Registrants from Gozo can be considered for vacancies in Malta where the opportunities are greater. Because of the limited area of the islands, measures in conformity with clause (b) (i), (b) (ii), and (b) (iii) are not necessary. In some instances, the service gives trade tests to, and pre-selects, prospective emigrants.

Clause (e). The service advises the authorities responsible for technical education on the

training courses necessary to meet the needs of local industry.

Mauritius.

Article 4 of the Convention. Arrangements are being made to constitute a standing island-wide advisory committee. There is provision for the convening of *ad hoc* regional advisory committees at times of severe unemployment.

Article 6, clause (a). The service is open to all workers wishing to change their employment. The provision contained in Government Notice No. 232 of 1949 that no person over 60 years of age shall be registered for employment is being administratively disregarded pending a review of this legislation.

Clause (b). The sugar estates which employ the bulk of the labour force send transport to areas where workers are known to be available and transport the latter to and from work. Temporary transfers of workers are common practice.

Clause (c). The question of the systematic collection of information and its dissemination is being studied.

Clause (d). There is no form of unemployment assistance in existence at the moment.

Clause (e). The facts of the employment situation can be presented to the Executive Council by the Minister of Labour and Social Security.

Article 8. No arrangements exist within the framework of the service to give effect to this Article.

Nigeria.

Labour Code Ordinance of 1 June 1946 (Cap. 99 of the Laws of Nigeria, 1948).
Industrial Workers (Employment Exchanges) Rules, 1952.

Article 2 of the Convention. Section 230 (a) of the Labour Code Ordinance empowers the Governor of a region and, in respect of the federal territory of Lagos, the Commissioner of Labour, to establish employment exchanges in places where they are considered necessary. Those so far established are under the direction of the Department of Labour.

Article 3. The network of employment offices is not yet large enough to serve each geographical area of the country. It is reviewed periodically to ascertain whether the industrial development of an area warrants the opening of a further office.

Article 4. The Federal Labour Advisory Council, which comprises representatives in equal numbers of employers and workers, has power to advise the Federal Minister of Labour and Welfare on the organisation and operation of the employment service. In addition there is a Juvenile Employment Committee for the federal territory of Lagos.

Article 6, clause (a). Procedure follows the normal pattern of interview and classification. Training of artisans and mechanics is carried out by employers and the Government either on the job or in training schools. The service does not directly recruit for this training unless requested to do so.

Clause (b). Occupational mobility is assisted by exchange of information between employment offices. Geographical mobility is assisted by supervision of contracts entered into where the place of employment is more than 25 miles from a worker's home. Employers are required to provide free transport where the place of employment is more than nine miles from the worker's home; in certain areas they must provide accommodation. An intergovernmental agreement provides for the movement of workers under official control to neighbouring Spanish territories.

Clause (c). District labour officers report regularly on the trends of employment opportunities.

Clause (d). No scheme of unemployment insurance or assistance exists.

Clause (e). Assistance is given mainly by co-operation with other departments in the field of training.

Article 7. There are special arrangements for dealing with workers in the tin-mining industry. There are no special arrangements for the employment service to deal with disabled persons.

Article 8. The majority of employment offices have juvenile employment sections.

Article 9. The staff are civil servants in the Federal Public Service. Recruitment to the basic executive grade is by competitive examination. Appointment to the higher grades is by promotion except in special circumstances. Clerical staff are recruited as and when required.

Article 11. No private employment agencies exist.

Seychelles (First Report).

Employment Exchanges Ordinance No. 3 of 1948 (Colony of Seychelles: *A Collection of the Ordinances*, 1948, p. 37).

A single employment office has been established in Mahé. The majority of the working population is engaged in agriculture. There is a small seasonal fluctuation of employment in the cinnamon leaf industry but the labour force is mobile and makes little use of the facilities of the employment office.

Sierra Leone.

There are no legislative provisions concerning the employment service at present applicable outside the Colony-Peninsula area.

Article 4 of the Convention. No precise date can be given for the setting up of advisory committees in view of other heavy commitments on the Labour Department, but action will be taken to set them up as soon as possible.

Article 6, clause (a). All workers are free to apply for employment at the employment offices.

Clause (b) (i). The need to facilitate occupational mobility has not arisen and therefore no measures have so far been instituted.

Article 10. Workers are encouraged, through the trade unions to make full use of the service.

Singapore.

Article 5 of the Convention. The Labour Advisory Board advises the Government on labour and employment matters generally. The policy is to refer the most suitable qualified applicants.

Article 6, clause (b) (i). The problem of occupational mobility does not arise.

Clause (b) (iv). The incidence of migration of workers is negligible.

Clause (c). It is expected that this matter will be taken up in due course.

Article 7, clause (a). The prevailing standard of skill does not yet justify specialisation. When industrial expansion has taken place, this will be borne in mind.

Article 8. No such arrangements exist.

Article 10. No encouragement of the workers is necessary as they make full use of the service.

Solomon Islands (First Report).

The indigenous peoples of the islands rely principally on a subsistence crop economy and the need for a comprehensive public employment service has not yet arisen.

Southern Rhodesia.

There is no legislation applying the provisions of the Convention. Employment offices have been established in the main centres and a youth employment service has recently been instituted. The employment service is gradually being built up and it is an aim of policy ultimately to implement the provisions of the Convention as fully as possible.

Tanganyika.

Article 3 of the Convention. Consideration has been given to extending the network of offices to rural areas but the conclusion was reached that the entry into wage-earning employment of the inhabitants of remote and sparsely populated rural areas is best facilitated by the present systems of recruitment and of forwarding migratory workers to work of their own choosing through non-government agencies. It would be impracticable at the present time to provide comparable facilities through the employment service. Employers in rural areas can, however, be supplied with workers through the service.

Article 6, clause (a) (i). Interviewing officers give attention to the physical capacity of workers: medical advice is sought where necessary in relation to women and young workers and to disabled applicants. They also assess the efficiency of the applicant for work in the trade in which he is seeking employment. A small advisory committee assists the service in guiding school-leavers.

Clause (b) (i). The central office receives from local offices details of existing vacancies and applicants and can arrange for applicants to be moved to areas with suitable employment opportunities. On a guarantee of repayment by the employer, the service gives rail or road transport warrants with subsistence expenses

for the period of the journey to enable applicants to take up work in distant areas.

Article 10. Fuller use of the facilities of the service is encouraged by frequent contact of its officials with employers' and workers' organisations and by periodic press and radio announcements.

Uganda (First Report).

Article 1 of the Convention. A free public employment service is maintained with the objects of putting potential employers and workers in touch with each other, encouraging acceptance of employment without any form of recruiting, offering the best conditions to the best applicants and reducing waste of time in internal migration.

Article 2. The service is operated by the labour department.

Article 3. There are ten employment offices located in the main centres of employment. In the present state of the country's development, this network is considered to serve effectively each geographical area where there is need for such a service. The position is kept under constant review.

Articles 4 and 5. The service has not yet developed to an extent which would justify the establishment of advisory committees in accordance with these Articles.

Article 6. The service is organised on a simple basis in accordance with the country's needs. Applicants are registered and full particulars of their qualifications noted. Employers are asked for precise information concerning the requirements to be met by workers they are seeking and the wages and conditions offered. Where appropriate, applicants and vacancies are referred from one office to another. Occupational mobility is facilitated by informing applicants who cannot be placed in the work for which they have applied of jobs available in other occupations. Much of the labour is migratory and geographical mobility is not a problem. In the main towns, where there is a small surplus of unskilled workers, applicants are told of opportunities in agriculture.

The service is at present able to provide only limited information on the employment market situation based on the number of applicants at the employment offices. It is not possible to provide information of value concerning the employment situation in respect of unskilled workers. However, a survey of the availability of skilled manpower to meet the needs of industry is now being undertaken and it is hoped to arrange for continuing employment market information on this aspect. There is no unemployment insurance or assistance and the service is not yet sufficiently developed to give useful assistance of the kind described in clause (e).

Article 7. No particular measures have been found necessary to deal with disabled persons seeking employment; their numbers are small and the few who have sought assistance have been dealt with on an individual basis. Special measures are taken to assist in the placement of discharged prisoners and persons on probation.

Article 8. Juveniles receive assistance in finding employment through the employment offices. Experimental arrangements to place in commerce and industry boys completing their secondary education have had disappointing results owing to the preference of employers for direct engagement. There are arrangements for the approval of all contracts of apprenticeship, for placing apprentices and for the general supervision of apprenticeship training.

Article 9. The staff are permanent pensionable members of the civil service appointed in accordance with the normal regulations for entry to the civil service. On appointment they undergo training at the Kampala employment office. An experienced official from the United Kingdom employment service is being engaged and one of his functions will be to give specialised training to the staff.

Article 10. Use of the service is encouraged by personal approach and, where suitable, by press publicity and broadcasting.

Article 11. No such private employment agencies at present operate in the territory.

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

Australia (New Guinea, Papua), *United Kingdom* (Guernsey, Zanzibar).

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

Australia (Nauru, Norfolk Island), *New Zealand* (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Basutoland, Bechuanaland, Bermuda, British Honduras, Fiji, Gambia, Hong Kong, Jersey, Isle of Man, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, Sarawak, Swaziland).

89. Night Work (Women) Convention (Revised), 1948¹

This Convention came into force on 27 February 1951

Belgium. Ratification : 1 April 1952.
Applicable without modification : Belgian Congo and Ruanda-Urundi : 29 March 1954.

France. Ratification : 21 September 1953.
Applicable without modification : Overseas Departments : 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.*²
Decision reserved : Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

Belgium.

Belgian Congo and Ruanda-Urundi.

In reply to a request of the Committee of Experts the Government states that the Decree of 14 March 1957 is being revised as a whole, including those provisions thereof which, as has been pointed out by the Committee, are not in full conformity with the Convention.

Italy.

Trust Territory of Somaliland.

See under Convention No. 4.

Union of South Africa.

South West Africa.

In reply to a request made by the Committee of Experts the Government states that legislation prohibiting the night work of women above ground in mines, in undertakings employing less than five persons and in building, construction and similar work, would appear unnecessary as such work occurs either very rarely or never at all. The Government also states that the hours of work of employees have not yet been regulated by any determination, agreement, notice or award made or published under the Wage and Industrial Conciliation Ordinance, 1952.

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The following report supplies information on the practical effect given to the Convention :

Netherlands (Netherlands Antilles).

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *Netherlands* (Netherlands New Guinea, Surinam).

¹ This Convention revises the Conventions of 1919 and 1934. See Convention Nos. 4 and 41.

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

³ Federation of the West Indies.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948¹

This Convention came into force on 12 June 1951

Italy. Ratification : 22 October 1952.
No declaration.

Netherlands. Ratification : 22 October 1954.
Applicable without modification : Netherlands Antilles : 15 December 1955.
No declaration : Netherlands New Guinea, Surinam.

*United Kingdom.*²
Decision reserved : Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago³, Uganda, Zanzibar : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

¹ This Convention revises the Convention of 1919. See Convention No. 6.

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

³ Federation of the West Indies.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The Labour Code, which came into force on 1 January 1959, regulates this subject (sections 72 and 73) but leaves certain powers to the competent minister (section 75).

There has been no substantial change in the situation of fact or in law, which is already governed by Ordinance No. 12 of 28 June 1953.

The authority responsible for supervision is the Labour Inspectorate.

Netherlands.

Surinam.

In Surinam part of the population is of Hindu or Moslem origin and the traditions and customs of these groups permit marriage at a very early age. To prevent cultural disintegration among the members of these groups, Surinam legislation sanctions these customs and sets the minimum age at which people of the Hindu or Islamic faith may legally marry at 15 years in the case of men and 13 years in the case of women.

It is obvious that persons who marry before they have reached the age limit prescribed by Article 3 of the Convention must be afforded the same opportunities to earn a living for themselves and their families as adults. Since the Convention would have the effect of reducing employment opportunities for young persons under 18 years of age, it will be some time before the Government will be able to agree to apply its provisions in Surinam.

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The following report supplies information on the practical effect given to the Convention :

Netherlands (Netherlands Antilles).

The following report merely refers to the information previously supplied :

Netherlands (Netherlands New Guinea).

92. Accommodation of Crews Convention (Revised), 1949¹

This Convention came into force on 29 January 1953

Denmark. Ratification : 30 September 1950.
No declaration.

France. Ratification : 26 October 1951.
Applicable without modification : Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

Netherlands. Ratification : 17 June 1958.
Not applicable : Surinam : 14 November 1958, Netherlands Antilles : 15 May 1959.
No declaration : Netherlands New Guinea.

Portugal. Ratification : 29 July 1952.
No declaration.

United Kingdom. Ratification : 6 August 1953.
Not applicable : Basutoland, Bechuanaland, Swaziland : 3 November 1958.
Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.

Decision reserved : Guernsey, Jersey : 8 March 1960.
No declaration : all other territories.

Netherlands.

Netherlands Antilles.

The Shipping Inspectorate exercises some supervision over the internal arrangement of ships.

Surinam.

See under Convention No. 74.

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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 :

Denmark (Faroe Islands, Greenland), *United Kingdom* (Basutoland, Bechuanaland, Northern Rhodesia, Nyasaland, Southern Rhodesia, Swaziland).

¹ This Convention revises Convention No. 75 of 1946.

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:
Overseas Departments: 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 modification¹: Guernsey, Jersey, Isle of Man: 30 June 1950.

Applicable without modification:
Aden, Antigua², Bahamas, Barbados², Bermuda, British Guiana, British Somaliland, Brunei, Cyprus, Dominica², Gibraltar, Gilbert and Ellice Islands, Grenada², Jamaica², Kenya, Mauritius, Nigeria, North Borneo, St. Lucia², St. Vincent², Sarawak, Singapore, Solomon Islands, Tanganyika, Uganda: 22 March 1958.

British Virgin Islands: 15 April 1958.
Applicable with modification:
British Honduras, Malta, Trinidad and Tobago², Zanzibar: 22 March 1958.

Sierra Leone: 16 December 1958.
Decision reserved: Basutoland, Bechuanaland, Falkland Islands, Fiji, Gambia, Hong Kong, Montserrat², St. Christopher-Nevis-Anguilla², St. Helena, Seychelles, Swaziland: 22 March 1958.

Northern Rhodesia: 8 March 1960.
No declaration: Nyasaland, Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

Belgium.

Belgian Congo and Ruanda-Urundi.

Decree of 25 February 1959 respecting public works, supply and transport contracts.

Royal Order of 26 June 1959 respecting public works, supply and transport contracts.

Article 1 of the Convention. The above legislation relates to contracts awarded by public authorities, including authorities other than the central authority.

Article 2. Contractors subject to the social security regulations applying in the Belgian Congo and Ruanda-Urundi are required to produce confirmation from the labour inspectorate that they have complied with social legislation in all respects, such confirmation to have been issued not more than six months before the opening date for tenders.

Article 3. A reference to the provisions in force appears in section 30 of the specification.

Article 4. The above-mentioned legislation and the contractual clauses making up the specification are published in the respective

official gazettes for the Belgian Congo and Ruanda-Urundi. The administration appoints the official responsible for the execution of a public contract. The contractor is required to keep a record of hours worked.

Article 5. The administration is empowered to deduct from sums due to a contractor the gross total of pay arrears due to wage-earning and salaried employees in the service of the contractor, and will itself then make the necessary payments.

The administration may propose the temporary or permanent exclusion from public contract work of an employer not complying with requirements.

Netherlands.

Netherlands Antilles.

Information in reply to the observations of the Committee of Experts will, if possible, be forwarded before the opening of the International Labour Conference in 1960.

Surinam.

The Government has duly noted the observation made in 1959 by the Committee of Experts, and intends to introduce as soon as possible regulations complying with the provisions of the Convention.

United Kingdom.

Barbados.

Article 4 (a) (iii) of the Convention. In reply to a request by the Committee of Experts the Government reaffirms that no hardship is created for workers because of the absence of provisions for the posting of notices, but it will consider the matter further.

Bermuda.

In reply to a request from the Committee of Experts the Government provides the following information.

Article 1 of the Convention. The Convention is not applied to contracts awarded by authorities other than central authorities. Since the application of the Convention to Bermuda, out of a total of 17 public contracts four were for sums of over £15,000 (the limit for application of administrative instructions regarding labour clauses).

Article 3. As there are no heavy industries, and as others, like building, are conducted with regard to the welfare and safety of the workers, there is no need for special legislation. Provisions to promote welfare are contained in the Social Security (Sickness and Workmen's Accident Benefit) Act, 1949, and the Bermuda Social Welfare Board Act, 1949.

Article 5. Observance of the labour clauses can be ensured without specific provisions in the administrative instructions.

British Guiana.

In reply to a request made by the Committee of Experts in 1959 the Government states that local authorities are, to a certain extent, autonomous, and are not obliged to observe the Fair Wages Rules, 1946.

British Honduras (First Report).

Fair Wages Clause (C.S.O. Circular, No. 13 of 1953).

Article 1 of the Convention. Provision is made for insertion of labour clauses in the contracts of the central government and local authorities by C.S.O. Circular No. 13 of 1953. No expenditure limits have been set. Transfer of any part of the contract requires the Government's permission.

Article 2. The clause includes reference to wage rates and other conditions of work as determined by collective agreements or arbitration awards, or otherwise not less favourable than those observed by the Government. Persons tendering for contracts are informed of the terms of the clause.

Article 3. Matters relating to the health, safety and welfare of workers are covered by the Employers' and Workers' Regulations, 1943, the Factories Ordinance, 1942, and the Factories Regulations, 1943.

Article 4. Government departments and public authorities have been notified of the requirements of the Convention. The departmental head or executive officer in charge is responsible for ensuring compliance with the clause. Contractors and subcontractors are required to keep appropriate wage and time books. Inspection is carried out by officers of the contracting departments and the Labour Inspectorate.

Article 5. Contractors breaking the Fair Wages Clause cease to be approved for further contracts for such period as the Government may decide. In case of breach payments are withheld and wages are paid under the supervision of the Labour Department.

British Somaliland (First Report).

Workmen's Compensation Ordinance, 1953, as amended.
Employers Liability Ordinance (Cap. 106).
Native Labour Ordinance (Cap. 110).

Article 1 of the Convention. No specific legislation or administrative regulations apply to the Convention. Its application has been limited to contracts awarded by the Government. No limit has been fixed on the size of the public contract. All non-manual workers of managerial, professional or technical status are exempted.

Article 2. All contracts covered by the Convention require the contractor to grant wages (including allowances), hours of work and other conditions of work which are not less than favourable than those established by the Government.

Article 3. The legislation listed above applies. The competent department ensures that this legislation is observed.

Article 4. Posting of notices is not required since there is no written Somali language. The contracts define the persons responsible for compliance of the Convention. Pending appointment of a labour officer it will not be possible to comply satisfactorily with clause (b) of this Article.

Article 7. All areas outside the townships of Hargeisa, Berbera, Burao, Erigivo, Las Anod, Borama and Sheikh have been excluded from application of the Convention. It is unlikely that extension to the excluded areas will be necessary until contracts for work outside these townships are awarded.

British Virgin Islands (First Report).

Administrative regulations to apply the Convention are being drafted. Meanwhile, its principles are being observed in any public contract which may be awarded.

Cyprus.

Article 1, paragraph 2, of the Convention. The Convention is not applied to contracts awarded by other than central authorities, except where government assistance is provided.

Paragraph 4. The exemption of contracts under £300 from the application of the Schedule of Labour Clauses was made by Circular 1003 of 12 December 1950 communicated to the heads of government departments.

Dominica (First Report).

Fair Wages Rules, 1954.

Article 1 of the Convention. The Fair Wages Rules are appended to all government contracts.

Article 2. The labour clauses are embodied in the Fair Wages Rules.

Article 3. Reference is made to clause 3 of the Fair Wages Rules.

Article 4. Reference is made to clause 5 of the Fair Wages Rules. The Wages Council Ordinance, 1953, requires minimum wage rates, fixed either by law or by agreement, to be published. By law, wage records are inspected and enforcement officers have been appointed.

Article 5. This is applied by clauses 10 and 11 of the Fair Wages Rules.

Fiji.

Factories Ordinance No. 13 of 1957.
Factories (Health, Safety and Welfare) Regulations, 1957.
Labour Ordinance (Cap. 92).

Article 1 of the Convention. The Government has adopted the "Standard Conditions in Respect of Employment of Labour by Contractors in connection with Government and Public Contracts". The Convention has not been applied to contracts awarded by authorities other than central authorities. Contracts of £1,000 and under are exempted. Persons occupying positions of management or of a technical nature, etc., are excluded.

Article 2. Contracts include clauses providing for rates of wages and conditions of work not less favourable than those established in the same district by agreement, negotiation or arbitration awards.

Article 3. See legislation quoted above.

Article 4. No notices are posted. Standard labour clauses require contractors to keep proper wage books and time sheets and to produce them for inspection when required.

Prior to the conclusion of contracts or sub-contracts the Commissioner of Labour informs the Public Works Department whether he approves the firm concerned as complying with the Convention.

Gibraltar.

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

The rules relating to the insertion of labour clauses in the public contracts are contained in Government Notice No. 254 published in *Gibraltar Gazette* No. 272, 25 Sep. 1953.

Article 2, paragraph 3, of the Convention. The fair wages clauses were drafted after consultation with the Labour Advisory Board, which is representative of employers and workers.

Article 5, paragraph 1. By an administrative ruling of December 1946, communicated to heads of departments concerned with public contracts, any contractor or subcontractor found to be in breach of the fair wages clauses shall cease to be approved as a contractor or subcontractor for such period as the head of department shall determine.

Gilbert and Ellice Islands (First Report).

Article 1 of the Convention. The Convention is applied by the "Standard Conditions in Respect of Employment of Labour by Contractors in connection with Government and Public Contracts". It has not been applied to contracts awarded by authorities other than central authorities.

Article 2. Contracts with private firms are rare. Adequate control is effected under the "Standard Conditions".

Article 3. Public contracts are also governed by the Labour, Employees Control, Trade Unions and Workmen's Compensation Ordinances.

Article 4. This Article is not applicable in view of the extreme rarity of contracts with private contractors.

Jamaica (First Report).

Factories Law, 1953 (Cap. 124).

Quarries Law No. 4 of 1955, as amended, and regulations thereunder.

Women (Employment of) Law (Cap. 417), as amended.

Article 1 of the Convention. No decision has yet been taken as to the extent of application of paragraph 2. No exceptions are made under paragraphs 4 and 5.

Article 2. Public authorities are committed to insert into public contracts provisions based

on model rules issued by the Secretary of State for the Colonies, under which the contractor must pay rates of wages and observe hours and conditions of work not less favourable than those established in the trade or industry in the district where the work is carried on.

Article 3. See legislation cited above. The amended Factories Law now also covers building and engineering workers, for whom safety, health and welfare regulations are being drafted.

Article 4. Workers are informed of the conditions of work by their trade unions. Government departments must submit particulars of contracts involving public expenditure to the Ministry of Labour, who enforce the laws cited above.

Kenya.

Article 1, paragraph 3, of the Convention. A provision making contractors responsible for the observance of the fair wages clause by subcontractors is now being included in the central authorities' standard form of contract.

Malta.

In reply to the request made by the Committee of Experts in 1959 the Government gives the following information.

Article 1, paragraph 2, of the Convention. All contracts entered into by the Malta Government of over £500 are awarded by one central authority, the Accountant-General.

Article 1, paragraphs 4 and 5, and Article 2, paragraph 3. Through their representatives on the Labour Board appointed by virtue of Part II, section 3, of the Conditions of Employment (Regulation) Act, 1952, employers' and workers' organisations were fully consulted on all conditions governing the employment of labour in connection with government contracts.

Nigeria (First Report).

Labour Code Ordinance (Cap. 99 of the Revised Laws of Nigeria).
Factories Ordinance, 1955.

The above legislation concerns Article 3 of the Convention only. The Convention as a whole is applied in virtue of the fair wage clauses set out in the appendix to Government Circular No. 57 of 1946, and all federal and regional government contracts are bound by these clauses.

Article 1 of the Convention. The fair wages clauses do not apply to contracts awarded by authorities other than central authorities. There is no limit in the value of a contract to which the Convention applies. In practice the conditions of employment of persons of senior clerical and managerial status are not affected by the fair wage clauses.

Articles 2 and 3. Section 1 of the clauses provides fully for the application of paragraphs 1 and 2 of Article 2, and section 2 for the cases referred to in paragraph 3. Advertisements for tenderers include a reference to the fair wage clauses, a copy of which is available in the advertising department; a copy of the clauses must be enclosed in any written govern-

ment contract (paragraph 4 of Article 2). The Labour Code and the Factories Ordinance provide for the health, safety and welfare of workers (Article 3).

Article 4. As indicated in the previous paragraph, contractors are made aware of the fair wage clauses. With regard to workers the Government states that, because they are mostly illiterate, they are informed about their conditions of work by their trade unions and by labour inspectors, and that responsibility in this matter is placed upon employers. The keeping of records and inspection thereof is imposed by section 5 of the clauses; inspectors also interrogate employees.

Article 5. Offending contractors are struck off the list of those entitled to tender for contracts (section 11 of the clauses) and workers' wages are protected in virtue of section 10.

The Government states that no suspension of the Convention was effected during the period under review. Tender boards supervise the award of contracts. The Commissioner of Labour is responsible for ensuring that contractors comply with the provisions of the fair wage clauses and worksites are visited by the inspecting staff of his department.

North Borneo.

The Government provides the following information in reply to a request by the Committee of Experts.

Article 1, paragraph 1, of the Convention. All non-central authorities are in receipt of some form of financial assistance from the Government and their contracts are therefore subject to the North Borneo Labour (Public Contracts) Rules, 1951.

Paragraph 4. The exemption of contracts under \$30,000 from the application of the Convention was made after consultation with the Tripartite Labour Advisory Board. In practice, it applies to smaller contracts for the supply of materials, repair and maintenance work and minor works. Contracts for the supply of bulk stores, important road works, bridges, buildings and other public works are normally in excess of \$30,000.

St. Lucia (First Report).

Article 1 of the Convention. Effect is given to the Convention by the terms of the standard form of government contract. No contracts have been issued by non-central authorities. Contracts of up to \$240 are exempted.

Article 2. This is covered by section 5 (a) to (c) of the standard form of contract. Copies of the contract form are available to tenderers.

Article 3. The contractor must guarantee that he will ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

Article 4. Legislation to give full effect to this Article is under consideration in the Legislature. Sections 15 and 17 of the Wages Council Ordinance requires the keeping of records and posting of notices where a wages regulation order applies.

Article 5. This is partly applied by clause 22 of the Conditions of Contract. Full effect will be given to this Article by the legislation now under discussion.

St. Vincent (First Report).

Wages Councils Ordinance No. 1 of 1953.

Article 1 of the Convention. Relevant clauses are contained in the standard Memorandum of Agreement used in public contracts. All such contracts are done through the Public Works Department. Paragraph 7 of the standard Memorandum makes subletting subject to approval by the Superintendent of Works.

Article 2. Reference is made to paragraph 5 of the Memorandum of Agreement. Copies of the Memorandum are given to contractors beforehand.

Article 3. See report on Convention No. 81.

Article 4. Reference is made to paragraph 6 of the Memorandum of Agreement and section 15 of the Wages Councils Ordinance.

Article 5. This Article is applied.

Sarawak.

In reply to a request made by the Committee of Experts in 1959 the Government supplies the following information.

Article 1, paragraphs 2, 3 and 4. No measures have yet been taken. Consideration will be given to the prescribing of provisions similar to those of North Borneo.

Article 2, paragraph 3. The terms of public contracts are set forth in Tender Notices. The firms or persons permitted to tender for such contracts are listed in a register.

Article 4 (a) (iii). Early consideration will be given to inclusion, in the information to be displayed on notice boards of the matters covered by this provision of the Convention.

Article 5, paragraph 1. The standard government contract has been amended so as to provide certain sanctions in case of non-compliance with the labour clauses, such as termination of the contract. The Engineer representing the Director of Public Works may pay any moneys due to any labourer and may deduct such amounts from any moneys due to the contractor.

No form has yet been prescribed for the register of workers in accordance with section 58 of the Labour Ordinance, 1951. This will be remedied at an early date.

Seychelles.

The need to apply the provisions of the Convention does not arise because it is not necessary for the authorities to award public contracts where the expenditure of public funds is involved.

Singapore.

Article 5, paragraph 1, of the Convention. In reply to a request made by the Committee of Experts the Government states that the departments concerned are being advised to refuse to accept tenders from offending contractors,

should the occasion arise. So far no sanctions have had to be applied.

Solomon Islands (First Report).

Article 1 of the Convention. No specific provisions exist to apply the Convention, but appropriate rules will be issued under a new Labour Regulation now under consideration.

The Convention has not been applied to contracts awarded by authorities other than the central authority.

Article 2. In practice the central authority's contracts provide for working conditions and wages in conformity with the general level observed in the Protectorate, which shall not be less favourable than for persons employed in the same work in Public Works Departments. These terms are explained to contractors when the contract is drawn up.

Article 3. Health and welfare rules are contained in the King's Regulation No. 5 of 1947 (Cap. 24). Legislation on safety of workers is under consideration.

Article 4. No notices or forms of records have yet been drawn up.

Article 5. Provisions to apply this Article will be made in the proposed rules.

Tanganyika (First Report).

Article 1 of the Convention. Labour clauses are contained in the Standard Contract used by the Public Works Department, which is responsible for the execution of contracts covered by the Convention. The manner of applying the Convention to contracts by non-central authorities is being considered. Assignment or subletting of contracts is subject to the authorities' consent. Contracts below £2,000 are exempted from the application of the Convention.

Article 2. This is implemented by virtue of clause 16 of the Standard Contract. No organisations of workers or employers existed when these clauses were drawn up. Notices inviting tenders refer to the conditions of the Contract.

Article 3. Clause 17 of the Contract contains provisions regarding welfare and safety. Workers are also protected by the Employment Ordinance (Cap. 366), the Employment (Care and Welfare) Regulations, 1957, and the Factories Ordinance (Cap. 297).

Article 4. Clause 16 (1) of the Contract provides for the posting of the relevant information. The Employment Ordinance (Cap. 366) and the Employment (Protection of Wages) Regulations, 1957, provide for the keeping of records. Inspection is carried out by the Department of Labour (section 9 of the Employment Ordinance).

Article 5. This is implemented by clause 16 of the Contract. The Public Works Department maintains a register of satisfactory contractors, and failure to observe the labour clauses would result in a deletion of the contractor's name from this register.

Trinidad and Tobago (First Report).

Secretariat Circular No. 18 of 1951.

Article 1 of the Convention. The Convention has been applied only to contracts awarded by the Central Government. A number of local authorities also observe the principles of the Convention. No use is made of paragraphs 4 and 5.

Article 2, paragraphs 1 and 2. See paragraphs 1, 2 and 3 of the Fair Wages Clause set out in Secretariat Circular No. 18 of 1951.

Paragraphs 3 and 4. See the above-mentioned Circular. Conditions drawn up for potential tenderers include reference to the Fair Wages Clause.

Article 3. See Factories Ordinance No. 2 (Cap. 30).

Article 4, clause (a). The Fair Wages Clause is included in all contracts and the trade unions inform workers of their rights under it. The contractor is responsible for compliance with the clause. See also paragraph 4 of the Fair Wages Clause.

Clause (b). See paragraph 5 of the Fair Wages Clause. The head of the department responsible for supervising the execution of the contract is required to ensure compliance with the Fair Wages Clause. It is proposed, when circumstances permit, to assign enforcement of the Clause to the Labour Inspectorate. No special form of notice or records has been prescribed.

Article 5, paragraph 1. See paragraph 9 of the Fair Wages Clause.

Paragraph 2. This requirement is met by administrative arrangement.

Uganda.

In reply to a request made by the Committee of Experts the Government states that, although public contracts for less than 100,000 shillings are exempted from the Fair Wages Clause, in practice this clause has been inserted in all public contracts.

* * *

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

Italy (Trust Territory of Somaliland), *United Kingdom* (Sierra Leone).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Basutoland, Bechuanaland, Falkland Islands, Gambia, Guernsey, Hong Kong, Jersey, Isle of Man, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Swaziland).

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

France. Ratification: 15 October 1952.

Applicable without modification:

States of the Community: Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic (formerly French Equatorial Africa), Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta (formerly French West Africa), Malagasy Republic: 8 July 1958.

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 8 July 1958.

Trust Territory: 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 July 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, Barbados¹, British Guiana, Brunei, Cyprus, Dominica¹, Gibraltar, Grenada¹, Malta, Mauritius, Montserrat¹, Nigeria, North Borneo, St. Lucia¹, St. Vincent¹, 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 Tobago¹: 19 June 1958.

Decision reserved:

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jamaica¹, St. Christopher-Nevis-Anguilla¹, St. Helena, Seychelles: 22 March 1958.

Antigua¹: 15 April 1958.

Basutoland, Bechuanaland, Swaziland: 10 June 1958.

Southern Rhodesia: 8 March 1960.

No declaration: Guernsey, Northern Rhodesia, Nyasaland, Singapore.

Government states that, by virtue of section 1614 *k* of the Civil Code, wages cannot be paid in taverns, etc., except by agreement, regulation, or by usage, and it can hardly be assumed that payment of wages at places other than the employer's office or the place of work would be agreed on.

Netherlands New Guinea.

The Government agrees with the conclusions of the Committee of Experts that Title 7 A of the Civil Code of the former Dutch East Indies does not apply to all categories of workers and that therefore the requirement of Article 2, paragraph 1, of the Convention, under which its provisions should apply to all workers to whom wages are paid or payable, has not been met.

To meet the Committee's observations the provisions of Title 7 A, in so far as they relate to this Convention, will have to be made applicable to all categories of workers. A further report will be submitted on this matter soon.

Surinam.

Article 1 of the Convention. Under section 1613 *p* of the Civil Code of Surinam wages may not be fixed other than in terms of money and specified benefits in kind.

Article 2. Persons in the public service are excluded from the relevant provisions of the Civil Code.

Article 3. Section 1614 *h* of the Civil Code requires wages to be paid in legal tender.

Article 4. Section 1613 *p* of the Civil Code lists the permitted forms of payment in kind. The value of such benefits is determined by the parties. However, section 1614 *t* of the Civil Code requires lodging, food and other necessities to conform to local practice.

Articles 6 and 7. Under section 1613 *s* of the Civil Code, subject to stated exceptions, any agreement by the worker to spend his wages in a particular way is null and void.

Article 8. Under section 1614 *p*, paragraph 2, of the Civil Code wages must be paid in full.

Article 10. Under section 1614 *g* of the Civil Code wages may, except in respect of maintenance payments, be attached or assigned only up to specified amounts.

Article 11. Under section 1179 of the Civil Code wages constitute a privileged debt.

Article 12. Section 1614 *l* of the Civil Code regulates the periodicity of wage payments.

The Civil Code contains no provisions specifically concerning the final settlement of wages.

Article 13. Under section 1614 *k* of the Civil Code, in the absence of agreement, regulation or local practice, wages must be paid at

¹ Federation of West Indies.

Italy

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The main provisions of this Convention have been incorporated in the Labour Code, which came into force on 1 January 1959. The relevant provisions are in articles 57, 60, 61, 63, 64, 66 and 86. Their application is supervised by the labour inspectors.

Netherlands.

Netherlands Antilles.

Article 13 of the Convention. In reply to a request made by the Committee of Experts the

the place where the work is usually performed, at the employer's office, if it is at or near the place where the majority of workers live, or at the worker's house. No provisions exist for payment of wages on working days only. Steps will be taken to comply with this requirement of the Convention. The above-mentioned section implicitly excludes payment of wages in taverns, etc. However, it is proposed to amend this provision so as to prohibit such payment explicitly.

Article 14. Special measures to ensure that workers are informed of conditions in respect of their wages are not considered necessary since wages are fixed by agreement and workers are assumed to be aware of these conditions.

Article 15. Copies of the legislation giving effect to the Convention are available at cost price at the Department of Social Affairs and Public Health. The Civil Code and regulations thereunder defines the persons responsible for compliance therewith. No penalties for violations are prescribed; they give rise only to civil proceedings.

United Kingdom.

Aden (First Report).

Minimum Wages and Wages Regulation Ordinance (Cap. 97) (referred to as the "Wages Regulation Ordinance").
Contracts of Employment (Indigenous Workers) Ordinance (Cap. 31).

Article 1 of the Convention. Section 12 of the Wages Regulation Ordinance defines "wages".

Article 2. The Wages Regulation Ordinance covers manual workers and the Contracts of Employment Ordinance covers indigenous manual workers. They do not cover non-manual and domestic workers.

Article 3. This Article is applied by section 14 of the Wages Regulations Ordinance.

Article 4. No persons covered by the Convention receive payment in kind. Sections 12 and 18 of the Wages Regulation Ordinance are relevant. Payment with alcohol or noxious drugs would be an offence under section 14 of this Ordinance: a specific prohibition is considered unnecessary in a Moslem community.

Article 5. Section 14 of the Wages Regulation Ordinance requires the entire amount of wages to be actually paid to each workman.

Article 6. There is no specific prohibition on limiting a workman's freedom to dispose of his wages, but in practice employers do not attempt to do this.

Article 7. This situation does not arise in Aden.

Article 8. Deductions from wages are regulated by sections 18 to 24 of the Wages Regulation Ordinance. Conditions concerning deductions for permitted fines must be posted unless the contract is in writing (section 19 (1) (a)). Wages inspectors inform workers in the matter of deductions.

Article 9. Such a deduction would be unauthorised under section 18 of the Wages Regulation Ordinance.

Article 10. The Civil Courts Ordinance (sec-

tion 51) prohibits the attachment of the wages of labourers and domestic servants, and also of salaries up to specified amounts. There are no specific provisions concerning assignment of wages, but the Wages Regulation Ordinance regulates deductions from wages.

Article 11. Priority for wage claims is provided for by section 33 of the Insolvency Ordinance.

Article 12. Sections 16 and 17 of the Wages Regulation Ordinance and sections 6 (f) and 11 of the Contracts of Employment Ordinance govern the periodicity of wage payment and the final settlement of wage claims on termination of employment.

Article 13. Section 17 (3) of the Wages Regulation Ordinance provides for payment of wages on working days. In practice wages are paid at or near the workplace. In the absence of evidence or likelihood of payment in taverns, etc., no specific prohibition in terms of paragraph 2 of Article 13 is considered necessary.

Article 14. Given considerable illiteracy, inspection is the most effective method of keeping workers informed of the particulars mentioned in this Article. Section 34 of the Wages Regulation Ordinance provides for the posting of prescribed notices in factories.

Article 15. The provisions of the Convention are notified to employees by the Department of Labour and Welfare and by press releases.

The Wages Regulation Ordinance and the Contracts of Employment Ordinance are enforced by the Labour Inspectorate.

Barbados (First Report).

Protection of Wages Act No. 64 of 1951, as amended by Act No. 22 of 1955.
Judgment Creditors Act No. 17 of 1891.
Bankruptcy Act No. 3 of 1925.
Wages Councils Act No. 41 of 1955.

Article 1 of the Convention. There is no legal definition of the term "wages", but that laid down in Article 1 is universally accepted.

Article 2. Section 2 of the Protection of Wages Act, 1951, defines "manual labour" and "worker". Clerical workers have been expressly excluded. In actual practice they do, in fact, enjoy the same legal privileges as manual workers.

Article 3. See sections 3 and 5 of the Protection of Wages Act, 1951.

Article 4. See sections 13 and 15 of the Protection of Wages Act, 1951, as amended, and section 14 of the Wages Councils Act, 1955. In practice, the amount of allowances is agreed on before engagement.

Article 5. See section 5 of the Protection of Wages Act, 1951.

Article 6. See section 4 of the Protection of Wages Act, 1951.

Article 7. This does not arise in practice. The provisions of this Article are in general covered by section 4 of the Protection of Wages Act, 1951.

Article 8. See sections 8 and 9 of the Protection of Wages Act, 1951 and section 14 of the Wages Councils Act No. 41 of 1955. Pub-

licity is given to these measures by the Labour Department through notices in the press or posted in workplaces, and through trade unions.

Article 9. See sections 4, 5 and 9 of the Protection of Wages Act, 1951, section 14 of the Wages Councils Act No. 41 of 1955 and section 15 of the Protection of Wages Act, 1951, as amended by section 2 of Act No. 22 of 1955.

Article 10. Section 10 of the Judgment Creditors Act of 1891 forbids attachment of wages of any servant, labourer or workman.

Article 11. This is covered by section 34 of the Bankruptcy Act of 1925.

Article 12. These provisions are covered generally by the common law practice underlying contracts of employment. Workers hired by the day, week or month are paid accordingly, others are generally paid by the week. Section 6 of the Holidays with Pay Act No. 38 of 1951 provides for payment forthwith of all amounts due to the worker on termination of employment.

Article 13. Payment of money, including wages, on Sunday is invalid. In practice, wages are paid at or near the workplace, save as is provided under section 14 of the Protection of Wages Act, 1951.

Article 14. This is applied in practice. Workers' organisations inform the workers of the various wage rates. See also section 16 of the Wages Councils Act, 1955.

Article 15, clause (a). See under Article 8.

Clauses (b) and (c). See section 15 of the Protection of Wages Act, 1951, as amended by section 2 of Act No. 22 of 1955.

Clause (d). See section 17 (1) of the Protection of Wages Act, 1951.

The Convention is enforced by the Labour Commissioner and the courts.

British Guiana (First Report).

Labour Ordinance (Cap. 103).

Wages Councils Ordinance No. 51 of 1956.

Article 1 of the Convention. The Labour Ordinance defines wages as "any money or other thing had or contracted to be paid, delivered, or given as recompense, reward or remuneration for any work or labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain".

Article 2. The Labour Ordinance does not apply to employees of the Crown.

Article 3. This is implemented by section 19 of the Labour Ordinance.

Article 4. Paragraph 1 is implemented by section 23 of the Labour Ordinance. There are no legal provisions in respect of paragraph 2, but in practice such allowances are rarely granted and few complaints, if any, have been made regarding abuse of this provision.

Article 5. This is implemented by section 20 of the Labour Ordinance.

Article 6. This is implemented by section 21 of the Labour Ordinance.

Article 7. Paragraph 1 is implemented by section 21 of the Labour Ordinance. There is

no legislation giving effect to paragraph 2. In remote areas inquiries by officers of the Department of Labour disclose that goods are sold and services provided at fair and reasonable prices by large employers (employing 50 or more workers). Usually goods are sold on a non-profit basis. Complaints of alleged overcharging are investigated by the Labour Department.

Article 8, paragraph 1, and Article 9. These provisions are implemented by section 24 of the Labour Ordinance. Workers are generally informed through their trade unions and by officers of the Labour Department of the provisions of the Ordinance in this respect. Section 37 of the Labour Ordinance also provides for the posting up of notices.

Article 10. These provisions are implemented by section 48 of the Labour Ordinance.

Article 11. This Article is implemented by section 213 of the Companies Ordinance (Cap. 328) and section 39 of the Insolvency Ordinance (Cap. 43).

Article 12. Although there is no legislation on this point, in practice wages are paid either on a weekly, fortnightly or monthly basis, except for the "interior" of the colony. Workers employed in the "interior" are usually paid at the end of their contract or of their employment. Section 20 of the Labour Ordinance implements paragraph 2 of this Article.

Article 13. Paragraph 1 is not covered by legislation, but in practice wages are paid at or near the workplace and Sunday is a *dies non*. Paragraph 2 is implemented by section 28 of the Labour Ordinance.

Article 14. Clause (a) is implemented by section 18 of the Labour Ordinance, subject to the limitation on the definition of "employee" under section 16 of the Ordinance. Clause (b) is not covered by legislation, but in practice these requirements are observed.

Article 15. The clauses of this Article are implemented by the following sections of the Labour Ordinance: clause (a): section 37; clause (b): section 2; clause (c): sections 25 and 46; and clause (d): section 40.

Article 17. Exemption is sought in respect of the "interior" of this territory, for reasons of the sparseness of population and the stage of development of the area.

The Labour Ordinance is enforced by the Commissioner of Labour.

British Honduras (First Report).

Employers and Workers Ordinance No. 6 of 1943.
Employers and Workers Regulations No. 46 of 1943.

Article 1 of the Convention. The term "wages" is defined in the Employers and Workers Ordinance of 1943 with reference to money paid, but in practice is held to include any allowance or privilege incapable of being expressed in terms of money.

Article 2. This is accepted with modification; it is proposed to exclude for the time being manual workers not covered by the Employers and Workers Ordinance, persons performing clerical work or work related thereto.

Articles 3 and 4. Payment of wages other than in money is illegal (section 12 (1) of the Ordinance). Section 12 (2) permits the giving of allowances or privileges in addition to wages, but this is not the practice except in respect of domestic workers. The supply of rations in accordance with a prescribed scale is provided for in section 11 of the Regulations, although such contracts are rare. There is no provision prohibiting payment of wages in liquor or noxious drugs, but it is not known to be practised.

Article 5. This is applied in practice; legislative provisions on the point are under consideration.

Article 6. Section 36 of the Employers and Workers Ordinance makes illegal the imposing of conditions as to how wages or advances should be expended.

Article 7. Regulation 6 of the Employers and Workers Regulations lays down the circumstances and conditions under which works stores may be operated.

Articles 8 and 9. Conditions under which deductions may be made, and the extent of any deductions, are laid down in section 13 of the Employers and Workers Ordinance. Any other deductions are illegal. Provision is being made to cover paragraph 2 of Article 8 in a new labour Bill.

Article 10. This Article has not been accepted by the Government, as there is no legislation on the matter.

Article 11. The Bankruptcy Ordinance, 1924, and the Company Ordinance, as amended by Ordinance No. 8 of 1954, provide for priority for wages and salaries.

Article 12. Regulation 8 of the Employers and Workers Regulations governs the periodicity of wage payments.

Article 13. The Article has been accepted with modification, but is substantially carried out in practice.

Article 14. In the chicle and timber industries, workers' pass-books for entry of all payments made (wages, advances, etc., or goods supplied) are provided for by Regulation 7 of the Employers and Workers Regulations. In practice, workers are informed of conditions of work by employers before entering employment.

Article 15. Copies of the relevant legislation are on sale at nominal charges. The Labour Department informs workers and employers of the legal requirements. The Ordinance defines the persons responsible (section 2) and fixes penalties for non-observance (sections 9 and 37). A new Labour Bill includes provisions to cover Article 15, clause (d).

British Somaliland (First Report).

Minimum Wage Ordinance (Cap. 109).
Contracts of Employment (Indigenous Workers) Ordinance No. 6 of 1953.
Native Labour Ordinance (Cap. 110).
Indian Companies Act, 1913.
In addition, the provisions of the Common Law and of the Truck Acts of the United Kingdom apply.

Article 2 of the Convention. No persons are excluded from the application of the Convention. The Truck Acts apply only to manual workers, excluding domestic servants. Non-manual workers are excluded. The Contracts of Employment (Indigenous Workers) Ordinance applies to workers having written contracts, and the Native Labour Ordinance only to "labourers" as defined in section 2.

Article 3. United Kingdom Common Law and Truck Acts require payment in legal tender.

Article 4. Payment in kind is generally illegal in the case of workers governed by Truck Acts. The Alcoholic Liquor Ordinance of 1953 prohibits the purchase of liquor by Natives and, in practice, there would be no payment in liquor in an essentially Moslem society.

Article 5. Direct payment is required by the Truck Acts and is normal practice.

Article 6. Agreements as to the spending of wages are illegal under the Truck Act of 1931. The Truck Act of 1887 prohibits dismissal for spending or not spending wages in a particular way.

Article 7. See under Article 6. No works stores exist.

Article 8. See sections 23 and 24 of the Truck Act of 1831 and section 8 of the Truck Amendment Act of 1887. Payment of minimum wages must be clear of the deductions (section 4 of the Minimum Wage Ordinance). Section 6 (f) of the Contracts of Employment (Indigenous Workers) Ordinance concerns repayment of advances.

Article 9. This is covered by the general prohibition of deductions under the Truck Act.

Article 10. The ordinary law provides that wages may be attached only by a court order, and a court would not permit the attachment of a greater amount than the worker could afford.

Article 11. There are no local bankruptcy laws. By implication British statutes apply. Under section 230 of the Indian Companies Act 1913 workers' wages are privileged debts.

Article 12. Section 6 (f) of the Contracts of Employment (Indigenous Workers) Ordinance requires written contracts to provide for the periodicity of wage payments; section 12 provides for the safeguarding of wages on termination of a contract. Non-manual workers are generally paid weekly and in any event more often than once a month.

Article 13. No legislation covering this point exists. By custom wages are paid at the workplace. No taverns or places of amusement exist.

Article 14. No special legislation exists nor have special measures been taken to inform the workers. The Government refers to the Contracts of Employment (Indigenous Workers) Ordinance, section 6 (f), and the Native Labour Ordinance, section 8.

Article 15. Penalties are prescribed by the Truck Acts, the Contracts of Employment (Indigenous Workers) Ordinance and the Native

Labour Ordinance. The laws mentioned can be inspected at government offices.

Article 17. It is proposed to exclude from the operation of the Convention all areas outside the townships of Hargeisa, Berbera, Burao, Erigavo, Las Anod, Borama and Zeilah, as no industries exist outside these townships and inspection would be unnecessary given the few employees working outside them.

The above-mentioned legislation is enforced by the Permanent Secretariat of the Protectorate Government.

British Virgin Islands.

The majority of people in the Virgin Islands are self-employed and in the few cases of wage employment there exists a satisfactory relationship between the employer and worker. The substantive provisions of the Convention are observed in practice; wage payments are made weekly at the place of employment in United States currency.

Cyprus (First Report).

Article 2 of the Convention. No categories of persons are excluded from the application of the Convention.

Article 3. Payment of wages as prescribed by this Article is standard practice.

Article 4. Domestic servants and nursing and welfare staffs are paid partly in kind (board and lodging). The conditions of work of registered domestic servants are regulated by the Labour Department and those of government nursing and welfare staffs by collective agreement. Payment of wages in the form of liquor or drugs is unknown in the territory.

Articles 5 and 6. Standard practice complies with these Articles.

Article 7. There are few works stores. Workers' organisations are satisfied that there is no exploitation and that this Article is observed.

Article 8. Deductions are made under the Social Insurance Law, the Widows and Orphans Pensions Laws, and the Government Employees Provident Fund Law. In private industry deductions for provident and medical schemes are made by agreement. Trade unions inform the workers of the conditions of such deductions.

Article 9. No statutory prohibition of deductions is contemplated.

Article 10. No specific provision regarding the limits of attachment or assignment exist, but under the Civil Procedure Law, Cap. 7, Part IX, the court may direct that debts be paid in instalments.

Article 11. Claims for wages and salaries are privileged debts under section 38 of the Bankruptcy Law and section 299 of the Companies (Limited Liability) Laws of 1951 and 1954.

Article 12. There are no provisions prescribing the periodicity of wages. Wages are paid daily, weekly, fortnightly or monthly. Wages due on termination of the contract can be recovered by civil action.

Article 13. Although no legislation exists to

prohibit the practices mentioned in paragraph 2, these practices are unknown.

Article 14. No measures have been taken, and copies of the relevant legislation are available.

Article 15. Under the Factories Law and the Social Insurance Law officers of the Labour Department enforce in part some of the provisions of the Convention.

Falkland Islands (First Report).

A decision has been reserved for this Convention. In the absence of a Labour Department it would not be possible to enforce the requirements of the Convention. Wages, allowances and working conditions are generally regulated by collective agreements.

Gilbert and Ellice Islands (First Report).

The Convention is partly observed in practice. Articles 3, 5, 11, 12 and 13 are not sufficiently covered by existing legislation to warrant a declaration of application of the Convention. The possibility of introducing suitable legislation is being considered.

Jersey.

In reply to an observation made by the Committee of Experts the Government states that the preparation of the legislation referred to in the previous reports has been deferred pending the findings of the committee set up to advise the United Kingdom Government on the application of the Truck Acts.

Kenya.

Article 7, paragraph 1, and Article 13, paragraph 1, of the Convention. In reply to a request by the Committee of Experts the Government states that the possibility of giving statutory effect to these provisions of the Convention is under consideration in connection with the proposed revision of the Employment Ordinance, which is to be undertaken in 1960.

Malta.

In reply to a request made by the Committee of Experts the Government supplies the following information.

Article 4 of the Convention. The Conditions of Employment (Regulation) Act, 1952, defines wages as remuneration or earnings payable in money by an employer to an employee. The same definition of wages is used in all Wage Regulation Orders. In occupations where meals are normally provided (hotels, etc.) special rates of wages are fixed taking these benefits into account. Employers are thus not free to agree on the payment of wages in the form of any allowances or privileges.

Article 6. As the contracts are in writing and wages are paid directly to the worker an employer could not limit the freedom of a worker to spend his wages. In case of abuse the employer would be prosecuted, and therefore no express prohibition seems necessary.

Article 10. Section 16 (2) of the Conditions of Employment (Regulation) Act limits the possibility of assignment of wages.

Article 13. Paragraph 1 is covered by section 16 (3) of the same Act. As regards paragraph 2 the word "shop" is not defined in the Act, but, according to the definition in the Shops and Hawkers (Business Hours) Act of 1957, this includes taverns, etc., which are considered as covered by the prohibition in section 16 (3) of the Conditions of Employment (Regulation) Act.

Nigeria (First Report).

Labour Code (Amendment) Ordinance, 1946 (*L.S.* 1946—Nig. 1 A and B), as amended in 1948 (*L.S.* 1948—Nig. 1) and in 1950 (*L.S.* 1950—Nig. 1).

Wages Board Ordinance, 1957.
Factories Ordinance, 1955.

Articles 1 and 2 of the Convention. The definition of "worker" given in the Labour Code Ordinance includes all persons performing manual work. It does not include clerical and domestic workers. No consultations had taken place with employers' and workers' organisations on this exclusion, but they have now been held with the Federal Labour Advisory Council on the subject of employees not covered by the definition of the term "worker" in the proposed revised text of the Ordinance.

Articles 3 and 4. Any payment of wages other than in legal tender is prohibited (section 15 of the Code), but section 22 permits an agreement with the worker for giving him also certain allowances (excluding alcoholic liquor) in addition to money wages. Payment of wages in kind is authorised only in the case of workers recruited for employment overseas in Spanish Guinea and French Gabon. Under the agreements between these territories and the Government of Nigeria the provision of food and housing is compulsory, and the terms of these agreements ensure the application of Article 4 of the Convention. Such protection is also ensured in respect of similar obligations imposed by the Orders-in-Council concerning mines.

Articles 5 and 6. These are applied by sections 17 and 16 respectively of the Code.

Article 7. Under section 23 of the Code no employer is free to establish a shop for the sale of provisions generally to his workers without the approval of the Commissioner of Labour, and no worker may be compelled to purchase provisions in a shop so established. Inspecting officers of the Ministry and workers' representatives ensure that goods and services are provided at fair and reasonable prices. Under various Orders-in-Council employers in the tin-mining industry are under an obligation to supply corn where practicable to workers at prices not higher than those ruling on the local market.

Articles 8 and 9. Deductions from wages for interest on advances are prohibited and certain restrictions are laid down as to the advances which may be made (section 19 of the Code as amended in 1950). Deductions from wages for any other charges are restricted to those expressly permitted by the provisions of the Code, and the charges must be approved by the specified authority (section 20 as amended in September 1948, and section 26). Workers are

informed of these conditions by inspecting officers of the Ministry, by employers, and by their trade union representatives.

Article 10. There is no specific provision concerning the attachment or assignment of wages in the Code, but adequate protection is provided by section 17, which requires wages to be actually paid to the worker in legal tender.

Article 11. Under section 260 of the Companies Ordinance the worker is a privileged creditor to the extent of £25 in respect of services rendered during two months prior to the date of the winding-up of a company. There is no legal provision for the protection of wages in the case of bankruptcy of persons or bodies not covered by the Companies Ordinance. Under section 242 of the Labour Code Ordinance, however, "workers" who do not come under the Companies Ordinance are assisted by the Ministry in filing court suits.

Article 12. Wages must be paid at intervals not exceeding one month unless the Commissioner of Labour consents to alter the arrangement (sections 35 and 44 of the Code). Paragraph 2 of Article 12 is covered by sections 31 (4) and 51 of the Code.

Article 13. Paragraph 1 is observed in practice, but consideration is being given to the insertion of specific provisions in the new Labour Code Ordinance. Sections 16 and 17 A of the Code apply paragraph 2 of this Article.

Article 14. The obligatory contents of contracts, laid down in detail in section 43 of the Code, and the duties of the attesting labour officers towards the worker, laid down in section 44 (2), cover the requirements of clause (a). There is as yet no legal provision to cover clause (b), but in practice employers' and workers' representatives inform the workers.

Article 15. Copies of the legislation may be purchased. The employer is responsible for compliance with the relevant provisions. The relevant Ordinance prescribes penalties for violations. The keeping of records is required by the Wages Board Ordinance. No measures have yet been taken to ensure the keeping of records in respect of workers not covered by Wages Board Orders.

North Borneo.

In reply to a request made by the Committee of Experts the Government provides the following information.

Article 2 of the Convention. Under the Labour (Domestic Service) Rules, 1957, most provisions of the Labour Ordinance apply to domestic servants. The exclusion of non-manual workers from the operation of the Labour Ordinance was made in accordance with paragraph 2 of this Article.

Article 4, paragraph 1. The payment of wages in the form of noxious drugs is prevented by the Poisonous and Deleterious Drugs Ordinance (Cap. 100). The remuneration in kind made by employers under section 116 of the Labour Ordinance in practice only covers allowances such as housing, water and firewood. Such remuneration is in addition to

money wages fixed by agreement between employers and workers.

Article 10. The attachment and assignment of wages is restricted by section 113 of the Labour Ordinance, as amended by Ordinance No. 15 of 1957.

Article 13, paragraph 1. Legislation to cover this paragraph is under consideration.

St. Vincent (First Report).

Employers and Servants Ordinance No. 16 of 1937.
Wages Councils Ordinance No. 1 of 1953.

Article 2 of the Convention. Persons not covered by the Employers and Servants Ordinance or the Wages Councils Ordinance, and regulations thereunder, are excluded.

Article 3. Section 3 of the Employers and Servants Ordinance requires payment in legal tender. Cheques are also permitted.

Article 4. There is no partial payment of wages in kind. See in this respect section 2 of the Employers and Servants Ordinance and section 13 of the Wages Councils Ordinance.

Article 5. Wages are paid directly to the worker, unless, in his absence, he requests them to be sent to him through someone else.

Article 6. There is no legislation. In practice, employers do not limit the freedom of a worker to dispose of his wages.

Article 7. There are no works stores.

Articles 8 to 10. Deductions from wages are regulated by section 3 of the Employers and Servants Ordinance, section 13 of the Wages Councils Ordinance and section 16 of the Factories Ordinance, 1955. Workers are informed on these matters through the Labour Department.

Article 11. This is implemented by the English Bankruptcy Act, 1914, section 33, by virtue of section 2 of the St. Vincent Bankruptcy Ordinance, and section 12 (1) of the Supreme Court Ordinance, 1941.

Article 12. Under section 3 of the Employers and Servants Ordinance daily paid workers must be paid at intervals not exceeding 14 days. Other workers are by custom paid weekly, fortnightly or monthly. On termination of the contract wages are paid the last day or the next regular payday.

Article 13. By custom workers are paid on working days and at regular pay offices. Legislation to prevent payments in taverns, etc., is being considered.

Articles 14 and 15. Section 15 of the Wages Councils Ordinance applies. Workers are informed through leaflets distributed by the Labour Department.

Sarawak.

In reply to a request made by the Committee of Experts the Government states that consideration will be given to amending the legislation to ensure full compliance with Articles 4, 8 and 13 (1) of the Convention.

Seychelles (First Report).

The position regarding the protection of wages is as described in the report for 1955-56

on Convention No. 82 (under Article 15).¹ The possibility of applying the Convention will be reviewed from time to time in the light of developments.

Sierra Leone.

In reply to a request made by the Committee of Experts the Government states that consideration is being given to amending the legislation to give full effect to Articles 4, 8 and 10 of the Convention.

Article 15, clause (d), of the Convention. Section 19 of the Wages Board Ordinance (Cap. 258 of 1946) requires the keeping of records in respect of workers covered by this Ordinance.

Solomon Islands (First Report).

Labour Regulation of 1947 (Cap. 24, Laws of the British Solomon Islands, Vol. I, 1950 Edition).

Article 2 of the Convention. Persons other than "workers" as defined in section 3 of the Labour Regulation are excluded from the application of the Convention.

Article 3. Under section 10 (1) (a) of the Labour Regulation it is an offence for an employer to pay or agree to pay a worker's wages otherwise than in legal tender.

Article 4, paragraph 1. Under the new Labour Regulation, which is likely to be enacted early in 1960, measures will be taken to ensure conformity with this paragraph.

Paragraph 2. Although section 10 (2) (a) of the Labour Regulation lays down that an employer may give food, accommodation or other benefits to a worker as remuneration in addition to wages, in practice the partial payment of wages in the form of allowances in kind is only authorised in the case of food. Section 88 of the Labour Regulation prescribes a scale to ensure that rations are adequate for the needs of a worker and his dependants. The new Labour Regulation provides that an employer may be required to furnish a worker with rations on the prescribed scale, and the Commissioner shall prescribe their cash equivalent which may be deducted from the worker's wages. This will ensure that the rations are adequate and that the value attributed to them is fair and reasonable.

Article 5. The new Labour Regulation will apply this Article.

Article 6. Under section 10 (1) (d) of the Labour Regulation it is an offence for an employer to impose any conditions upon the spending of wages by a worker.

Article 7. Under section 10 (1) (e) of the Labour Regulation it is an offence for an employer to sell provisions to his workers or to establish a shop for the sale of articles to workers without the written consent of the High Commissioner. Workers' stores are inspected to ensure that goods are sold and services provided at fair prices.

Article 8, paragraph 1. The new Labour Regulation will cover the requirements of this paragraph.

¹ International Labour Conference, 42nd Session, Geneva, 1958, Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)* (Geneva, I.L.O., 1958), p. 232.

Paragraph 2. Deductions from wages are only permitted under express statutory authority, such as the Labour Regulation, and all such legislation is published for public information.

Articles 9 and 10. The new Labour Regulation will give effect to these Articles.

Article 11. Appropriate legislation is being considered.

Article 12. The new Labour Regulation provides that wages payable monthly shall be paid not later than one day after the expiration of the period in respect of which they are due, and also makes provision for a final settlement of all wages due upon termination of a contract.

Articles 13 and 14. The new Labour Regulation will ensure compliance with this Article.

Article 15. The text of the Labour Regulation of 1947 may be purchased at the seat of the administration and copies are available at the district offices. Furthermore, the maintenance of adequate records is provided for in the new Labour Regulation to be enacted early in 1960.

Tanganyika (First Report).

Employment Ordinance No. 47 of 1955 (Cap. 366, Laws of Tanganyika) (*L.S. 1955—Tan. 1*), as amended by Ordinance No. 35 of 1957, and Regulations issued thereunder.

Bankruptcy Ordinance (Cap. 25), as amended by Ordinance No. 8 of 1947/49.

Indian Code of Civil Procedure, 1908.

Indian Acts (Application) Ordinance (Cap. 2), as amended by Ordinance No. 46 of 1954.

Credit to Natives (Restriction) Ordinance (Cap. 75).

Articles 1 and 2 of the Convention. The provisions of the Employment Ordinance apply to employees generally. The Ordinance aims at protecting unskilled illiterate workers and the exemptions made by the Exemption Order of 1958 do not effect those workers. The exemption relating to [African] chiefs is solely in their capacity as "employees" who hold office as servants of the Crown; it does not exempt them from obligations imposed by the Employment Ordinance in their private and personal capacities as employers. The provisions of the Employment Ordinance were drawn up in consultation with the Labour Advisory Board which is representative of employers' and workers' organisations.

Article 3. No exemptions are permitted from the provisions of section 61 of the Employment Ordinance, which is in terms similar to those of Article 3.

Article 4. Section 65 of the Employment Ordinance permits allowances such as food (intoxicating liquor is expressly excluded) and housing in addition to money wages. Sections 97 and 98 of this Ordinance prescribe conditions under which these allowances must be made. In practice these allowances are mainly made to employees engaged under a written contract, and the standards for the allowances are prescribed in the Employment (Care and Welfare) Regulations. Control of noxious drugs is provided for by the Dangerous Drugs Ordinance.

Articles 5 and 6. Section 61 of the Employment Ordinance (wage payment in legal tender) implies that wages will be paid by the employer to the employee. Any agreement as to the

place and manner of spending wages is illegal (section 62 (1) of the Ordinance).

Article 7. Any compulsion on an employee to buy at employers' shops is an offence against the Employment Ordinance (section 67 (2)). There is an adequate choice of goods for employees, and no reports of abuse have been received.

Articles 8 and 9. An employer may make no deductions from wages except where expressly permitted by the law. The deductions permitted are laid down in section 64 and in the Employment (Protection of Wages) Regulations. Concerning paragraph 2 of Article 8 the Government states that, because of the low standard of literacy among unskilled workers, the workers are protected by the Labour Department by inspection of employers' records and the hearing of workers' complaints.

Article 10. The provisions of the Bankruptcy Ordinance, as amended, of the Employment Ordinance, the Indian Acts (Application) Ordinance, as amended, the Protection of Wages Regulations and the Credit to Natives (Restriction) Ordinance, of which particulars are given in the report, assure the protection of wages provided for in this Article.

Article 11. Absolute priority in the event of attachment against employers' property, to a maximum of four months' wages, is laid down in section 71 of the Employment Ordinance.

Articles 12 to 14. Section 36 of the Employment Ordinance prescribes the times when wages are payable, according to whether the employee is employed daily, weekly or monthly, and according to the nature of the employment contract; any wages due must be paid on the date of termination of contract. Section 61 (2) requires wages to be paid in the manner prescribed in paragraph 1 of Article 13 of the Convention and section 66 (1) prohibits payment of wages in shops, stores and canteens. Consideration will be given to extending this prohibition to cover hotels and similar establishments. By sections 44 and 45 of the Employment Ordinance and Regulations 4 and 5 of the Employment (Contracts of Service) Regulations, 1957, workers are made fully aware of work conditions and wage rates.

Article 15. Other legislation referred to is on sale to the public and copies are kept at the Department of Labour and all provincial administrative offices. Persons responsible for compliance with the legislation are designated in the relevant texts.

Penalties are prescribed in Part IV of the Employment Ordinance and Regulation 7 of the Employment (Protection of Wages) Regulations, 1957. Section 72 (1) of the Employment Ordinance provides for the keeping of records, the form of which is prescribed by the Employment (Protection of Wages) Regulation, 1957.

Trinidad and Tobago (First Report).

Truck Ordinance No. 12 (Cap. 22).

Workmen's Wages (Protection) Ordinance No. 13 (Cap. 22).

Wages Councils Ordinance No. 16 (Cap. 22).

Bankruptcy Ordinance No. 6 (Cap. 6).

Masters and Servants Ordinance No. 5 (Cap. 22).

Companies Ordinance No. 1 (Cap. 31).

Factories Ordinance No. 2 (Cap. 30).

Article 2 of the Convention. The Truck Ordinance applies to wage earners, excluding domestic servants. The Workmen's Wages (Protection) Ordinance and the Masters and Servants Ordinance apply to labourers and other manual workers.

Article 3. This is covered by sections 2, 3 and 5 of the Truck Ordinance.

Article 4. Allowances or privileges in addition to money wages are authorised by section 6 of the Truck Ordinance. Paragraph 2 of this Article is covered only as regards wages fixed under the Wages Councils Ordinance (section 13 (2)). See also section 9 of the Masters and Servants Ordinance.

Article 5. This Article is applied by section 5 of the Truck Ordinance.

Article 6. This Article is applied by section 4 of the Truck Ordinance.

Article 7, paragraph 1. This Article is applied by section 4 of the Truck Ordinance.

Article 8. This Article is applied by sections 5, 9, 10 and 11 of the Truck Ordinance, and section 58 of the Factories Ordinance. All legislation is notified by means of a Royal Gazette, and trade unions advise workers of their rights and obligations.

Article 9. This Article is applied by section 5 of the Truck Ordinance.

Article 10. Section 4 of the Workmen's Wages Ordinance prohibits attachment of wages.

Article 11. This Article is applied by section 37 of the Bankruptcy Ordinance and section 250 of the Companies Ordinance.

Article 12. By custom wages are paid weekly, fortnightly or monthly. There is no legislation on this point. As regards paragraph 2 see section 15 of the Masters and Servants Ordinance.

Article 13. In practice workmen are paid on working days at or near the workplace. See also section 3 of the Workmen's Wages Ordinance.

Article 14. This Article is applied by section 4 of the Masters and Servants Ordinance, and section 6 (4) of the Wages Councils Ordinance.

Article 15, clause (a). See under Article 8. Clauses (b) and (c). The requirements of these paragraphs are met by the respective Ordinances.

Clause (d). This Article is applied by section 15 (1) of the Wages Councils Ordinance.

The Wages Councils Ordinance is enforced by the Labour Inspectorate. There are no inspectors for the enforcement of the other legislation mentioned.

Uganda (First Report).

Uganda Employment Ordinance (Cap. 83, Revised Laws of Uganda).

Article 2 of the Convention. Workers earning more than 150 shillings per month are excluded from application of the Convention (they are not covered by the Employment Ordinance).

Article 3. Paragraph 1 is covered by section 14 (1) of the Employment Ordinance. No

provision is made for payment by cheque, etc., and, in practice, the workers concerned are paid in cash.

Article 4. This is regarded as being covered by section 14 (1) of the Employment Ordinance.

Articles 5 and 6. There is no legislation applying these Articles but in practice they are observed. Should violations of Articles 6, 9 and 13 (2) be reported and not prove remediable by other means, the Government would be prepared to enact appropriate legislation.

Article 7. Employers need a licence under the Trading Ordinance (Cap. 208) to sell commodities to workers. This is only granted after consultation with the Labour Commissioner and subject to the conditions that works stores be non-profit-making and their books open to inspection. Allowances are granted only when this is clearly in the interest of the workers. No case of coercion to use such stores has occurred.

Articles 8 and 9. No specific legislation regarding deductions from wages exists. Officers of the Labour Department give advice on such matters, and section 57 of the Employment Ordinance provides a simple procedure in cases of dispute. See also under Articles 5 and 6.

Article 10. This is covered by section 45 of the Civil Procedure Ordinance (Cap. 6).

Article 11. Claims for wages and salaries are privileged debts under section 37 (1) (d) of the Bankruptcy Ordinance, and section 261 (1) of the Companies Ordinance.

Articles 12 and 13. These Articles are not covered by legislation but are applied in practice. See also under Articles 5 and 6.

Article 14. Clause (a) is not covered by legislation but is applied in practice. Clause (b) is covered by section 18 of Ordinance No. 21 of 1957, where wages regulation orders apply.

Article 15. Copies of the legislation applying the Convention are available for sale to the public.

The Labour Commissioner is responsible for enforcement of the Employment Ordinance.

* * *

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

France (Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of the Upper Volta, Malagasy Republic, Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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

United Kingdom (Basutoland, Bechuanaland, Bermuda, Falkland Islands, Fiji Islands, Gambia, Hong Kong, Isle of Man, Montserrat, St. Helena, Swaziland).

96. Fee-Charging Employment Agencies Convention (Revised), 1949¹

This Convention came into force on 18 July 1951

Belgium. Ratification²: 4 July 1958.
Decision reserved: Belgian Congo and Ruanda-Urundi: 9 July 1958.

France. Ratification²: 10 March 1953.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Italy. Ratification²: 9 January 1953.
No declaration.

Netherlands. Ratification²: 20 May 1952.
Applicable without modification: Surinam: 10 June 1955.
Not applicable: Netherlands Antilles, Netherlands New Guinea: 10 June 1955.

¹ This Convention revises Convention No. 34 of 1933.

² Part II.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The Convention is of no direct interest to the Territory, where there are no companies, agencies or other organisations acting as fee-charging employment agencies operated with a view to profit. Under the Labour Code, which

came into force on 1 January 1959, placement is a public function and, with certain exceptions, engagements must be made through the district labour inspection offices. It is prohibited to act as an intermediary, even free of charge, when application for employment is required to be made to the labour inspection offices. In practice, where district labour inspection services have not been set up, placement is carried out by the district commissioners' offices, which always act on the basis of the placement lists.

Netherlands.

Netherlands New Guinea.

See under Conventions Nos. 2 and 88.

* * *

The following report supplies information on the practical effect given to the Convention:

Netherlands (Surinam).

The following report refers to the information previously supplied:

Netherlands (Netherlands Antilles).

97. Migration for Employment Convention (Revised), 1949¹

This Convention came into force on 22 January 1952

Belgium. Ratification: 27 July 1953.
Not applicable: Belgian Congo and Ruanda-Urundi: 27 July 1953.

France. Ratification: 29 March 1954.
Not applicable:
Overseas Departments: 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.
Cyprus², Gambia², Mauritius², Nigeria², North Borneo², Zanzibar²: 16 December 1958.
Applicable with modification: Kenya², Tanganyika², Uganda²: 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.

¹ This Convention revises Convention No. 66 of 1939.

² Except Annexes I, II and III.

³ Except Annexes I and III.

United Kingdom.

Basutoland (First Report).

Native Labour Proclamation of 1 January 1942 (Revised Edition of the Laws of Basutoland, Cap. 57), as amended.

Entry and Residence Proclamation No. 13 of 25 April 1958, as amended.

Article 1 of the Convention. There is hardly any immigration. Non-African immigrants are only permitted to reside "temporarily" or "indefinitely" but not "permanently" in the country.

There is virtually no permanent emigration and there is no legislation governing permanent emigration.

No general agreements or special arrangements have been concluded by the Government on these questions.

Article 2. Adequate and free services are maintained by several private recruiting organisations to assist emigrants.

Article 3. No special legislation exists to control misleading propaganda.

Article 4. Arrangements for the departure, journey and reception for migrants for employment in the Union of South Africa are provided by the several recruiting organisations.

Article 5. Migrants for employment in the Union have to undergo a medical examination. Immigrants into Basutoland are required to produce a medical certificate.

Article 6. There is no discrimination with regard to the matters set out in the Article, most of which imply a degree of development and social organisation not yet reached in Basutoland.

Article 7. No government employment agencies exist and the recruiting agencies, which require to be approved by the Government, are responsible for the care of migrants leaving the territory. Co-operation is maintained with the employers through the Government Agent on the Witwatersrand. The employment services are free.

Article 8. No special measures exist to apply this Article because of the negligible number of migrants for employment.

Article 9. No currency restrictions exist between the Union of South Africa and Basutoland.

Bechuanaland (First Report).

Native Labour Proclamation of 1 January 1942 (Laws of the Bechuanaland Protectorate, 1948, Revised Edition, Vol. I, Cap. 64).

Native Labour Regulations of 2 January 1942 (Laws of the Bechuanaland Protectorate, 1948, Revised Edition, Vol. III, Cap. 64).

Article 1 of the Convention. If the Convention were applied the required information would be available with regard to emigrants.

Article 2. The provisions of this Article are satisfied with respect to emigrants.

Article 3. Legislation is in force permitting steps to be taken against misleading propaganda relating to emigration.

Article 4. Measures facilitating the departure, journey and reception of emigrants for employment are adequately catered for in the Native Labour Proclamation.

Article 5. If migrants were to be accompanied by their families there would appear to be no reason why the provisions of the Native Labour Proclamation could not be extended to apply to the families of workers.

Article 6. There are no special legal provisions relating to the conditions of employment for immigrants, since none are at present required. In any event no discrimination against immigrant workers could exist under present circumstances.

Article 7. If the Convention were applied the services connected with migration could co-operate with the services of other Members. These services are rendered free of charge.

Article 8. As there is no immigration no such legal provisions exist.

Article 9. No currency restrictions exist between the Union of South Africa and the Protectorate.

Article 10. Agencies are maintained in the principal employment centres of the Union of South Africa, which are in charge of the welfare of migrant labour.

Article 11. There is no definition of "frontier workers" and there are no special provisions relating to short-term entry of members of the liberal professions and artistes.

Bermuda (First Report).

Migratory labour is restricted to a few Portuguese who enter Bermuda on contract as farm labourers or as hotel workers.

Brunei (First Report).

Owing to the small scale of migratory movements to and from Brunei any decision must be reserved for the time being. The matter will be reconsidered if the position changes appreciably.

Cyprus (First Report).

Aliens and Immigration Law No. 13 of 1952 (*Cyprus Gazette*, 25 June 1952, Supplement No. 2) as amended by Law No. 18 of 1956 (*ibid.*, 26 July 1956, Supplement No. 2).

Aliens and Immigration Regulations, 1949-53, as amended (*Cyprus Gazette*, 24 Dec. 1953, Supplement No. 3).

Article 1 of the Convention. There is no legislation concerning emigration but, by administrative arrangements, prospective emigrants to the United Kingdom are required to produce a guarantee of accommodation and maintenance there before travel facilities are granted.

Migrants are admitted as temporary residents for specified employment in which they will not be in undue competition with nationals. They are normally required to leave the colony when the employment ceases and they are not allowed to change employment without the consent of the Chief Immigration Officer.

Migrants admitted as permanent residents must remain in the specified occupation, or a similar one, for four years. Thereafter they enjoy conditions on a par with nationals.

Article 2. There is no information service as envisaged by the Convention. Prospective immigrants are supplied with information regarding prospects and conditions of employment, etc., by the Migration Branch of the Secretariat. This service is free.

Article 3. Existing legislation does not contemplate action against misleading propaganda. On receiving applications for travel facilities the Migration Branch consults the British consuls in the countries of destination, and if their opinion is adverse efforts are made to dissuade applicants.

Article 4. Migration for employment being on a very small scale, there is no organised service for this purpose.

Article 5. No specific measures are taken with a view to medical assistance for migrants, except in so far as the International Sanitary Regulations and the conditions imposed by receiving countries have to be observed.

Article 6. There are no legislative or administrative measures discriminating between nationals and immigrants in any of the matters enumerated in this Article.

Article 7. The public employment services are offered free of charge to nationals and migrants alike.

Article 8. Immigrants who are permanent residents are not required to leave on grounds of illness.

Article 9. Transfers and remittances of non-sterling currency are subject to permission under the Exchange Control Laws. In practice a migrant worker is allowed to remit earnings and savings over and above his reasonable living expenses.

Article 10. There is no large-scale migration.

Article 11. As regards artistes, the longest period regarded as constituting short-term entry is six months. Other short-term entry for employment is usually as long as the specified employment lasts.

Falkland Islands (First Report).

There is no migration for employment to and from the Falkland Islands.

Fiji (First Report).

Labour Ordinance of 1 August 1947 (Laws of Fiji, Revised Edition, Vol. II, Cap. 92).

Immigration Ordinance of 3 December 1947 (Laws of Fiji, Revised Edition, Vol. II, Cap. 67).

Immigration Regulations of 21 January 1948 (Laws of Fiji, Revised Edition, Vol. V, Cap. 67).

Quarantine Ordinance of 1 July 1929 (Laws of Fiji, Revised Edition, Vol. II, Cap. 125).

Quarantine and Quarantine (Aerial Navigation) Regulations (Laws of Fiji, Revised Edition, Vol. VI, Cap. 125).

Article 1 of the Convention. There are no laws or regulations relating to emigration. No person is brought into the colony to take up employment if local labour of the required standard is available; if no such labour is available immigrant labour may enter the colony for a period not exceeding four years. Part V of the Labour Ordinance of 1947 governs the recruitment of Natives for work outside the colony.

Article 2. The Immigration Officer provides employment information on request and employment placing facilities are available in Suva.

Articles 3, 4, 5, 7 and 10. In view of the negligible amount of migration for employment the measures referred to in these Articles are nor considered necessary or appropriate. The Government wishes the application of Article 5 to be modified so that Fiji is excepted from the requirement to examine emigrants.

Article 6. Parts V (Recruiting of Natives) and VI (Written Contracts of Employment) of the Labour Ordinance of 1947 apply only to

"Natives". Part VIII (Employment of Women) makes special provision for women. Apart from these provisions no distinctions are made in the employment laws and administrative measures of the colony.

Article 8. Migrants for employment are not admitted on a permanent basis in the first instance.

Article 9. The export of legal tender is limited to a certain amount. The export of other funds is free to the sterling area, but funds for other destinations must have the approval of the exchange control authorities.

Article 11. "Short-term" entry of members of the liberal professions and artistes is normally two years but may be for a maximum of four years.

Gambia (First Report).

Immigration Ordinance (Revised Laws of the Gambia, 1955, Vol. I, Cap. 57).

Recruiting of Workers Ordinance (Revised Laws of the Gambia, 1955, Vol. II, Cap. 91).

Native Labour (Foreign Service) Ordinance (Revised Laws of the Gambia, 1955, Vol. II, Cap. 92).

Article 2 of the Convention. The Labour Officer is the authority competent to provide migrants with information.

Article 3. Sections 5, 9, 10 and 16 of the Native Labour (Foreign Service) Ordinance ensure protection against misleading propaganda.

Article 4. For the action taken to facilitate the departure, travel and reception of immigrants, see sections 10 (3), 11, 12, 14 and 19 of the Native Labour (Foreign Service) Ordinance.

Article 5, clause (a). This clause is covered by section 3 (2) (a), (b) and (c) of the Native Labour (Foreign Service) Ordinance. Sections 7, 8 and 9 of the Recruiting of Workers Ordinance further ensure the medical examination of recruited workers, their maintenance during the journey and repatriation.

Clause (b). This clause is covered by sections 8 and 9 of the Recruiting of Workers Ordinance.

Article 6. The statutory provisions make no discrimination against migrant workers as regards the matters dealt with in this Article.

Article 7, paragraph 1. As regards co-operation between the employment services and those of other countries, this is covered by section 5 of the Native Labour (Foreign Service) Ordinance.

Paragraph 2. Services rendered by the Labour Office are free.

Article 8. Once a person enters the Gambia on a permanent basis, he cannot be expelled unless a deportation order is made after legal process.

Article 9. Section 12 of the Native Labour (Foreign Service) Ordinance states that not less than half the wages of a recruited worker shall be paid by the employer immediately after the worker's return.

Article 10. This is covered by section 4 of the Native Labour (Foreign Service) Ordinance.

Article 11. "Short-term entry" covers a period of one month, subject to extension.

Gibraltar (First Report).

In view of the negligible numerical importance of "migrant workers" within the meaning of Article 11 of the Convention no decision has been taken to apply the latter.

Gilbert and Ellice Islands (First Report).

In view of the present limited extent of migration a decision has been reserved in respect of this Convention.

Hong Kong (First Report).

No legislative measures have been taken to apply the Convention. Hong Kong is in a special position since 3 million people pass annually through the port, i.e. more than the entire population of the colony. Immigrants have the same rights as local residents in respect of the matters set out in the Convention. As regards immigration some of the provisions of the Convention are embodied in the Asiatic Emigration Ordinance, 1915, which applies to Chinese manual workers wishing to emigrate.

Article 1 of the Convention. Information on the relevant laws and regulations is given in the annual reports on the Recruiting of Indigenous Workers Convention, 1936 (No. 50) and the Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86), as well as in the colony's annual report for 1958.

Article 2. Although no special department has been set up to keep migrants informed, government offices provide information for both emigrants and immigrants.

Article 3. This clause is applied where possible.

Article 4. See under Article 1.

Article 5. The Asiatic Emigration Ordinance, 1915 (sections 24 to 30) prescribes measures for the protection of the health of Chinese emigrants.

Article 6. There is no discrimination with regard to migrants.

Article 7. This clause is applied with respect to the authorities in North Borneo, Sarawak and Brunei. See also under Article 1.

Article 8. No expulsion of immigrants on grounds of ill health takes place in Hong Kong.

Articles 9 and 10. The policy of the Government in respect of the matters dealt with in these Articles is laid down by the Government of the United Kingdom; the principles on which this policy is based are identical with those underlying these provisions of the Convention.

Kenya (First Report).

Immigration Ordinance, 1956 (*Kenya Gazette* No. 35 of 1956).

Immigration Regulations, 1957 (Legal Notice No. 252, *Kenya Gazette*, Supplement No. 24, 30 Apr. 1957).

Article 1 of the Convention. Before entry, guaranteed employment must be available for immigrants in work that is not prejudicial to the employment prospects of local residents, and the particular skill of immigrants must be such as to benefit the local inhabitants. There are no distinctions between immigrants and

local residents with regard to wages, employment or living conditions. The Immigration Department and the Labour Department are responsible for the application of these principles. Passports are issued without restrictions to intending emigrants, under instructions issued by the Passport Section of the Foreign Office in the United Kingdom. There is unrestricted movement for Africans between the four East Africa High Commission territories of Kenya, Uganda, Tanganyika and Zanzibar, and public employment offices and rest camps are available for the use of African migrants. Regular consultation takes place between the four East African territories with regard to the availability of employment opportunities in each territory.

Article 2. A prospective employer of foreign workers is required to complete documents for the Immigration Department detailing the wages offered and other conditions of employment. Each application is carefully scrutinised. Although the facilities of the public employment services operated by the Labour Department are freely available, migrants do not normally use them. The Kenya Employment Service and the East Africa Office in London give all necessary information to intending migrants.

Article 3. There are no national laws providing measures to be taken against misleading propaganda, but steps are taken administratively through agencies in London, India and Pakistan (the principal sources of immigration to Kenya). Similar action is taken in Kenya in the case of emigrants.

Article 4. The immigration authorities ensure that individual employers facilitate, by appropriate measures, the departure, journey and reception of immigrants. The necessary permits and passports are refused if this condition is not fulfilled. The Labour Department ensures that the employer provides similar facilities for Kenya workers engaged for foreign service at a wage under £20 a month.

Article 5. Adequate medical facilities and health inspection are available for immigrants in the same way as for national workers. Workers who are recruited for work abroad (with a wage under £20 a month) are required to undergo medical examination prior to departure. The Labour Department ensures application of this provision.

Article 6. In the matters covered by paragraph 1 (a), (c) and (d), no distinctions apply as between migrants and nationals.

Article 7. The Immigration Department in Kenya co-operates with the corresponding services in other countries. Close consultation takes place between the four East Africa High Commission territories regarding employment opportunities in each territory. The employment services of the Kenya Labour Department, which are free, have no direct contacts with similar services of other countries.

Article 8. After five years' residence in Kenya, immigrants are eligible for a Resident's Certificate and they, and members of their families, cannot then be returned to their country of origin on account of inability to follow an occupation by reason of illness.

Article 9. Any immigrant may remit up to 50 per cent. of his earnings through a bank in Kenya to his country of origin. Large savings in the territory may only be transferred elsewhere with the authority of the Government's Exchange Control.

Article 10. Since there are no large numbers of migrants, no bilateral agreement has been made with other territories.

Article 11. There are no frontier workers on the borders of Kenya. "Short-term" applies to a period up to a maximum of four years.

Malta (First Report).

Owing to overpopulation emigration is encouraged and immigration is regulated; as a result the Government has reserved its decision with respect to this Convention. Immigration is restricted by the Immigration (British Subjects) Ordinance, 1948, and the Aliens Ordinance, 1949.

Mauritius (First Report).

Immigration Ordinance of 21 September 1939, as amended (Revised Laws of Mauritius, Cap. 150). Immigration Regulations of 3 August 1940 (Government Notice No. 151, 1940).

Emigration Ordinance of 1933 (Revised Laws of Mauritius, Cap. 150).

Emigration Regulations of 28 July 1951 (Government Notice No. 156, 1951) as amended (Government Notice No. 88, 1955, and Government Notice No. 1, 1956).

Employment Exchanges Ordinance of 31 December 1947.

Regulations made under section 6 of the Employment Exchanges Ordinance, 1947 (Government Notice No. 232, 1949).

Article 1 of the Convention. There is no immigration for employment in the sense of the Convention. Emigration is slight and controlled. No migration agreements have been concluded.

Article 2. Particulars of the free service available to emigrants are contained in the Emigration Regulations of 1951 and Government Notice No. 156 of 1951, as amended.

Article 3. Should any misleading propaganda ever occur it could be refuted under the existing law.

Article 4. This Article is covered by the Emigration Regulations of 1951 and Government Notice No. 156 of the same year.

Article 5. Emigrants and the members of their families are medically examined free of charge and issued with a medical certificate.

Article 6. No distinction between immigrants and Mauritian nationals is made by any legislation covering the matters mentioned in paragraph 1 of this Article.

Article 7. The free Employment Service co-operates in appropriate cases with the corresponding services of other Members of the I.L.O.

Article 8. No migrants are admitted on a permanent basis.

Article 9. There are no restrictions, other than general currency restrictions, on the transfer of earnings and savings of immigrants.

Article 10. Because of the small number of migrants no migration agreements have been concluded.

Nigeria (First Report).

Labour Code Ordinance of 1 June 1946 (L.S. 1946—Nig. 1) (sections 62, 64, 78, 81 and 83 to 86).

Article 1 of the Convention. The report refers to the Revised Agreement of 14 September 1957 between the Nigerian Government and the Government of Spanish Guinea, concerning the supply of Nigerian manpower.

Article 2. Within the limits of the existing employment service the service supplied to migrants is the same as that supplied to the indigenous population.

Article 3. Legislative measures concerning propaganda relating to emigration and immigration are deemed unnecessary.

Article 4. In the framework of the agreement referred to in Article 1 measures have been taken to facilitate the departure, journey and reception of Nigerian migrants for employment.

Article 5. In the scheme mentioned above appropriate medical examinations have been organised.

Article 6. There is no discrimination between nationals and immigrants.

Article 7. The employment authorities of the Nigerian Government and the Government of Spanish Guinea co-operate to ensure the enforcement of the agreement mentioned above. The employment services provided, although not yet fully developed, are free of charge to all.

Article 9. There is no specific restriction on the transfer of earnings and savings.

Article 10. No migration agreement has been concluded since the ratification of the Convention.

Article 11. "Frontier workers" are those indigenous persons normally resident either permanently or, by habit and custom, seasonally on the extreme borders of Nigeria and adjacent territories.

"Short-term entry" is regarded as entry (not exceeding six months) to perform a specific short-term contract, study visit, etc., of a non-repetitive character.

North Borneo (First Report).

Labour Ordinance of 1 January 1950 (Laws of North Borneo, Revised Edition, Vol. II, Cap. 67), as amended.

Immigration Ordinance of 1 April 1949 (Laws of North Borneo, Revised Edition, Vol. II, Cap. 58), as amended.

Article 1 of the Convention. The country is relatively sparsely populated and therefore tends to be an immigration country rather than a source of emigration. Immigration is facilitated within the limits imposed by employment opportunities and public opinion on the subject.

Agreement has been reached with the Government of the Philippines permitting the

recruitment under specified conditions of Philippine workers for employment in North Borneo. Special arrangements have been made with the Government of Hong Kong concerning the recruitment of workers, either on a temporary or a permanent basis, from Hong Kong for employment in North Borneo.

Article 2. Services to assist migrants for employment and to provide them with accurate information are provided by co-operation between the Department of Labour and Welfare in North Borneo and the corresponding Department in Hong Kong or other territories concerned.

Article 3. There have been no cases of misleading propaganda; if such cases occurred the Commissioner of Labour would have sufficient power to intervene efficiently.

Article 4. The employer is responsible for all matters concerning documentation, medical examination, travel, reception and maintenance of migrants for employment. Migrants travel by normal transport services and their movements are supervised as appropriate by the Labour Department in North Borneo.

Article 5. Medical examination of migrants and their families from Hong Kong is insisted upon by the Labour Department as a condition of recruitment, and is carried out at the expense of the employer. Since migration from Hong Kong and most other sources is by ordinary commercial transport by sea or air, other hygienic conditions in travel do not require specific supervision. Conditions after arrival are supervised by the Department of Labour.

Article 6. The principle that conditions of employment of migrants shall be not less favourable than those applied to nationals is strictly enforced and supervised.

Article 7. All public employment services are provided free of all charges to workers or to employers.

Article 8. Migrants for employment are not admitted to North Borneo on a permanent basis, but they may, however, qualify for indefinite entry after staying in the country for a period of five years.

No case has yet arisen within the terms of this Article but if it does the requirements will be enforced by administrative action.

Article 9. Migrants are free to transfer earnings and savings within the terms of the national laws concerning movements of funds.

Article 10. A formal migration agreement exists with the Government of the Philippines and an informal agreement with the Government of Hong Kong.

Article 11. "Immigrant worker" means any worker whose passage to the colony has been provided in consideration of a promise to perform work in the colony.

The category of "frontier worker" is not relevant in any of the conditions of employment in North Borneo. No distinction is made between "short-term" entrants and immigrants in general.

Sarawak (First Report).

Owing to the small amount of migratory movement to and from Sarawak no action has been taken to apply the Convention. The matter is nevertheless given close attention.

Seychelles (First Report).

The small-scale migratory movements to and from the island do not warrant entering into agreements to regulate them.

The Immigration (Control) Ordinance No. 19 of 1950 ensures the protection of temporary or permanent immigrants. The Recruitment of Workers Ordinance No. 27 of 1945 contains a number of clauses designed to facilitate the departure, journey and reception of migrants for employment. The Employment of Servants Ordinance No. 25 of 1945 prescribes a medical examination for migrant workers and their families.

Solomon Islands.

Although the legislative position would make it possible to apply the Convention there would appear to be no point in doing so in view of the lack of migration for employment. The position can be reviewed if necessary.

Swaziland (First Report).

Approved recruiting organisations representing the South African Gold and Coalmining Industries maintain an adequate and free service to assist Swazi workers who are seeking employment in these industries. Other migratory movements from and to Swaziland are negligible.

Tanganyika (First Report).

Immigration Ordinance of 1 August 1957 (Revised Laws of Tanganyika, Cap. 386), and subsidiary legislation.

Employment Ordinance of 1 February 1957 (Revised Laws of Tanganyika, Cap. 366), and subsidiary legislation.

Workmen's Compensation Ordinance of 1 July 1949 (Revised Laws of Tanganyika, Cap. 263), principal and subsidiary legislation.

Trade Unions Ordinance of 1 February 1957 (Laws of Tanganyika, Cap. 381), principal and subsidiary legislation.

Regulation of Wages and Terms of Employment Ordinance of 1 October 1953 (Laws of Tanganyika, Cap. 300), principal and subsidiary legislation.

Factories Ordinance of 1 January 1952 (Laws of Tanganyika, Cap. 297).

Exchange Control Ordinance (Laws of Tanganyika, Cap. 294).

Article 1 of the Convention. The movement of migrant workers to and from Tanganyika consists in the main of Africans in search of temporary employment. The provisions of the Immigration Ordinance have not yet been applied to Africans; in general, strict immigration and emigration control measures relating to African labour are difficult to apply and it has been considered unnecessary to regulate immigration for employment under the Employment Ordinance. The policy of the Government is aimed at the avoidance of any discriminatory legislation against migrant workers.

A formal agreement has been concluded between the Government of Tanganyika and the

Witwatersrand Native Labour Association relating to the movement of African workers from Tanganyika to the Union of South Africa. Traditional movements for employment between Ruanda-Urundi, Tanganyika, Kenya and Uganda are regularly reviewed at conferences attended by representatives of the Labour Departments of the countries concerned.

Article 2. The facilities of the Employment Exchange service are available, free of charge, to assist migrants to obtain employment.

Article 3. There is no specific legislative provision which would permit or require steps to be taken to counter misleading propaganda relating to the migration of African labour. Should this become necessary appropriate measures could be taken—among others—by administrative arrangements concerted at biennial conferences with the Labour Commissioners of Kenya, Uganda and Ruanda-Urundi. With respect to immigration of non-Africans, which is carefully restricted and controlled, such immigrants have access to ample sources of assistance and information.

Article 4. At the interterritorial conferences mentioned above all matters relating to measures necessary to facilitate the organised departure, journey and reception of African migrants are kept under constant review and, where appropriate, any necessary action is then initiated by the Government or is required of the employers concerned. Such facilities exist for African immigrants through the Employment Exchange service of the Labour Department or through the system which is followed of licensing recruiters to operate in the areas which are contiguous to the territory of origin. So far it has not been necessary to utilise the provision made in the Employment Ordinance for regulations to be enacted for the purpose of "regulating the engagement and the embarkation of employees to be employed under a foreign contract of service". In the case of non-Africans no special measures have yet been found to be necessary in this field on account of the very limited amount of movement.

Article 5. The application of clause (a) is limited by practical considerations to organised groups of migrants. In respect of Africans, government medical services are available to emigrants and their families up to the date of their departure from Tanganyika and to immigrants and their families from the time of their arrival. In respect of Africans proceeding to work under an organised scheme it is a condition of the contract of service that they, but not their families, shall be medically examined. Similarly, those Africans, but not their families, who enter the country under their own arrangements are required by law to be medically examined if they are recruited by licensed recruiters on contracts of more than six months. The Government Transit Centres provide first-aid treatment for migrants proceeding independently to and from employment. Licensed recruiters are required to provide migrants and their families with certain minimum standards of comfort during their journey. On arrival in the territory at the place of work, migrant workers and their

families enjoy the standards of medical care prescribed by Part III of the Employment Ordinance (Care and Welfare) Regulations of 1957. Non-African immigrants may be required to submit themselves for a medical examination.

Article 6. The laws of the territory apply equally to all persons residing therein.

Article 7. The Employment Exchange service and other services connected with the migration of workers will seek to co-operate in appropriate cases with the corresponding services of other Members. The services rendered to migrant workers are free of charge.

Article 8. Non-African immigrants are normally admitted on a temporary basis in the first instance. If they continue working in permissible employment for at least six years, they are then eligible to remain permanently. In that case they will not be returned to their countries of origin on the sole ground that they were unable to support themselves owing to ill health.

Immigrant workers of African origin are not deemed to have been "admitted on a permanent basis" for the purpose of this Article.

Article 9. There are no restrictions, other than general currency restrictions, on the transfer of earnings and savings of immigrant workers.

Article 10. A formal agreement has been concluded with the Witwatersrand Native Labour Association to regulate the movement of workers who proceed to employment in the Union of South Africa.

Article 11. A person who daily crosses a territorial boundary when proceeding to and from work is regarded as a "frontier worker".

Any members of the liberal professions or any artistes would be expected to leave after fulfilling the purpose of their visit or on completion of their engagements.

ANNEX II

Articles 1 and 2. The definitions contained in these Articles are accepted.

Article 3. The activities of extraterritorial organisations of employers (and their agents) which are parties to migration schemes will be regulated by the formal agreement entered into by them with the Government of Tanganyika and which will accord specially defined rights to the Labour Department of the territory, as the competent authority to supervise the activities of such bodies or persons.

Article 4. The services of the Employment Exchange system are available free of charge; the administrative costs of recruitment, introduction and placing are not borne by the migrants.

Article 5. There have been no cases as yet of collective transport of migrants in transit.

Article 6. Any migrant who comes within the scope of the schemes mentioned under Article 3 above is required to have been attested on an approved form of foreign contract of service prior to his departure from the territory. A copy of the contract is delivered to the employee or, in the case of a group of employees, to one of their number. Any employer who fails to

comply with these requirements concerning a foreign contract of service commits an offence against the Employment Ordinance. The contract complies with the provisions of the Contracts of Employment (Indigenous Workers), 1939 (No. 64). The competent authority is the Labour Department or the Provincial Administration in areas where no senior officer of this Department is in post.

Article 7. Immigrants recruited—under special arrangements—in Ruanda-Urundi for employment with the member firms of the Tanganyika Sisal Growers' Association and, to a lesser extent, with mixed farming concerns registered with the Northern Province Labour Utilisation Board, benefit by (i) the absence of any administrative formalities, which are either waived or are completed on their behalf by the employer or his agent in the territory of origin; (ii) the absence of any language difficulties; (iii) a treatment no less favourable than that which is applied to nationals with respect to all matters to which this paragraph refers; (iv) the employer, or his agent in the territory of origin, being required to provide adequate means of transport from the place of engagement to the place of work and to provide subsistence for the journey. The contents of clause (c) are largely inapplicable as migrants are not admitted on a permanent basis.

Article 8. With respect to the immigrants mentioned under the foregoing Article, they may not be supplied from Ruanda-Urundi to any employer who is not certified by an inspecting officer of the Labour Department to conform with the minimum standards defined in this Article.

Articles 9 and 10. These matters are provided for by the terms of the contract of service to which migrants from Ruanda-Urundi and to the Union of South Africa are party. If the worker is found to be unsuitable for employment or is incapable of fulfilling the terms of the contract, then he and the members of his family are repatriated by the employer to the territory of origin.

Article 12. This Article is excluded from application to the territory.

Article 13. Under the Immigration Ordinance the promotion of clandestine immigration would be an offence. This Ordinance has not yet been applied, however, to Africans, and the more appropriate action to be taken in respect of this requirement would probably be that permissible under Part IX of the Employment Ordinance, which provides for the prosecution of those persons guilty of illegal recruiting, or to prosecute under section 60 of the Ordinance any person suspected of inducing or assisting an African to proceed to work outside Tanganyika without first concluding a contract of service in the prescribed form.

Uganda (First Report).

Immigration (Control) Ordinance of 1 August 1948 (Revised Laws of Uganda, Cap. 43).

Uganda Employment Ordinance of 31 July 1947 (Revised Laws of Uganda, Cap. 83).

Workmen's Compensation Ordinance of 1 November 1949 (Revised Laws of Uganda, Cap. 91).

Employment of Women Ordinance of 1 February 1938 (Revised Laws of Uganda, Cap. 85).

Employment of Children Ordinance of 22 October 1938 (Revised Laws of Uganda, Cap. 86).
Trade Unions Ordinance of 24 July 1952, and subsidiary legislation.

Article 1 of the Convention. There are no restrictions on the emigration or immigration of Africans who are members of tribes indigenous to Uganda, Kenya, Tanganyika, Zanzibar, Belgian Congo, Ruanda-Urundi or the Equatorial Province of the Sudan. Other immigration is strictly controlled; such immigrants must obtain, in the first instance, a Temporary Employment Pass.

Article 2. Employment exchanges are operated in all the principal towns where migrants for employment can obtain free assistance and information regarding employment.

Article 3. National laws and regulations do not contain provisions for steps to be taken against misleading propaganda relating to emigration and immigration. Steps can, however, be taken under section 50 (1) of the Penal Code (Cap. 22).

Article 4. Migrants travel under their own arrangements; others are provided by employers with transport. Government staging camps are available at points along the main routes used by the migrants.

Article 5. The application of clause (a) of this Article is limited, by practical considerations, to organised groups of migrant workers. Migrants and their families can make use of the medical facilities ordinarily available for the inhabitants of the country, where they exist, along the labour routes and at other places all over the country. The small number of migrants who are recruited in Ruanda-Urundi for employment in Uganda and the much larger numbers who are engaged by recruiting agencies on arrival in Uganda are medically examined at the places of recruitment.

Article 6. There is no discrimination either in legislation or in practice.

Article 7. There should be no difficulty in extending the co-operation which already exists with the appropriate authorities of Ruanda-Urundi and Tanganyika. The public employment services are free to all persons, including migrants.

Article 8. A migrant for employment cannot be returned, against his will, to his territory of origin or to the territory from which he emigrated for any of the reasons mentioned in this Article. No international agreement to which Uganda is a party has been concluded.

Article 9. Apart from the normal currency restrictions no other restrictions are placed on the transfer of earnings or savings.

Article 10. No such agreements have been entered into.

Article 11. There are no daily frontier workers.

The maximum period of short-term entry of members of the liberal professions and artistes on a Visitors' Pass is six months which may be extended for a further period not exceeding six months. If they were on a Temporary Employment Pass then the period would be

four years with possible extension for a further period not exceeding four years.

Zanzibar (First Report).

Labour Decree No. 11 of 1946, as amended by Decrees No. 25 of 1951, No. 10 of 1952, No. 27 of 1955 and No. 2 of 1957.

Immigration (Control) Decree No. 9 of 1954.

Exchange Control (Import and Export) Order, 1951, as amended by Government Notice No. 45 of 1957.

Foreign Contract of Service, Form II (Government Notice No. 57 of 1953).

Article 1 of the Convention. Immigrant labour from the mainland is permitted to enter for seasonal clove-picking. A number of artisans and craftsmen, mostly Indians, arrive on agreements for stated terms. No general or special agreements have been made.

Article 2. The Employment Service is available to all persons, including migrants for employment, free of charge. The Employment Exchange provides accurate information concerning available employment.

Article 3. No legislation exists against misleading propaganda. Liaison is maintained with the mainland labour departments regarding labour requirements for picking clove crops.

Article 4. The report refers to sections 37 to 43 of the Labour Decree, 1946.

Article 5. The report refers to sections 9, 29, 63 and 68 of the Labour Decree, 1946.

Article 6. No such legislation is necessary and the absence of any discriminatory legislation is a sufficient guarantee that these requirements are fulfilled.

Article 7. See under Article 3.

Article 8. The report refers to section 10 of Immigration (Control) Decree No. 9 of 1954.

Article 9. The report refers to the Exchange Control (Import and Export) Order, 1951, as amended by Government Notice No. 45 of 1957.

Article 10. No agreements have been necessary.

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:
Overseas Departments: 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 modification¹: Guernsey, Jersey, Isle of Man: 30 June 1950.

Applicable without modification:
Aden, British Guiana, Gibraltar, Nigeria, Sierra Leone, Trinidad and Tobago²: 19 June 1958.

British Honduras, Dominica², Grenada², Jamaica², Mauritius, North Borneo, St. Lucia², St. Vincent², Sarawak: 29 December 1958.

Uganda: 17 March 1959.

Zanzibar: 8 March 1960.

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: 29 December 1958.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

United Kingdom.

Bermuda (First Report).

Trade Union and Trade Disputes Act, 1946.

Because of the general prosperity little interest is taken in trade unions; of the five

trade unions existing in 1954, only three, with a total membership of under 800, still remain, the other two having requested to be removed from the register.

There is no evidence of anti-union discrimination. The few labour disputes that have occurred in recent years have all been settled amicably.

The position will be kept under review in relation to the practicability of applying the Convention in the event of an increased desire among workers to form organisations.

Brunei (First Report).

There is no trade union legislation. Early enactment of legislation modelled on that of Sarawak is anticipated; this would permit of a declaration of application without modification.

British Guiana (First Report).

Trade Unions Ordinance (Cap. 113 of the Revised Laws, 1953).

Article 1 of the Convention. The Department of Labour ensures the application of this Article in practice.

Article 2. Trade unions control their own affairs.

Article 3. The Trade Unions Ordinance guarantees the right to organise.

Article 4. Collective agreements are negotiated. Encouragement is given to the use of existing machinery for voluntary negotiation in preference to invocation of legislative procedures for the settlement of disputes under the Labour Ordinance (Cap. 103).

Article 5. The police may not join trade unions but can join the Police Federation.

British Honduras (First Report).

Trade Disputes (Arbitration and Inquiry) Ordinance No. 3 of 1949.

Article 1 of the Convention. These rights are fully established and generally respected by employers. The Labour Department services are available to investigate any complaint of anti-union discrimination in employment and the Governor-in-Council has power, under the Trade Disputes (Arbitration and Inquiry) Ordinance No. 3 of 1949, to appoint an arbitrator or arbitrators or a Board of Inquiry to report on any dispute, including disputes over matters such as are dealt with in Article 1.

Article 2. There are no employers' organisations. The workers' organisations are independent of any interference or domination by employers.

Article 3. No special measures have been needed to protect these rights, which are fully established and generally well known.

Article 4. It is the policy of the Government to encourage collective bargaining. The Labour Department advises and assists the parties in establishing and utilising voluntary negotiating machinery, and also helps the trade unions to promote educational classes in respect of these matters.

Article 5. The conditions of the armed forces are regulated by the British Army Act and Queen's Regulations. The Voluntary Military Guard are covered similarly when on full-time service and at other times when in uniform or attending military classes, parades, etc. The police may join only the Police Association, which makes representations on their behalf, but a union member who joins the force may continue his previous union membership with the consent of the Commissioner of Police.

Article 6. Application of the Convention has not prejudiced the right to organise enjoyed by public servants.

Cyprus (First Report).

In the conditions prevailing in mining and some other industries, the provisions in Articles 1 and 2 preclude the application of the Convention. Consideration is being given to amending the Trade Union Law, which would facilitate application of the Convention. The proposals in view include the granting of wider freedom of association to workers, for example by reducing the age limit for union membership from 18 to 16 years and by affording some protection against anti-union discrimination in their employment.

Falkland Islands (First Report).

Most of the provisions are covered by local law, but in certain respects there is incompatibility (e.g. registration requires more than a nominal minimum membership and can be refused on grounds of "unlawful purposes").

Fiji (First Report).

Further consideration will be given to the question of applying the Convention when a Bill to amend the Industrial Associations

Ordinance, which is to be presented to the Legislative Council, has been dealt with.

Gibraltar (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 128 of the Laws).

Trade Disputes (Conciliation and Arbitration) Ordinance (Cap. 161).

Regulation of Wages and Conditions of Employment Ordinance (Cap. 159).

Control of Employment Ordinance (Cap. 163).

Article 1 of the Convention. The principle of non-discrimination is generally accepted. Under section 7 of the Control of Employment Ordinance the Director of Labour may refuse a permit to employ a non-resident worker when a resident worker is available, and this section could be invoked if necessary if an employer refused to employ a worker because of anti-union discrimination. Under section 24 of the Regulation of Conditions of Employment Ordinance an employer can be required by a worker, on termination of employment, to give a certificate stating the reason for the discharge; section 22 (8) provides that an employer may not dismiss a worker without notice because he is a member of a trade union. The workers are protected in practice by the strength of their unions, but the Government would take legislative measures if this were found to be necessary.

Article 2. There is no evidence of any mutual interference by organisations. It is considered that the provisions of the Trade Unions and Trade Disputes Ordinance—and especially sections 9, 13 and 14—are adequate to detect any acts of the kind referred to. If necessary the Government would take further legislative measures.

Article 3. The Ordinance ensures respect for the right to organise.

Article 4. The Regulation of Wages and Conditions of Employment Ordinance provides for the registration of Joint Industrial Councils, excludes workers covered by such Councils from the application of Orders relating to minimum employment standards, and gives the Councils statutory power to determine the conditions of employment of workers within their jurisdiction. It is the policy of the Department of Labour to encourage voluntary negotiation both through the said Councils and on an *ad hoc* basis.

Article 5. The Convention does not apply to the armed forces. The police may join approved Police Associations or the Civil Service Association.

Gilbert and Ellice Islands (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 15 of the Laws).

The above Ordinance permits the formation of organisations and substantially applies the Convention. No organisations as yet exist but encouragement will be given to them wherever possible.

Grenada (First Report).

Articles 1 to 3 of the Convention. The difficulties envisaged in these Articles have never

arisen and no special measures of protection have ever been found necessary.

Article 4. The Government actively encourages collective bargaining and those engaging therein make frequent use of the services of the Conciliation Officers of the Labour Department.

Article 5. The police may not join trade unions.

Hong Kong (First Report).

No special legislation applies the Convention but the principles embodied in it are accepted by the Government as aims of policy and are enforced as far as practicable by administrative action. Legislative proposals are being considered which would give a greater degree of application of the Convention by law.

Articles 1 to 3 of the Convention. Protection in respect of the matters referred to in Articles 1 and 2 is provided through the advice and persuasion of the Labour Department, which is generally effective.

Article 4. Sections 35 to 44 of the Trade Unions and Trade Disputes Ordinance (Cap. 64) provide for an Arbitration Tribunal to be set up with the consent of both parties to a dispute. At the same time, every effort is made to encourage machinery for voluntary negotiation and such arrangements are in force in government and in some private companies.

Article 5. Members of the armed forces and police are not allowed to join trade unions.

Article 6. The organisation of unions in the government service is permitted. Their membership need not be confined to government servants.

Jamaica (First Report).

Articles 1 and 2 of the Convention. The strength of the trade unions ensures application of these Articles. The influence of the Ministry of Labour is directed to the same end.

Articles 3 and 4. The Ministry of Labour encourages self-government in industry and joint industrial councils have been set up in the major industries. The Ministry also provides machinery for the voluntary negotiation of collective agreements.

Article 5. The police may join only the Police Federation, which can make representations on their behalf.

Kenya (First Report).

The measures which apply Conventions Nos. 11, 82, 84 and 94 are effective in securing the rights provided for in Convention No. 98.

Workers' and employers' organisations have developed notably in recent years and voluntary collective bargaining is becoming widely established. Further information is given in the Labour Department's Annual Reports.

Although organisations are becoming strong enough to afford the absolute protection envisaged in Articles 1 and 2, these Articles imply that administrative assistance to ensure such protection is not enough and that statutory prohibitions, including penal sanctions, are

necessary. Kenya has no such specific laws and the matter will, therefore, require careful consideration.

Mauritius (First Report).

Trade Union Ordinance No. 36 of 1954.
Trade Disputes Ordinance No. 37 of 1954.

Article 1 of the Convention. Protection against acts of anti-union discrimination is given by section 19 (4) (b) of the Trade Disputes Ordinance.

Article 2. The protection required is afforded by the provisions of the two Ordinances referred to above.

Article 3. The right to organise is conferred by the Trade Union Ordinance.

Article 4. Voluntary negotiation is widely accepted, especially in the sugar, docks and engineering industries.

Article 5. The police and armed forces are excluded from the application of the Convention.

Nigeria (First Report).

Trade Disputes (Arbitration and Inquiry) Ordinance (Cap. 219 of the Laws).

Article 1 of the Convention. Effect is given by customary law and practice. If any such cases of discrimination should occur and be reported by the union concerned, the Ministry of Labour would investigate and initiate appropriate action.

Article 2. Effect is given by customary law and practice and there is no specific relevant legislation. The question of trade union rivalry does not arise and the Trade Union Congress is strong.

Articles 3 and 4. The Ordinance is specifically designed to encourage and promote the full development and utilisation of machinery for voluntary negotiation.

Article 5. Members of the armed forces, police, prison officers and civil aviation fire and guard service are not covered by the Convention.

North Borneo (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 143 of the Revised Laws, 1953).

Articles 1 and 2 of the Convention. Effect is given to these Articles without any need for legislation. No cases of discrimination have been known to occur; if they did, action by the Labour Department would probably be adequate. It is ever become necessary the possibility of enacting legislation would be considered.

Articles 3 and 4. It is government policy to promote consultation and negotiation between employers and workers and, in fact, this exists in all industry and employment. The Tripartite Labour Advisory Board has considered the position and decided that there is no urgent need to introduce minimum wage fixing machinery or compulsory negotiation.

Articles 5 and 6. Police and all government servants (by virtue of section 17 of the Ordin-

ance) are excluded from the application of the Convention.

Northern Rhodesia (First Report).

Trade Unions and Trade Disputes Ordinance (Cap. 25 of the Laws).
Northern Rhodesia Police Ordinance (Cap. 44).

Article 1 of the Convention. Employers are subject to legal penalties in respect of the acts mentioned in section 30 (1) and (2) of the Trade Unions and Trade Disputes Ordinance. Effect is given to this Article also by practice.

Article 2. Adequate protection is generally but not universally afforded by virtue of the strength of the organisations themselves.

Article 3. No machinery is considered necessary.

Article 4. It is government policy to encourage the development and utilisation of voluntary collective bargaining and the machinery now established in various industries has been set up with the advice and assistance, where required, of officers of the Ministry of Labour and Mines.

Article 5. The Convention is not applied to the armed forces. The extent to which it applies to the police is governed by the Regulations issued under section 73 of the Northern Rhodesia Police Ordinance.

Nyasaland (First Report).

Trade Unions Ordinance No. 32 of 1958.
Trade Disputes (Arbitration and Settlement) Ordinance (Cap. 33 of the Revised Laws of Nyasaland).
Regulation of Minimum Wages and Conditions of Employment Ordinance No. 4 of 1958.

Paragraphs (1) and (2) of section 63 of the Trade Unions Ordinance make it an offence for an employer to impose as a condition of employment that an employee shall not be or become a member of a union, and provide that a worker shall not be subject to any penalty by reason of his membership in a trade union.

Paragraphs (1) and (3) of the same section afford organisations adequate protection against interference by each other or each other's agents.

No machinery is necessary of the type referred to in Article 3 of the Convention.

The Regulation of Minimum Wages and Conditions of Employment Ordinance provides for voluntary agreements to be forwarded to the Governor, who may make an Order regulating wages or conditions of employment in accordance with the terms of any such agreement; such Order operates in the same way as an Order based on a Wages Regulation proposal by a Council.

The Nyasaland Police Ordinance prohibits members of the police force joining any trade union; they may join only the Police Association. The Convention is considered unsuitable for application to the armed forces.

Public servants engaged in the service of the Nyasaland Government Protectorate have their own voluntary employees' associations, which have the approval in writing of the Registrar of Trade Unions, in accordance with section 5 (1) of the Trade Unions Ordinance, 1958.

St. Lucia (First Report).

Trade Disputes (Arbitration and Inquiry) Ordinance No. 15 of 1940.

Articles 1 to 3 of the Convention. No relevant legislation exists but legislation to give effect to these Articles is being considered.

Article 4. The Labour Department gives every encouragement to voluntary negotiation with a view to regulation of terms and conditions of employment by means of collective bargaining. Procedures for the settlement of disputes are provided for in the Trade Disputes (Arbitration and Inquiry) Ordinance.

Article 5. The Police Ordinance No. 10 of 1958 permits of membership in no trade union other than the Police Welfare Association.

Sarawak (First Report).

Trade Union and Trade Disputes Ordinance No. 10 of 1947, as amended by Ordinances No. 23 of 1948, No. 7 of 1950, No. 28 of 1953 and No. 15 of 1955.

Articles 1 to 3 of the Convention. The Government undertakes to take appropriate steps to deal with discrimination or interference of the type envisaged.

Article 4. Necessary measures appropriate to the conditions are being taken to promote and encourage voluntary negotiating machinery. To this end a Labour Advisory Board, composed of equal numbers of employers and workers, has been set up. In addition, the Commissioner of Labour and the Registrar of Trade Unions advise and assist employers and trade unions in discussing their difficulties. Where the efforts of the parties cannot cope with such difficulties the Commissioner of Labour not infrequently presides over their talks.

Article 5. The Convention is not applied to the police and armed forces.

Solomon Islands (First Report).

No trade unions exist. Legislation substantially accords with the Convention. Efforts will be made to encourage trade unions as soon as the population shows any interest. Consideration will then be given to measures to apply the Convention. It is hoped shortly to apply the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) as a transitional phase.

Southern Rhodesia (First Report).

Industrial Conciliation Act No. 29 of 1959.

It is an offence to discriminate against workers in respect of their employment in consequence of trade union affiliation or membership, and the rights and protection of workers' and employers' organisations are provided for in legislation. By complying with the relevant legislation registered organisations may become legal entities capable of suing and being sued in their own name. Under the Industrial Conciliation Act workers and employers are freely able to form their own organisations and establish industrial councils, which are equally representative of employers and workers in the industries concerned and able to negotiate

industrial agreements laying down terms and conditions of employment. When approved by the responsible Minister and gazetted, such agreements have the force of law.

The Defence Act of 1955 governs the conditions of members of the armed forces; it is not considered appropriate to apply the provisions of the Convention to them.

Uganda (First Report).

Trade Unions Ordinance No. 10 of 1952.

Article 1 of the Convention. Protection is afforded by section 55 of the above Ordinance.

Articles 2 and 3. It is considered that the powers of the Registrar under the Trade Unions Ordinance ensure adequate protection.

Article 4. Every encouragement and advice is given through the Labour Department with reference to the establishment of voluntary negotiating machinery.

Article 5. Prison officers and members of the police force may join only approved associations. No legislation prevents members of the armed forces from becoming members of trade unions.

* * *

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

United Kingdom (Bermuda, British Guiana, British Honduras, Cyprus, Fiji, Gibraltar, Grenada, Hong Kong, Jamaica, Kenya, Mauritius, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, Sarawak, Solomon Islands, Southern Rhodesia, Uganda).

The following report reproduces the information previously supplied:

United Kingdom (Basutoland).

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:
Overseas Departments: 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.
Guernsey: 3 September 1959.
Decision reserved:
Northern Rhodesia, Southern Rhodesia: 22 March 1958.

Antigua¹, Barbados¹, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Cyprus, Dominica¹, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada¹, Hong Kong, Jamaica¹, Kenya, Malta, Mauritius, Montserrat¹, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago¹, Uganda, Zanzibar: 29 December 1958.

Not applicable: Aden, British Somaliland, Gibraltar: 29 December 1958.

No declaration: Bahamas.

¹ Federation of the West Indies.

United Kingdom.

Basutoland (First Report).

Wage Proclamation of 1936 (Cap. 95).

The machinery for fixing minimum wages provided for in the above Proclamation has

not yet been applied to agricultural employment, as agriculture is carried out on the basis of family or communal work and there exists no class of paid agricultural workers.

Bechuanaland (First Report).

Wages Boards Proclamation No. 52 of 1949.

Regulations to apply the Convention could be made under the above Proclamation, but no such regulations have been issued. Most agricultural workers are self-employed or unpaid family workers. The wages of the few paid agricultural workers are considered fair.

Bermuda (First Report).

There is neither legislation nor administrative regulation which would apply the provisions of this Convention. In 1959 there were only some 800 known agricultural workers.

British Guiana (First Report).

Labour Ordinance (Cap. 103), Part III.
Wages Councils Ordinance No. 51 of 1956, and Regulations No. 14 of 1957 issued thereunder.

Wages of agricultural workers generally are determined by voluntary collective bargaining, and have not hitherto been fixed under the above legislation.

Brunei (First Report).

There are no statutory agricultural wages regulations or powers to create minimum wage fixing machinery in agriculture.

Cyprus (First Report).

No wage fixing machinery covering all agricultural workers is yet in operation. Collective bargaining arrangements in large plantations

cover only a small proportion of agricultural workers. A Wages Councils Bill—left pending for two years because of abnormal political conditions—would permit the establishment of wages councils and make application of the Convention possible.

Falkland Islands (First Report).

There are no statutory agricultural wage regulations, although powers to create such machinery exist. Wages for agricultural workers are fixed by annual collective agreements between the Labour Federation and the Sheep Owners' Association.

Fiji (First Report).

No wage fixing machinery for agricultural workers exists. Having regard to conditions in agriculture (predominance of small farms or traditional group land ownership, great variety of ways of fixing earnings, etc.), and because of the geographical nature of the colony, such machinery would be administratively impracticable.

Gambia (First Report).

As agricultural work is entirely a peasant-proprietor matter the Convention is not capable of application.

Gibraltar (First Report).

There are no agricultural wage earners in Gibraltar.

Gilbert and Ellice Islands (First Report).

Labour Ordinance (Cap. 13).

Section 14 of the Labour Ordinance provides for the fixing of minimum wages in occupations in which wage rates are unreasonably low. It has not been found necessary to invoke these provisions for agricultural workers.

Grenada (First Report).

Wages of agricultural workers are determined by voluntary collective bargaining.

Hong Kong (First Report).

No statutory agricultural wages machinery exists. Most agriculture is carried on by small-holders, and the number of employees is insignificant. The employees of the two or three commercial concerns specialising in dairy products receive wage rates above average for the colony. The few farmers who employ labour, mainly at harvest time, usually pay wages in terms of produce, in accordance with long-established custom. There is no pressing need for legislative measures to enforce this Convention.

Jamaica (First Report).

The policy of the Government is to promote wage determination through collective bargaining for agricultural workers. This system has been used in the sugar industry since 1942 and is being progressively applied in other agricultural undertakings. At present wages are fixed by collective bargaining in the case of

some 108,000 out of a total of 126,000 wage earners in agriculture.

Kenya (First Report).

There is legal provision for the establishment of statutory wage fixing machinery in respect of all workers, including those in agriculture. Minimum wages are in force generally in the main towns and in five industries for which wages councils have been established, but in regard to local agriculture and plantations the administrative difficulties of applying wage regulations are very considerable, in view of the great diversity of types of employers, workers and undertakings, and of geographical and social conditions.

The matter is being examined by the Government in consultation with organisations of employers and workers and other interested bodies.

Malta (First Report).

Conditions of Employment (Regulation) Act of 1952.

This Act provides for wage fixing machinery in private industry. However, agriculture is mainly of the peasant type and the wages of the relatively few wage earners in agriculture follow the general trend of wages in other industries. The need for special minimum wage fixing machinery in agriculture is not likely to arise.

Mauritius (First Report).

Minimum Wages Ordinance No. 36 of 1950.
Government Notice No. 210 of 1941.

Article 1 of the Convention. The Minimum Wages Ordinance, 1950, provides that minimum wages advisory boards may be set up by the Governor-in-Council on the advice of the Labour Advisory Board. Such boards may make proposals to the Governor-in-Council, who may thereupon make wages regulation orders promulgating minimum rates. In practice, consideration is given to the setting up of a minimum wages advisory board whenever a request to do so is received from an employer or employers' association or from a group or association of workers.

Persons employed casually and otherwise than for the purposes of the employer's business are excluded from the operation of the Minimum Wages Ordinance.

Article 2. The partial payment of minimum wages in kind is not authorised by law.

Article 3. Employers and workers are represented on the minimum wages advisory boards and the Labour Advisory Board (Schedules 1 and 2 of the Minimum Wages Ordinance).

Section 8 of the Ordinance is in conformity with Article 3, paragraph 4, of the Convention. Furthermore, this section empowers the Labour Commissioner to grant permits authorising employers to pay wages below the statutory minimum rate to workers so affected by infirmity or physical incapacity as to be incapable of earning this rate.

Article 4. Paragraph 1 of this Article is applied by sections 8 (1), 10 and 11 of the

Minimum Wages Ordinance; paragraph 2 of the Article is applied by section 9 of the Ordinance.

The Labour Department is responsible for enforcement of minimum wages orders.

Article 5. The minimum rate of wages payable to agricultural labourers is prescribed in Government Notice No. 210 of 1941. Agricultural wages are now far in advance of this minimum.

Montserrat (First Report).

Labour (Minimum Wage) Act of 1937.

As the regulation of wages is effectively undertaken by collective bargaining and voluntarily established collective agreements in nearly all industries, it has not been deemed necessary to create minimum wage fixing machinery under the powers granted by the above Act.

North Borneo (First Report).

There is at present no legislation to apply this Convention. Such legislation is not necessary since, owing to the shortage of labour, wages are at a high level. However, the Tripartite Labour Advisory Board is keeping the position under examination with a view to applying the Convention.

St. Lucia (First Report).

Wages Council Ordinance No. 1 of 1952, and Regulations thereunder.

Wages Regulation (Agricultural Workers) Order (S.R. and O. 1956, No. 34).

The Wages Council Ordinance provides for the setting up of wages councils. Under the first schedule to the Ordinance a wages council consists of independent members and equal numbers of employers' and workers' representatives appointed after consultation of the organisations concerned.

Approximately 17,000 persons are covered under the Agricultural Workers' Wages Council. The Wages Regulation (Agricultural Workers) Order, 1956, fixed minimum remuneration for all agricultural workers except those employed in the sugar industry.

Sarawak (First Report).

There are no statutory agricultural wages regulations or powers to create minimum wage fixing machinery in agriculture.

Seychelles (First Report).

Wages Regulation Ordinance No. 22 of 1932, and Proclamation No. 9 of 1957 issued thereunder.

Outlying Islands (Employment of Servants) Ordinance No. 26 of 1945.

Proclamation No. 9 of 1957 prescribes the minimum wage rates for male and female labourers (including agricultural labourers) in Mahé and adjacent islands. The Minimum Wage Regulation under Ordinance No. 26 of 1945 prescribes minimum wage rates for labourers in the outlying islands. Payment of minimum wages in kind is not authorised.

Ordinance No. 22 of 1932 provides for the fixing of minimum wages by proclamation in

any occupation in which wages are unduly low. Advisory boards on which employers and workers are represented advise on the rates to be fixed. The Labour Officer enforces this legislation, and may also permit exceptions to prevent curtailment of employment opportunities of handicapped workers.

Singapore (First Report).

Wages Councils Ordinance (Cap. 155).

Under the above Ordinance a wages council covering agricultural workers could be set up but none has hitherto been established. The number of agricultural workers in Singapore is negligible.

Solomon Islands (First Report).

No minimum wage fixing machinery for agricultural workers exists. Following recommendations in a labour survey report a Labour Advisory Board with power, *inter alia*, to advise on minimum wages, was expected to be established in 1959. The survey report, however, did not recommend the fixing of a statutory minimum wage in view of the low level of productivity. As there is a shortage of agricultural workers they are able to bargain successfully.

Southern Rhodesia (First Report).

There is no machinery for fixing minimum wages for agricultural wage earners. Their wages are closely related to those in industry in the area concerned. General employment conditions in agriculture are kept under constant review.

Swaziland (First Report).

Wage Determination Proclamation (Cap. 123).

No regulations fixing the wages of agricultural workers have yet been made.

Uganda (First Report).

Minimum Wages Advisory Boards and Wages Councils Ordinance No. 21 of 1957.

The above Ordinance provides machinery for fixing minimum wages. However, widespread employment of labour by small African farmers makes the enforcement of a minimum wage in agriculture virtually impossible.

Zanzibar (First Report).

Minimum Wages Decree No. 1 of 1935.

Dairy Employers Order, 1949 (Government Notice No. 74 of 1949).

The above Decree empowers the British Resident to appoint advisory boards, which would normally contain employers' and employees' representatives, when wages paid to employees are unreasonably low. On the recommendation of an advisory board the Resident-in-Council could then make a minimum wage order for the industry concerned. This procedure has already been adopted for dairy workers, but there is considered to be no need for other orders in agricultural undertakings.

The two main crops (cloves and coconuts)

require attention only at certain times of the year, and therefore provide only seasonal employment. Other crops are in nearly all cases grown by individuals on smallholdings.

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The following reports supply information on the practical effect given to the Convention :

France (French Guiana, Guadeloupe, Martinique).

The following reports refer to the information previously supplied :

New Zealand (Cook Islands and Niue), *United Kingdom* (Nyasaland).

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 :
Overseas Departments : 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.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The Labour Code, which came into force on 1 January 1959, provides in section 55 that for work of equal value women workers shall be entitled to the same remuneration as men. The Labour Inspectorate is responsible for the enforcement of this provision.

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 :
Overseas Departments : 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 : Barbados¹, Tanganyika : 9 February 1959.
Decision reserved :
Northern Rhodesia, Nyasaland, Southern Rhodesia : 22 March 1958.
Basutoland, Bechuanaland, Swaziland : 19 January 1959.
Antigua¹, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Cyprus, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Kenya, Montserrat¹, North Borneo, St. Helena, Sarawak, Seychelles, Solomon Islands, Uganda, Zanzibar : 9 February 1959.
Guernsey, Jersey : 8 March 1960.
Not applicable : Aden, British Somaliland, Gibraltar : 9 February 1959.
No declaration : all other territories.

Italy.

Trust Territory of Somaliland.

For legislation see under Convention No. 2.

The Labour Code contains provisions relating to holidays with pay. Such holidays must be granted to all employees who have worked for the same employer for 12 months without a break. No distinction is made between agricultural and non-agricultural workers and there is no geographical restriction on the application of these provisions. However, measures will have to be taken by the Labour Inspectorate to enforce and supervise the application of these provisions before it can be said that the principles of this Convention, as laid down in the existing legislation, are fully applied in this territory.

United Kingdom.

Barbados.

Labour Department Act No. 21 of 1943 (Laws of Barbados, 1943 and 1944).
Labour Department (Amendment) Act No. 53 of 1951 (Laws of Barbados, 1951, Vol. VII, Part II).
Holidays with Pay Act No. 38 of 1951 (Laws of Barbados, 1951, Vol. VII, Part II).

Article 1 of the Convention. This is covered by sections 3 and 4 of the Holidays with Pay Act of 1951.

Article 2, paragraphs 1 and 2. The Holidays with Pay Act is applicable to all workers (in-

¹ Federation of the West Indies.

cluding agricultural workers) who are covered by the definition of "employee" in that Act.

Paragraph 3 (a) and (b). Proposed amendments to the Holidays with Pay Act have been referred to the appropriate employers' and workers' organisations for their views.

Article 3. See section 2 (definition of "year of employment") and section 3 of the Holidays with Pay Act.

Article 4. It has not been found necessary to invoke these provisions.

Article 5, clause (a). It has not been considered appropriate to differentiate between young workers and other workers.

Clause (b). No such provision is made.

Clause (c). This is covered by section 6 of the Holidays with Pay Act.

Clause (d). This is covered by section 3 (8) of the Holidays with Pay Act. There is no provision in the Act for the exclusion of the cases of absence specified in this clause, which have not arisen to the extent that amending legislation is necessary.

Article 6. See section 3 (3), (4), (5), (6) and (7) of the Holidays with Pay Act.

Article 7. In accordance with the definition of "average pay" in the Holidays with Pay Act employees receive one twenty-sixth of the total remuneration as defined.

Article 8. See section 8 of the Holidays with Pay Act.

Article 9. See sections 5 and 6 of the same Act. This legislation, the report states, goes even further than the Convention and stipulates that employers shall pay average remuneration to employees regardless of the reasons for termination of the employment.

Article 10. The Holidays with Pay Act is administered by the Labour Commissioner, with the aid of the Assistant Labour Commissioner and five labour officers.

Article 11. Approximately 23,000 workers are employed in agriculture in Barbados.

Basutoland.

There are neither legislative provisions nor administrative regulations governing the application of the Convention.

Bechuanaland.

There are no legislative measures in this territory applying the provisions of the Convention.

Agricultural workers are almost all made up of family units supplying their own labour for the cultivation of their own land and care of their own livestock. The number of agricultural workers employed on a salaried basis is negligible.

Bermuda.

There are neither legislative provisions nor administrative regulations which would apply to the provisions of the Convention. There are only some 800 known agricultural workers out of a total estimated population of some 43,000. The majority of these agricultural workers are Portuguese who enter Bermuda temporarily on contract as farm labourers.

British Guiana.

No specific legislation regarding holidays with pay in agriculture is in force. The Governor-in-Council is empowered under the Holidays with Pay Ordinance (Cap. 108) to provide for holidays with pay for workers in any occupation.

Cyprus.

The Government is contemplating the enactment of a Wages Council Bill and it is expected that when this is done a declaration will be made to put Cyprus among the territories covered by Article 14, paragraph 1 (b), of the Convention.

Falkland Islands.

Most of the provisions of the Convention are covered by local law and practice. Such matters as wages and working conditions are the subject of voluntary collective agreements regularly negotiated between the Labour Federation and the Sheep Owners' Association.

Fiji.

Provision is made for annual holidays with pay in the commercial and industrial sectors, and the Labour Advisory Board has discussed the possibility of making similar arrangements for agricultural workers. The Board recommended that a decision in respect of the Convention should be reserved because of the administrative impracticability in a sector where there are no large employers of labour.

Gibraltar.

There are no agricultural wage earners in Gibraltar nor, in view of the limited extent and nature of the terrain, is it likely that there will be in future.

Gilbert and Ellice Islands.

Labour Ordinance (Cap. 13).

Under section 98 (1) (e) of the above Ordinance the Resident Commissioner may prescribe annual holidays with pay for persons employed in any undertakings. However, no such regulations have been enacted, as annual holidays with pay would be impracticable in view of the normally long and costly journeys to the place of employment and the intermittent shipping trades. Moreover, the maximum period of service that may be stipulated in any contract is limited to 18 or 12 months. Repatriation after this period is normal.

Hong Kong.

There are at present no legislative or administrative measures to give effect to the provisions of the Convention. Most agriculture is carried on by smallholders and the conditions of employment of the small number of hired agricultural workers make it impracticable to cover them by special legislation. They are generally employed only for short periods at harvest time and are paid wages fixed in terms of produce.

Kenya.

Agricultural workers are not yet covered by any provisions regarding annual holidays with pay, and it has not yet been possible to decide the manner in which such a provision can be made. The matter of wages regulation in agriculture and the plantation industries is still being examined by the Government in consultation with organisations of employers and workers and other interested parties.

Montserrat.

There are no provisions at present for annual paid holidays for agricultural workers either in legislation or in voluntary negotiated agreements.

North Borneo.

All workers covered by the Labour Ordinance (Cap. 67) are entitled to weekly rest days and eight prescribed public holidays. The position remains under consideration with a view to more complete compliance with the terms of the Convention.

Sarawak.

As there are no provisions for annual paid holidays in Sarawak applying to agricultural workers effect cannot be given to this Convention.

Swaziland.

The large majority of labourers in this territory do not work continuously for long periods but return each year to their homes. They are mainly employed as casual labourers. It is considered, therefore, that the Convention should not be applied at the present stage of the territory's development.

Tanganyika.

Employment Ordinance No. 47 of 1955 (Cap. 366, Laws of Tanganyika) (L.S. 1955—Tan. 1), as amended by Ordinance No. 35 of 1957. Employment (Protection of Wages) Regulations, 1957 (Government Notice No. 10 of 1957).

Article 1 of the Convention. Section 40 of the Employment Ordinance provides for an entitlement to annual holidays with pay for all workers, including agricultural workers, who, in the preceding 12 months, have worked at least 288 days for the same employer. However, this section being included in Part IV of the Employment Ordinance, applies only to workers engaged on oral contracts of service (see section 26). An amendment to the Employment Ordinance No. 47 is now under consideration with a view to including the provisions of section 40 in Part III of the Ordinance (applicable to contracts of service generally), and thus conferring the right to holidays with pay on all workers irrespective of the type of contract.

Article 2. The fourth meeting of the Central Joint Council of the Sisal Industry, held at Tanga, on 28 and 29 May 1959, unanimously resolved that sisal workers on monthly contracts should have annual holidays with pay in excess of the statutory minimum of six days provided by section 40 of the Employment Ordinance;

the resolution specifies 14 days' holiday a year, or 28 days every two years if the worker wishes to accumulate his leave entitlement.

When the draft of the Employment Bill was under consideration, between 1952 and 1954, the employers' and employees' associations and other interested persons were invited to submit their comments, which were examined by the special panel of the Labour Board and subsequently by the Labour Advisory Board itself. Employers' and workers' interests are represented on the Labour Advisory Board, but there were at that time no trade unions of agricultural workers.

The report states that the trade unions have not been consulted on the application of the Convention.

Article 3. Section 40 (1) of the Employment Ordinance provides for a holiday with full pay at the rate of at least one day for every two months' service, provided the employee has worked for not less than 288 days for the one employer in the preceding 12 months.

Section 40 (2) provides that collective agreements between employers and workers may stipulate a longer holiday.

Article 4. See under Articles 1 and 2 above.

Article 5. In the present circumstances in Tanganyika it has not so far been deemed appropriate to give effect to the provisions of this Article.

Article 6. It has not been found necessary to provide for the limits within which holidays may be divided, in accordance with this Article.

Article 7. Section 40 (3) of the Employment Ordinance, which defines "full pay", gives effect to this Article.

Article 8. The right to an annual holiday prescribed in section 40 of the Employment Ordinance is absolute, and there is no provision whereby a worker may relinquish it.

Article 9. Section 29 (3) and (5) and section 30 of the Employment Ordinance give effect to this Article. They guarantee to the workers payment of all wages and other benefits due to them on termination of an oral contract. Any worker who feels himself aggrieved as regards leave entitlement may bring his complaint to an officer of the Labour Department, whereupon the procedure laid down in Part XI of the Employment Ordinance is followed.

Article 10. Frequent inspection of undertakings by officers of the Department of Labour ensures that employers observe the statutory requirements concerning holidays with pay. In carrying out these inspections the officers use the powers conferred by section 9 (2) (a) (iv) of the Employment Ordinance. Under regulation 2 of the Employment (Protection of Wages) Regulations, 1957, employers are also required to keep records, from which an employee's right to leave can be ascertained.

Article 11. On 31 July 1958 there were 136,908 adult African males, 20,935 African females and 22,404 African young persons and children employed in agricultural undertakings who were covered by the paid holidays provision in section 40 of the Employment Ordinance. Furthermore, about 2,000 adult African males

engaged in the sisal industry on monthly contracts were covered by the agreement providing for 14 days' holiday a year. On the other hand, about 30,000 adult African males were on written contracts and had no statutory entitlement to holidays.

No information is available concerning the numbers of Asian and European employees in agriculture who would fall within the scope of section 40 of the Ordinance.

Article 14. The Convention is applied to Tanganyika without modification.

The administration of the above-mentioned legislation is entrusted to the Labour Commissioner.

Uganda.

Uganda Employment Ordinance.

The provisions for holidays with pay in section 19 of the above Ordinance are not considered sufficiently wide to allow for the effective formal application of the Convention.

Consideration will be given to the possibility of extending the existing legislation regarding paid holidays so as to conform with certain Articles of the Convention. It will not be possible, however, within the foreseeable future to extend the inspection service sufficiently to comply with Article 10.

Zanzibar.

There is no legislation in this territory which provides for annual paid holidays for agricultural workers. In view of the type of agricultural labour (seasonal or intermittent) it would serve no useful purpose to introduce such legislation.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands), *United Kingdom* (Northern Rhodesia, Nyasaland, Southern Rhodesia).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Belgium. Ratification : 26 November 1959.
Not applicable : Belgian Congo and Ruanda-Urundi : 26 November 1959.

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 ¹, Bahamas, Barbados ¹, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica ¹, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada ¹, Hong Kong, Jamaica ¹, Kenya, Malta, Mauritius, Montserrat ¹, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla ¹, St. Helena, St. Lucia ¹, St. Vincent ¹, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago ¹, Uganda, Zanzibar : 16 December 1958.

Guernsey, Jersey : 8 March 1960.
No declaration : Isle of Man.

¹ Federation of the West Indies.

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 reports merely reproduce or refer to the information previously supplied :

New Zealand (Cook Islands and Niue, Tokelau Islands).

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.

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 States of the Community: *Central African Republic, Republic of the Congo, Republic of Chad, Gabon Republic, Republic of the Ivory Coast, Republic of the Upper Volta, Malagasy Republic.*

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, Surinam. 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.

Union of South Africa. Copies of the reports have been communicated to the organisations in the Union of South Africa.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Barbados, British Honduras, Cyprus, Falkland Islands, Grenada, Kenya, Malta, Isle of Man, Maurilius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland.*

In the territories listed below copies of the reports have been communicated to the organisations indicated:

Labour Advisory Board: *Gibraltar, Hong Kong, North Borneo, 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, Bermuda, British Somaliland, Guernsey, Sarawak, Solomon Islands, Swaziland.*

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

United States. Copies of the reports have been communicated to the organisations in the United States.

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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.)

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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).

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South America : Centro de Acción de la Oficina Internacional del Trabajo para América del Sur, avenida Arequipa 173, Lima, Peru (Apartado postal 3638 ; " 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).

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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-FOURTH SESSION
GENEVA, 1960

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)

**Protection of Young Workers in Industry: Minimum
Age of Admission—Prohibition of Night Work—Medical
Examination**



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GENEVA, 1960

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations and paragraph 7 (*a*) and (*b*) 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 Minimum Age (Industry) Convention, 1919 (No. 5); the Minimum Age (Industry) Convention (Revised), 1937 (No. 59); the Night Work of Young Persons (Industry) Convention, 1919 (No. 6); the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90); the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77). The governments of Members were requested to send their reports to the International Labour Office before 1 July 1959. 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 1959.

The five Conventions to which the reports summarised in this volume relate refer to the protection of young workers in industry. With respect to protection measures for young workers not engaged in industry, information has already been furnished by member States in

reports¹ under article 19 of the Constitution and has been the object of general remarks² by the Committee of Experts on the Application of Conventions and Recommendations.

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.³

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 44th Session (1960), will include the conclusions reached by the Committee on the reports on the above-mentioned Conventions.

¹ Reports concerning the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60); the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78); the Medical Examination of Young Persons Recommendation, 1946 (No. 79); the Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79); the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80).

The summaries of these reports are to be found in: International Labour Conference, Thirty-eighth Session, Geneva, 1955, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1955).

² These general remarks are to be found in: International Labour Conference, Thirty-eighth Session, Geneva, 1955, Report III (Part IV): *Report of the Committee of Experts on the Application of Conventions and Recommendations* (Geneva, I.L.O., 1955).

³ These summaries have been presented to the Conference as follows: for the Minimum Age (Industry) Convention, 1919 (No. 5), from the Sixth Session (1924) onwards; for the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), from the Twenty-seventh Session (1945) onwards; for the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), from the Sixth Session (1924) onwards; for the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90), from the Thirty-sixth Session (1953) onwards; and for the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), from the Thirty-fifth Session (1952) 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)*.

Minimum Age (Industry) Convention, 1919 (No. 5)¹

Australia.

Commonwealth.

Cconciliation and Arbitration Act, 1904-1958.
Public Service Act, 1922-1958.

Australian Capital Territory.

Mines Inspection Act, 1901-1904, of New South Wales.
Coal Mines Regulation Act of New South Wales, 1902-1910.
Apprenticeship Ordinance, 1936-1958.
Education Ordinance, 1937-1958.

Northern Territory.

Mines Regulation Ordinance, 1939-1957.
Apprentice Ordinance, 1948-1957.
Education Ordinance, 1957.

States.

New South Wales.

Mines Inspection Act, 1901-1958.
Coal Mines Regulation Act, 1912-1953.
Factories and Shops Act, 1912-1957.
Public Instruction (Amendment) Act, 1916-1956.
Industrial Arbitration Act, 1940-1958.

Queensland.

State Education Acts, 1875-1957.
Factories and Shops Acts, 1900-1958.
Mines Regulation Acts, 1910-1958.
Coal Mining Acts, 1925-1952.
Apprentices and Minors Acts, 1929-1954.
Industrial Conciliation and Arbitration Acts, 1932-1958.

South Australia.

Education Act, 1915-1958.
Mines and Works Inspection Act, 1920-1955.
Industrial Code, 1920-1958.

Tasmania.

Factories Act, 1910.
Mines and Works Regulation Acts, 1915-1957.
Wages Boards Acts, 1920-1951.
Education Acts, 1932-1956.
Apprentices Act, 1942-1954.

Victoria.

Coal Mines Regulation Acts, 1928-1950.
Apprenticeship Acts, 1928-1954.
Mines Acts, 1928-1955.
Labour and Industry Acts, 1953-1958.
Education Act, 1957.

Western Australia.

Industrial Arbitration Act, 1912-1952.
Factories and Shops Act, 1920-1957.
Education Act, 1928-1957.
Mines Regulation Act, 1946-1957.
Coal Mines Regulation Act, 1946-1958.

The provisions of the Convention are regarded as appropriate for action partly by the Commonwealth Government (in relation to its own employees and to the Australian Capital Territory and the Northern Territory) and partly by the states.

Article 1 of the Convention. There is in all states, the Australian Capital Territory and the

Northern Territory, legislation in relation to employment in mines and legislation concerning employment in factories (as defined) prescribing minimum ages of entry into certain branches of industrial employment. The range of occupations covered by this legislation varies from state to state, but in no case is it as comprehensive as the definition of "industrial undertakings" detailed in Article 1 of the Convention.

Article 2. In no jurisdiction in Australia is there any general prohibition on the employment of children under 14 years of age in industrial undertakings. However, the position in practice is mostly in conformity with the Convention because of the nationally wide system of free compulsory education. The various Education Acts or Ordinances provide for the compulsory school attendance of children until the age of 14 years in the Northern Territory, Queensland, South Australia, Victoria, and Western Australia; 15 years in the Australian Capital Territory and New South Wales; and 16 years in Tasmania. Other relevant legislation in various states and territories is summarised below:

Commonwealth: The minimum age for appointment, according to the Public Service Act, is 16 years.

Australian Capital Territory: The New South Wales Coal Mines Regulation Act which applies to the Territory prohibits the employment of boys under the age of 16 and all females in or about a coal mine, and the New South Wales Mines Inspection Act (which applies to all other mines) prohibits the employment of boys under 14 and all females in or about any mine.

New South Wales: The Factories and Shops Act prohibits the employment of any person under the school-leaving age (15 years) in a "factory" unless special permission has been granted to persons under that age by the Ministry of Labour and Industry. Under the Coal Mines Regulation Act no male under 16 years of age nor any female may be employed in or about any coal or shale mine, and under the Mines Inspection Act no male under 14 years of age nor any female may be employed in or about any other type of mine.

Northern Territory: The Mines Regulation Ordinance provides that no boy under 16 and no female shall be employed below ground in any mine.

Queensland: The Factories and Shops Acts prohibit the employment of any child under the school-leaving age (14 years) in a "factory" except in cases where the Minister of Labour and Industry has granted a special exemption

¹ This Convention came into force on 13 June 1929. Thirty-five ratifications had been registered up to 30 November 1959.

to a child under 14 years, provided such permission shall not be granted to any child under 13 years and six months. The Industrial Conciliation and Arbitration Acts authorise the Industrial Court to include, in its awards, provisions relating to the employment of children and young workers, and the Coal Mines Acts prohibit the employment underground of boys under 16 years and all females in or about coal mines. The Mines Regulation Acts fix the age limit at 14 years for boys. Furthermore no boy under the age of 16 years may be employed below ground in any mine, except under certain conditions.

South Australia : The Industrial Code prohibits the employment in a "factory" of any child under the age of 13 years who has not passed the compulsory education standard and who has not obtained the permission of the Chief Inspector of Factories. However, this Act is overridden by the provisions of the Education Act, which prescribes a minimum school-leaving age of 14 years, and the South Australian Factories Department has no knowledge of any child under 14 years actually being employed in a factory. Under the Mines and Works Inspection Act the employment underground of boys under 18 and all females is prohibited.

Tasmania : The Factories Act prohibits the employment of any child under the age of 14 years in a "factory" as defined. This provision is, however, overridden by the Education Acts, which provide for the compulsory attendance at school of children up to 16 years, except for those of 15 years who have reached the prescribed standard of education. The Mines and Works Regulation Acts prohibit the employment of boys under 14 and all females in any capacity except in clerical employment. The Acts also prohibit the employment of boys under 16 in any capacity underground in any metalliferous mine. The Inspection of Machinery Act prohibits the employment of any child under 14 years of age at or in connection with any machinery.

Victoria : The Labour and Industry Acts provide that no boy under the age of 14 years or girl under the age of 15 years shall be employed in any "factory". The Coal Mines Regulation Acts and the Mines Acts prohibit the employment of boys under 14 years about a mine and all females in and about a mine. They also prohibit the employment underground of boys under 17. Regulations under the Apprenticeship Acts prescribe minimum ages for entrance into apprenticeship trades, which vary from 14 years upwards.

Western Australia : The Factories and Shops Act prohibits the employment in a "factory" of any boy under the age of 14 years or any girl under the age of 15 years. The Industrial Arbitration Act empowers the Court of Arbitration to include provisions in its awards relating to the employment of children or young persons and determining the persons who may become apprentices. The Coal Mines Regulation Act prohibits the employment of boys under the school-leaving age (14 years) and all females in or about any coal mine, and the Mines Regulation Act prohibits the employment underground of boys under 16 years and all females.

Article 3. In Australia technical education is under the control of the state government and any work done by children under the age of 14 in technical schools is approved and supervised by public authority.

Article 4. All Commonwealth and state public service employees, regardless of age, are required to produce satisfactory evidence of age to the Public Service Board concerned on commencement of employment, and such information is permanently recorded. Further information on the legislation of various states and territories is given below.

Australian Capital Territory : Legislation on mines requires the owner or manager of every mine to keep a register containing the name, age and date of first employment of all boys under 18 employed at the mine above or below ground, and to produce it on request to an inspector.

New South Wales : The Factories and Shops Act requires the manager of a factory to keep a record of the names and ages of all employees under 21 years. The Industrial Arbitration Act contains similar provisions. Under the Coal Mines Regulation Act and the Mines Inspection Act, the owner or manager of every mine is required to keep a register in the prescribed form containing the name, age and date of first employment of all boys under 18.

Northern Territory : No provision is made in the Mines Regulation Ordinance for such a register, as required under this Article.

Queensland : Although the Factories and Shops Acts do not require the employer to keep a register of young persons employed by him, provision is made that no child under 16 shall be employed in any factory without the manager's obtaining a certificate of birth or a certificate from the inspector stating that he is satisfied that such person is of the school leaving age or upwards. The Coal Mining Acts and the Mines Regulation Acts both require the manager of every mine to keep a register containing, *inter alia*, the age of all boys under 18 employed below ground.

South Australia : The Industrial Code requires every manager of a factory to submit an annual return to the chief inspector of factories showing the numbers of male and female employees under the age of 21 years employed in the factory. The Mines and Works Inspection Act contains no provision as such.

Tasmania : Every employer is required by the Factories Act to keep a record giving, *inter alia*, the age of every person under 21. The Mines and Works Regulation Acts contain no specific provision on the subject but, as the school leaving age in this state is generally 16 years, few, if any, boys under this age would be employed in mines.

Victoria : Provision for the keeping of a record for every person employed under the age of 21 is also made in the Labour and Industry Acts. Under the Coal Mines Regulation Acts and under the Mines Acts the owner or manager of every mine is required to keep a register in prescribed form containing the name, age and

date of first employment of all boys under 17 employed by him.

Western Australia : Under the Factories and Shops Act every manager is required to keep a record showing, *inter alia*, the names and ages of all persons under 21. A similar provision is made in the Coal Mines Regulation Act concerning all boys over 14 employed above or below ground.

The Commonwealth and State Public Service Boards and Commissioners are responsible in relation to the age of admission of persons to the Public Service of the Commonwealth and States. The Commonwealth Department of Labour and National Service and the Attorney General's Department are each responsible for the administration of parts of the Conciliation and Arbitration Act, including the provisions relating to the appointment of inspectors for the purpose of securing the observance of the Acts and awards made under it. The state Labour Departments are responsible for administering the legislation in the respective States relating to employment in factories. In each of the six states the Mines Acts are administered by the state Mines Department. In the Australian Capital Territory the legislation is the responsibility of the Department of the Interior, and in the Northern Territory the Mines Regulation Ordinance is administered by the Mines Branch of the Northern Territory administration.

The Government states that no modifications have been made in national law or practice and no measures are anticipated at present in order to give effect to those provisions of the Convention not yet covered by Australian legislation.

Burma.

Factories Act, 1951 (*L.S.*¹ 1951—Bur. 6).
Oilfields (Labour and Welfare) Act, No. 21 of 1951.

In the Union of Burma the provisions of the Convention are regarded as appropriate, under its constitutional system, for federal action.

The Factories Act applies to the factories as defined in section 2 (*m*). Some of the industrial undertakings enumerated in Article 1 (*b*) and (*d*) of the Convention may be classified as factories provided that they employ the required number of workers. Under section 58 certain provisions of the Act apply to docks, wharves and warehouses. Section 57 (1) empowers the President to bring the building operations and certain works of engineering construction within the scope of the Act. Section 75 prohibits the employment of children under 13 years of age. Although young persons who have completed their thirteenth year may be employed, their employment is subject to certain restrictions. Section 24 (2) prohibits children under 15 years of age to work on any part of the moving machinery while that part is in motion ; section 25 prohibits the employment of young persons under 18 years of age on dangerous machinery ; section 29 prohibits the employment of children under 15 years of age near cotton

openers ; section 36 (1) prohibits the employment of young persons under 18 years of age to lift or carry excessive weights ; under section 52 the President may prohibit or restrict the employment of young persons under 18 years of age ; section 76 requires a medical certificate of fitness for employment of persons between 13 years and 18 years of age ; and section 81 (1) requires the maintenance of registers for young persons.

The provisions of sections 15 (1), 27, 52, 53 and 58 of the Oilfields (Labour and Welfare) Act, 1951, correspond to those of sections 36 (1), 52, 75, 76 and 81 (1) of the Factories Act, 1951.

The Chief Inspector of Factories and General Labour Laws is entrusted with the enforcement of the two Acts.

The shortness of life expectancy, the fact that people of the tropical countries mature earlier than people of the temperate countries, the non-existence of the compulsory education system, the general economic conditions requiring people to support themselves at an early age and the absence of the necessary legislation for certain classes of industrial undertakings prevent the ratification of the Convention at present.

The Government states in its report that no amendments have been made to the two Acts so far. Measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice will be adopted as and when warranted.

Canada.

See under Convention No. 59.

Costa Rica.

Labour Code (*L.S.* 1943—C.R. 1).
Act of 21 April 1955 to establish the Ministry of Labour and Social Insurance.

Section 89 (*c*) of the Labour Code prohibits the employment of all persons under 12 years of age and of all persons of school age who have not completed their compulsory schooling. Section 91 empowers the National Child Welfare Board and the corresponding boards in the provinces to authorise a person under 12 years of age to take up employment if, owing to the extreme poverty of his parents or guardians, he must provide for his own maintenance or that of the person or persons who live with him. Section 87 prohibits the engagement of young persons under 18 years of age under contract for employment in work which is unhealthy, excessively arduous or dangerous from the physical or moral point of view.

Employers must keep registers of persons under 18 years of age employed by them.

The authority responsible for the enforcement of the legislation on this subject, under section 88 of the Act to establish the Ministry of Labour and Social Insurance, is the labour inspectorate.

The Government states that no change has so far been made in national law or practice but that the possibility of taking the necessary steps to give effect to the provisions of the Convention will be examined.

¹ Throughout this report the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

Finland.

See under Convention No. 59.

Federal Republic of Germany.

See under Convention No. 59.

The difficulty in the way of ratifying the Convention is that national regulations authorise the employment of children under the age of 14 on certain forms of light work (e.g. deliveries and errands) and also the employment of children who have finished their compulsory primary schooling, up to a maximum of six hours a day even if they have not yet reached the age of 14.

Guatemala.

Labour Code, 1947 (L.S. 1947—Guat. 1).

Regulations governing the General Inspectorate of Labour.

Section 148, subparagraph (e), of the Labour Code prohibits the employment of persons under 14 years of age. Section 150 allows the employment of such persons on day work in exceptional circumstances if—

- (a) the child is placed in apprenticeship or has to contribute to the maintenance of his family owing to the extreme poverty of his parents ;
- (b) the work is light and not detrimental to his physical and mental health or his moral welfare ;
- (c) the work does not interfere with his compulsory schooling.

Exceptions of these kinds may be authorised by the General Inspectorate of Labour, which, under section 278 of the Code, is responsible for the implementation and enforcement of all statutory provisions relating to labour and social insurance.

Section 30 of the regulations governing the General Inspectorate of Labour lay down in detail the duties and obligations of inspectors in this particular field.

The Government states that no changes have been made during the period covered by this report. However, the Ministry of Labour and Social Welfare is studying the possibility of introducing reforms in the Labour Code which will take account of the Convention.

Iceland.

Act No. 29 of 1947 concerning the protection of young workers.

Section 39 of the above-mentioned Act states that children may not be employed in factories unless they have reached the age of 15 years and have completed their primary education.

The Act does not require employers to keep registers of young persons employed by them.

No change has been made in the national legislation to give effect to the provisions of the Convention.

Indonesia.

Decree No. 13 of 17 December 1925 : Ordinance issuing regulations to restrict the employment of children and the employment of women at night.

The application of the law is administered by the Labour Inspection Office.

The Government has no intention, at present, of modifying the law for the purpose of implementing the Convention. The difficulty which hinders the ratification of this Convention is that the Regulation is not applicable to all industrial undertakings as intended by the Convention ; and the age limit laid down by this legislation is only 12 years.

Iran.

Labour Act of 17 March 1959.

The above-mentioned Act prohibits the employment of children under 12 years of age, even in apprenticeship, and the employment of young persons under 18 years of age in arduous or unhealthy work.

The authorities responsible for the enforcement of these provisions are the regional labour departments (or, failing them, the civil prefects) and the labour inspectors.

Federation of Malaya.

Children and Young Persons Ordinance, 1947.

Children and Young Persons Rules, 1947.

Electricity Ordinance, 1949.

Machinery (Persons-in-Charge) Regulations, 1957.

Legislation restricting the entry into employment of children under 14 years of age applies to factories, godowns and workshops. In public undertakings the minimum age is higher. No person who has not completed his sixteenth year is normally engaged, except in the case of office boys or messengers.

Children under the age of 12 years may be employed only on agricultural or horticultural light work carried on collectively by the family of the child or by the local community, or on light work of a domestic character in the household of a natural parent or legal guardian. The law also provides that no child shall be employed in any form of labour, or in any place or under conditions, injurious, or likely to be injurious, to the health of the child.

The legislative provisions do not apply to the employment of children under 14 years of age on work approved and supervised by the Department of Education carried on in any government or other technical school or in a training ship.

The Electricity Ordinance, 1949, and the Machinery (Persons-in-Charge) Regulations, 1957, prohibit young persons under 16 years of age from carrying out work involving the management of, or attendance on, or proximity to, any machinery, unless the persons in question are receiving a training course at a Government trade school or other educational institution or serving a recognised apprenticeship.

The Commissioner for Labour is entrusted with the supervision of the application of the Ordinance relating to the employment of young persons. The supervision of the application of the Electricity Ordinance and of the Machinery (Persons-in-Charge) Regulations is entrusted to the General Manager of the Central Electricity Board and to the Senior Inspector of Machinery, respectively.

The Government states that it is unable to indicate at present when it will be possible to give effect to all the provisions of the Convention or to ratify it.

Mexico.

Constitution of 31 January 1917.

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Compulsory Collective Agreement for the Wool Industry.

Article 123 of the Constitution states that no contract concerning the employment of children under 12 years of age may be concluded. A similar prohibition exists by implication in articles 72 and 77 of the Federal Labour Act. However, in practice the minimum employable age is fixed at higher levels (14 or 15 years) by collective agreements. For instance, article 163 of the compulsory collective agreement for the wool industry fixes the minimum age of admission to that industry as an apprentice at 15 years.

The Ministry of Labour and Social Insurance, acting through the Labour Inspectorate and the Department for the Protection of Women and Children in Employment, is responsible for the enforcement of the national legislation.

Existing collective agreements bear witness to the co-operation which takes place between employers' and workers' organisations through the intermediary of the federal and state arbitration and conciliation boards.

No changes have been made in national law ; on the other hand changes have been made in national practice.

The reason that this Convention has not been ratified is that article 2 prohibits the employment in industry of children under 14 years of age, while the Mexican Constitution allows the employment of children over 12 years of age.

Under the present circumstances there is no possibility of adopting measures to apply this Convention. Its provisions can most appropriately be applied by the adoption of measures at the federal level.

Morocco.

Decree of 2 July 1947 to issue labour regulations (*L.S.* 1947—Mor. 1), amended and supplemented by the Decrees of 21 September 1949, 5 August 1950 (*L.S.* 1950—Mor. (Fr.) 2), 12 August 1952 and 27 April 1953.

Moroccan law fixes the minimum age for admission to industrial employment at 12 years. However, the collective agreements in force in the printing industry prohibit the employment in that industry of children under 16 years of age. In addition the labour inspectors may require any child between 12 and 16 years of age employed in an industrial establishment to undergo a medical examination in order to ascertain whether the work the child is doing is beyond its strength ; if this proves to be the case the inspectors may order the child's dismissal.

The authorities responsible for the application of the legislation are the labour inspectors, who are under the authority of the Ministry of Labour and Social Affairs. In mining and quarrying the responsibility rests with the min-

ing engineers, while in undertakings under the authority of the Ministry of Public Works the officials appointed by the Ministry to exercise that authority are also responsible for the enforcement of the legislation concerning the minimum age of admission to employment.

The Government states that so far no change has been made in national law or practice to give effect to the provisions of the Convention. The reason it gives is that Moroccan children develop very rapidly, both physically and mentally, and that at the age of 12 they are usually as mature as children of 14 in other countries. In addition, in the present economic situation it is difficult to compel children to go to school. Thus the Government does not seem to be contemplating ratification of the Convention at present, although in practice children under 14 years of age are very rarely found in industrial employment.

Peru.

Act No. 2851 of 23 November 1918 respecting the employment of women and young persons (*L.S.* 1919—Per. 1), amended by Act No. 4239 of 26 March 1921. Decree of 25 June 1921 to apply the foregoing.

Article 2 of Act No. 2851 fixes the minimum age of employment at 14 years ; however, it permits the employment of young persons over 12 but under 14 years of age provided that they can read, write and count and that they produce a doctor's certificate of physical fitness. Articles 3 and 4 of the decree of 25 June 1921 authorise the employment of children under 12 years of age provided that they undergo a medical examination and produce a certificate that they can read and write and that special permission is obtained from the Women's and Young Workers' Division of the General Directorate of Labour. This Division, which forms part of the Ministry of Labour and Indian Affairs, is responsible for the enforcement of the relevant legislation.

There is a special committee which is making a comparative study of national law and practice and the Conventions which have not yet been ratified with a view to facilitating the ratification of the latter. In addition, it may well be that the work of the inspection services and the Women's and Young Workers' Division will result in the enactment of laws or regulations on the subject covered by this Convention.

Philippines.

Employment of Women and Children Act, No. 679 of 8 April 1952 (*L.S.* 1952—Phi. 1).

"Industrial undertaking" as defined in section 2 of the Act of 1952 corresponds to the definition of the term given in the Convention.

The minimum age for admission to employment in industrial undertakings is fixed generally at 16 years. Where the work involves exceptional danger for the life, health or morals, the minimum age is fixed at 18 years (sections 2 and 3 of the Act).

Under section 11, every employer must keep a list of the children employed by him, and furnish a copy of such list to the Director of Labour. He must also keep on file birth certificates pertaining to such children.

Portugal.

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in industrial and commercial establishments (*L.S.* 1934—*Por.* 5).

Decree of 4 October 1935.

Decree of 22 April 1936.

Decree of 24 July 1936.

Decree of 15 August 1936.

Decree of 4 December 1936.

Decree of 21 January 1937.

Decree of 9 December 1937.

Decree of 11 May 1943.

Collective agreements.

Article 6 of Legislative Decree No. 24402 fixes the minimum age for admission to employment in industrial establishments at 12 years.

The report of the Government mentions a number of decrees and collective agreements which fix the minimum age for admission to particular types of employment at the same level as or higher than the age laid down in the Convention.

Under Decrees Nos. 37244 and 37268 (section 9) the labour inspectorate is responsible for the enforcement of legislation on this subject.

Under Decree No. 36173 joint committees have been established to promote the implementation of Conventions and to deal with disputes; these committees are presided over by officials of the National Labour Institute.

The raising of the minimum age laid down in existing legislation would have harmful consequences of an economic, moral and social character throughout the country. As children complete their primary education at the age of 12 years, to condemn them to idleness between the ages of 12 and 15 years would in many cases disorganise their family life and be highly prejudicial to their vocational training, which for various reasons is usually acquired in Portugal between the ages of 12 and 18 years.

Measures have been taken in collective agreements to give effect to the provisions of the Convention.

El Salvador.

Constitution of 1950.

Act respecting individual contracts of employment: Legislative Decree No. 981 of 19 March 1953 (*L.S.* 1953—*Sal.* 1).

Article 183, subparagraph 10, of the Constitution prohibits the employment of children under 14 years of age in any kind of work whatsoever and provides that children who have reached that age must if necessary remain at school until they have completed their primary education. On the other hand the same article states that children may be allowed to take up employment if they have to do so to support themselves or their families, provided that the minimum requirements relating to compulsory education are met with.

In section 71 of the Act concerning the individual contract of employment, which deals with the capacity of minors to enter into contracts, there is a similar prohibition on the employment of persons under 14 years of age.

The existing legislation on this subject is enforced by the Labour Inspection Service, operating through the Labour Inspection Department of the Ministry of Labour and Social Insurance.

No machinery exists by which employers' and workers' organisations can co-operate in the application of the provisions of the Convention.

The Government states that no changes have been made in the national legislation or practice to give effect to the provisions of the Convention and that no measures to apply these provisions in the near future are contemplated.

The obstacles to the ratification of the Convention are economic and social in character. For instance, young persons often have to go to work to help to support themselves and their families before reaching the age of 14 years, owing to financial difficulties and to dispersion of the members of the family.

Sweden.

Act No. 1 of 3 January 1949 respecting the protection of workers (*L.S.* 1949—*Swe.* 1).

Royal Proclamation No. 208 of 6 May 1949, respecting workers' protection (*L.S.* 1949—*Swe.* 4).

Royal Proclamation No. 209 of 6 May 1949 to prohibit the employment of young persons on certain dangerous work (*L.S.* 1949—*Swe.* 3).

Royal Proclamation of 10 June 1949.

Article 1 of the Convention. The Workers' Protection Act, 1949, applies to every concern, industrial or otherwise. There are, however, certain exceptions from the scope of the Act, the most important among which are: work executed in the home of the employee, employment in shipping and, to a certain extent, work executed by a member of the employer's family. Furthermore, the Swedish law does not provide for transport by inland waterways.

Article 2. Section 24 of the Workers' Protection Act provides that no young person who has not attained the age of 15 years shall be employed in industrial or similar work. Exceptions may be allowed in regard to young persons of 14 years when this appears necessary for the vocational training of the persons concerned. On the other hand, Proclamation No. 208 prohibits the employment in certain dangerous types of work of young persons who have not attained the age of 15.

The Workers' Protection Act does not apply to members of the employer's family. However, section 26 of the Act, which provides for the employer to take special care that the employment of a young person does not involve dangers for his life, health or morals, applies also to young persons who are members of the employer's family.

Article 3. According to section 4 of the Workers' Protection Act the provisions regarding minimum age are not applicable to pupils in vocational training institutions. However, the Royal Proclamation of 10 June 1949 has provided that the Act shall apply to practical work executed by the pupils of certain vocational training institutions.

Article 4. Under section 56 of Proclamation No. 208, employers are required to keep registers of the young persons they employ showing, *inter alia*, their respective dates of birth, only in cases when they employ five young persons or more.

The Workers' Protection Board, and, under its supervision and direction, the Labour Inspec-

tion Officers and Commune Supervision representatives, are responsible for enforcement. According to Royal Instructions issued on 15 November 1957 the Board includes special members, half of whom are appointed on the recommendation of the national associations of employers, and half on the recommendation of the corresponding associations of employees.

The main difficulty in the way of ratification of the Convention is that the exceptions from the minimum age provisions which are provided for in section 24 of the Workers' Protection Act are not permissible under the Convention. The Government does not consider at present the possibility of modifying the legislation to bring it in line with the provisions of the Convention.

Thailand.

Proclamation of 20 December 1958 of the Ministry of the Interior respecting working hours, workers' holidays, conditions of woman and child labour, payment of wages and welfare services in industry and commerce.

The above Proclamation prohibits the employment of any child under 12 in both industrial and commercial undertakings. Children above 12 but under 16 may be employed in light work or in undertakings in which only the members of the same family are employed, provided the work is not detrimental to the health and bodily development of the children.

The supervision of the application of the law is entrusted, for the provinces of Bangkok and Dhonburi, to the Chief of Labour Division of the Department of Public Welfare and, for the other provinces, to the district officers.

The Government indicates that some parts of the law have been amended to conform with the provisions of the Convention but states that Thailand is not yet in a position to ratify the Convention, since the scope of the law is more restricted than that of the Convention. However, the Government is now considering the possibility of modifying national legislation in order to bring it into harmony with the Convention. Nevertheless, such steps require careful study so as not to affect the means of livelihood of the people and to interfere with the situation in the country.

Tunisia.

First Decree of 15 June 1910 regulating work in industrial and commercial establishments (sections 12 and 21).

Second Decree of 15 June 1910 prescribing special conditions of employment for boys under 16 years of age in underground work in mines and quarries.

Order of 11 June 1948 prohibiting the employment of children under 18 years of age and women in undertakings engaged in the recuperation, transformation or storage of scrap metal.

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1).

Decree of 12 January 1956 respecting vocational training (L.S. 1956—Tun. 1).

Legislation contains provisions relating to the fixing of a minimum age for admission to employment in industry. However, these provisions are varied and cover a certain number of activities and there is no single rule applying to all occupations.

Section 11 of the decree of 6 April 1950 prohibits the employment of children in commercial, industrial or professional establishments unless they are physically fit to perform the tasks assigned to them. Labour inspectors are entitled at any time to order the dismissal from the said establishments of children under 12 years of age when the tasks assigned to them exceed their strength. Labour inspectors have the same powers with respect to children of 12 to 16 years of age, acting on the advice of the industrial medical officer and after a further medical examination if the parents so request. Section 9 of the decree of 12 January 1956 stipulates that no person under 14 years of age may enter into an apprenticeship without the authorisation of the labour inspector. The decree of 11 June 1948 prohibits the employment of women and of children under 18 years of age in undertakings engaged in the recuperation, transformation or storage of scrap metal. The second decree of 15 June 1910 fixes special conditions of employment for boys under 16 years of age in underground work in mines and quarries; section 2 stipulates that they may be employed on loading operations, on handling trucks, operating ventilating devices and on other auxiliary tasks which are not beyond their strength. Apart from these tasks, boys under 16 may not be employed on any work underground. Article 12 of the first decree of 15 June 1910 prohibits the employment of girls and women on underground work in mines and quarries.

The authorities entrusted with the supervision of the application of the legislation are the labour inspectors of the Ministry of Labour and Social Welfare, and the industrial medical officers of the Ministry of Public Health.

As this Convention is at present under examination it would be premature to indicate the reasons which prevent or delay its ratification. Should the competent authority, on the basis of the study of the Convention now being undertaken, express a favourable opinion on its contents, measures will immediately be taken to implement its provisions.

Turkey.

Public Health Act (L.S. 1930—Tur. 1).

Act No. 3008 of 8 June 1936 respecting labour (L.S. 1936—Tur. 2), amended by Act No. 5518 of 25 January 1952 (L.S. 1952—Tur. 1B).

Article 1 of the Convention. Section 3 of the Labour Act defines the terms "industrial undertakings" on the same lines as those used in the Convention. Moreover, section 4 of the said Act provides that the Ministry of Labour shall have the power to decide whether undertakings other than those mentioned in section 3 of the Act are to be classified as industrial.

Article 2. Under section 173 of the Public Health Act the minimum age for admission to industrial employment is fixed at 12. Even undertakings where only members of the same family are employed are covered by this provision; only industrial home work by members of the same family or near relations living in the home without the assistance of any outside person is exempt (section 2 (d) of the Labour Act).

Article 3. The minimum age requirements prescribed by the Public Health Act do not apply

to work performed by children in technical schools as part of the course of study.

Article 4. Under section 51 of the Labour Act every employer is required to keep lists of (a) children between 12 and 16 years ; (b) young persons above 16 but below 18 ; (c) women over 18 ; and (d) men over 18 employed in the undertaking, giving each such employee's name and date of birth.

The application of the above legislative provisions is entrusted to the Ministry of Labour.

The Government does not propose to ratify the Convention in the near future. It states that, in the present circumstances, it does not seem economically desirable to raise the existing minimum age limit because children, who normally at the age of 12 should have finished their compulsory primary education, should not be prevented from going into employment and contributing something to the family budget. For the same reason it does not appear feasible to prescribe a higher school-leaving age.

Union of South Africa.

See under Convention No. 59.

United Arab Republic.

Act No. 91 of 1959 (Labour Code).

Under the Labour Code the minimum age for admission to employment in industry is 12 years. Young persons under 15 and 17 years may be employed in appropriate industries as prescribed by ministerial orders.

The Government indicates that the difficulties it finds in ratifying the Convention are (a) the local climatic and social conditions affecting the age of adolescence and (b) the need to avoid a gap between the school-leaving age for compulsory education and the minimum age prescribed for admission to employment.

United States.

See under Convention No. 59.

Minimum Age (Industry) Convention (Revised), 1937 (No. 59)¹

Argentina.

Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (*L.S.* 1924—Arg. 1).

Decree No. 2699 of 28 May 1925, issuing regulations (for the Federal Capital) under Act No. 11317 to regulate the employment of women and children (*L.S.* 1925—Arg. 2).

Decree of 9 June 1925 to regulate the employment of women and young persons in the National Territories (*L.S.* 1925—Arg. 7).

Decree No. 14538 of 3 June 1944 respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons (*L.S.* 1944—Arg. 1).

Decree No. 6648 of 24 March 1945 to amend Decree No. 14538 (*L.S.* 1945—Arg. 2).

Section 2 of Act No. 11317 prohibits the employment of children under the age of 14 in any type of job except in family concerns.

Section 3 of the Act excludes from this prohibition the employment of children for educational purposes in schools approved by the appropriate education authority.

Under sections 2, 61 and 62 of Decree No. 14538 employers must require minors to produce the employment booklet with which they are issued by the National Apprenticeship and Vocational Guidance Council; this booklet contains full particulars relating to the children. A notice stating the relevant facts must be posted up in a visible place within the establishment, and a copy must be forwarded by the employer to the General Directorate of Apprenticeship and Vocational Guidance.

Section 9 of Act No. 11317 forbids the employment of young persons under the age of 18 in dangerous and unhealthy jobs. Sections 10 and 11 of the same Act list the types of job covered by this provision. Section 1 of Decree No. 2699, issued under the Act, gives a list of dangerous and unhealthy jobs.

The Ministry of Labour and Social Security, together with the National Apprenticeship and Vocational Guidance Council and the Council for Minors, is responsible for enforcing the law.

No changes have been made in national legislation to give effect to the Convention.

The Government states that the main obstacle in the way of ratifying the Convention is the fact that the minimum age for admission to employment in the Convention is 15, while under Argentine law it is 14. Another difference is that Argentine law, in not extending the ban on the employment of children under the age of 14 to family concerns, defines the latter as concerns employing members of the child's family, whereas the Convention defines them as concerns employing members of the employer's family. There is no legislation in draft to remove this discrepancy.

Australia.

See under Convention No. 5.

Article 5 of the Convention. The Government states that in the interest of safety, health and general welfare, special conditions and restrictions of the employment of juniors and females are imposed by awards and determinations of the Commonwealth and state Industrial Tribunals. In occupations in which they would be exposed to danger or on work in which health is likely to be endangered, the employment of minors and females is frequently prohibited outright or is prohibited for young persons below a certain age. On the other hand, employment in certain industrial occupations is subject to conditions which can be complied with only by a person of a specified age higher than 15 years. In the transport industry, for example, drivers' licences are, under state law, not issued to persons under 16 or, in some states, 18 years, and in other states laws provide that certain kinds of machinery must be in the charge of an employee possessing a certificate of competency, which can only be issued to a person over a prescribed age higher than 15 years. Moreover, the safeguarding of females and junior males from risks to health, safety and general welfare in industry is recognised in Australia as an appropriate subject for legislative action, and in each state industrial legislation makes comprehensive provisions restricting the employment of such persons on dangerous machinery, on processes where a high accident risk exists, on processes harmful to health or on heavy or arduous work.

The Government of Australia gives a detailed list of legislation in the Commonwealth territories and in the various states which fixes at 16, 17 or 18 years and upwards the minimum age for admission to employment which by its nature or the circumstances in which it is carried on is dangerous to the life or health of the persons employed therein.

Austria.

Act No. 146 of 1 July 1948 respecting the employment of children (*L.S.* 1948—Aus. 3), as amended by Acts Nos. 45 of 1952 (*L.S.* 1952—Aus. 1A), 258 of 1954 (*L.S.* 1954—Aus. 3) and 70 of 1955 (*L.S.* 1955—Aus. 2B).

Existing regulations apply to employment of all kinds, with the exception of domestic work and employment in agriculture and forestry undertakings, provided that they are not processing establishments permanently employing more than five workers.

The Act defines the "employment of children" as the employment for a monetary consideration, or the habitual employment, even without remuneration, of children on work of any kind. This definition does not cover the employment

¹ This Convention came into force on 21 February 1941. Thirteen ratifications had been registered up to 30 November 1959.

of children for exclusively educational purposes or merely occasionally, or even the habitual employment of the owner's children on easy work for short periods.

The Act forbids the employment of children who have not completed 14 years or who have reached this age but have not finished their compulsory schooling (sections 2 and 5).

The employment of young persons (defined by the Act as those under the age of 18) is allowed provided they are physically fit for the job. An appendix to the Act contains a schedule of dangerous or unhealthy industries and jobs in which it is forbidden to employ young persons; no exceptions are allowed. In addition, the labour inspectorate may in certain circumstances impose new prohibitions or further restrict the employment of young persons in work of this kind.

The labour inspectorate is responsible for the enforcement of national legislation. Co-operation of the employers' and workers' organisations is automatic under Austrian law, since branch offices of the inspectorate and other local bodies must, before allowing exceptions to the regulations governing the employment of young people or before issuing detailed regulations, consult with the youth welfare departments of the relevant trade union and employers' association.

The main difficulty in the way of ratifying the Convention is the fact that the minimum age of entry into employment in Austria is 14 as opposed to 15; this age coincides with the school-leaving age.

The possibility of raising the school-leaving age has been under discussion, particularly in trade union circles, and a ninth school year has been introduced as an interim optional measure. Should this become compulsory it would be possible to raise the minimum age of admission to employment to 15.

Belgium.

Act of 1919 concerning the employment of women and children, amended by the Act of 15 July 1957.

Royal Order of 3 May 1926 (*L.S.* 1926—Bel. 6C).

Royal Order of 31 October 1928 (*L.S.* 1928—Bel. 6).

Royal Order of 22 February 1930 (*L.S.* 1930—Bel. 2).

Royal Order of 27 June 1935 (*L.S.* 1935—Bel. 9).

Royal Order of 22 April 1937.

Royal Order of 1 April 1938.

Act of 10 June 1952 concerning the health and safety of workers (*L.S.* 1952—Bel. 3).

Royal Order of 12 November 1952 amended by the Order of 14 October 1953.

Royal Order of 20 August 1957.

Royal Order of 8 August 1958.

The Act concerning the employment of women and children fixes the minimum age of admission to employment at 14 years (section 3). The Act applies to all commercial and industrial establishments, both public and private, covered by the Act of 14 June 1921 concerning the 8-hour day and also to water transport undertakings and all establishments classified as dangerous, unhealthy or unpleasant (section 1). The Act also applies to all work done at home for the head of an undertaking.

Family undertakings are not covered by the Act provided that they are not classified as

dangerous, unhealthy or unpleasant and that no work is performed in them involving the use of steam boilers or mechanical power.

In addition the Act does not apply to vocational schools provided that their programmes are approved and their work supervised by the public authorities; the latter also supervise their work.

The codified legislation on primary education also contains by implication a prohibition of the employment of children under 14 years of age (section 11 of the Royal Order of 20 August 1957).

The Royal Order of 12 November 1952 requires heads of undertakings to record the place and date of birth of each of their workers and, in the case of a minor, the name and address of his parents or guardian in their staff registers.

Lastly, the Act concerning the employment of women and children and a number of Orders issued in application thereof or of the Act concerning the health and safety of workers fix the age of admission to employment in certain types of work involving special dangers to the safety and health of children, such as underground work in mines, opencast mines and quarries, and painting work involving the use of white lead, at 16, 18 or 21 years.

The enforcement of the legislation is in the hands of the supervisors and inspectors of the Social Inspection Service of the Ministry of Labour and the engineers of the Mining Administration, which is under the authority of the Ministry of Economic Affairs.

The Government states that it is at present studying the possibility of lengthening the period of compulsory school attendance up to the age of 15 years; the minimum age for admission to employment would thus be raised.

Brazil.

Constitution of 1946 (Paragraph IX of Article 157) (*L.S.* 1946—Bra. 3).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*L.S.* 1943—Bra. 1).

The provisions of the Labour Code relating to the protection of employment of young persons apply to all employment, except in workplaces where only members of the family of the young person are employed under the direction of his father, mother or guardian. The provisions also apply to employment in agriculture if the technical methods used are industrial or commercial in character.

Section 403 of the Labour Code prohibits the employment of young persons under 14 years of age.

Paragraph IX of Article 157 of the Constitution lays down that "labour and social welfare legislation shall obey the following principles, in addition to any others tending to improve the lot of the workers: prohibition of employment of children under 14 years of age, of women and young persons under 18 years in unhealthy occupations, and of young persons under 18 years of age in night work, with due regard in each case to the conditions prescribed by law and the exceptions allowed by a competent judge...".

The report states that this paragraph presents some difficulties of interpretation. Some people contend that the authority conferred on

a judge to allow exceptions to the age limit applies not only to the night work of young persons under 18 but also to the other prohibitions set out in the paragraph. Those who hold this opinion maintain that this provision of the Constitution detracts from the authority of the Labour Code.

The prohibition on the employment of young persons under 14 does not apply to day pupils or boarders in establishments which provide exclusively vocational education or in establishments of a charitable or disciplinary nature which are subject to official supervision.

No young person under 18 may be admitted to employment in industrial or commercial establishments unless he holds a work book in the form prescribed by the Ministry of Labour, Industry and Commerce, and issued in the Federal District by the National Labour Department and in the States by the regional offices of the Ministry. The work book must be retained by the employer so long as the young person remains in his employment, and it must be submitted to the supervisory authority on request.

The Labour Code forbids the admission to employment of young persons under 18 years of age in dangerous unhealthy workplaces and employments, and in workplaces or employments prejudicial to their morals.

The Government states that in Brazil the shortage of manpower is an important factor in fixing an age limit lower than that prescribed in the Convention. So long as this shortage persists and while other special features of the situation in Brazil remain unchanged, it does not seem possible to bring Brazilian legislation into line with the Convention in respect of the age limit of 15 years.

Bulgaria.

Labour Code, 1951 (*L.S.* 1951—Bul. 2) as amended in 1957 (*L.S.* 1957—Bul. 2).

Schedule of arduous and unhealthy tasks on which young persons may not be employed (*Izvestia*, 5 August 1952 and 10 February 1953).

Circular of 5 November 1958 issued by the Directorate for the Protection of Employment.

The general minimum age for admission to employment is fixed at 16 years. In exceptional cases persons aged at least 15 years of age may be admitted to employment subject to the permission of the labour inspector (which is only granted after the person concerned has undergone a thorough medical examination) and where the circumstances justify the granting of such permission.

The regulations in force require undertakings, institutions and organisations to keep lists of the young persons employed by them showing, *inter alia*, the date of birth of every worker or salaried employee under 18 years of age.

The minimum age of admission to employment in arduous or unhealthy processes (which are designated in special schedules) is fixed at 16 and 18 years respectively.

Burma.

Mines Act, 1923, as amended up to 3 February 1955.

See under Convention No. 5.

Section 26 (1) of the Mines Act prohibits the employment of children in a mine or their presence in any part of a mine which is below ground. Under section 3 (c) a "child" means a person who has not completed his fifteenth year. Section 26 (A) (a) forbids any person who has not completed his eighteenth year to be present in any part of a mine which is below ground, unless a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine.

Canada.

Alberta.

Alberta Labour Act, 1955, as amended in 1957.
Child Welfare Act, 1955.
Coal Mines Regulation Act, 1955.

British Columbia.

Control of Employment of Children Act, 1948.
Coal Mines Regulation Act, 1948.
Metalliferous Mines Regulation Act, 1948.

Manitoba.

Child Welfare Act, 1954.
Mines Act, 1954.
Employment Standards Act, 1957.

New Brunswick.

Factory Act, 1952.
Mining Act, 1952.

Newfoundland.

Regulations of Mines Act 1951, No. 85.
Welfare of Children Act, 1952.
Mines (Safety of Workmen) Regulations, 1957.

Nova Scotia.

Factories Act, 1954.
Coal Mines Regulation Act, 1954.
Metalliferous Mines and Quarries Regulation Act, 1954.

Ontario.

Factory, Shop and Office Building Act, 1950.
Mining Act, 1950.

Prince Edward Island.

Minimum Age of Employment Act, 1951.

Quebec.

Act respecting the Welfare of Youth, 1941.
Industrial and Commercial Establishments Act, 1941.
Mining Act, 1941.

Saskatchewan.

Factories Act, 1953.
Mines Regulation Act, 1953.

The federal Government considers the provisions of the Convention to be appropriate for provincial action except in the North West and Yukon Territories and except for employees subject to federal regulations (dominion employees and those in enterprises within federal jurisdiction).

Articles 1 and 2 of the Convention. Four provinces (Alberta, British Columbia, Manitoba, Prince Edward Island) fix a minimum age for employment in most or all of the undertakings mentioned in Article 1, paragraph 1. The age is 15, except that in the three first-named provinces employment in mines and quarries is permitted only at the age of 16 or 17 for surface work (but 15 years in metal mines in British Columbia), and the age of 17 or 18 for underground work. Also in British Columbia and Manitoba, the Minister may grant exceptions from the minimum-age provisions, while in Alberta certain minor exceptions

have been made by law or regulation. In Newfoundland a legislative minimum age (18 years) applies only to underground work in mines. In Saskatchewan the age of 16 is fixed for employment in the undertakings referred to in clause (b) of Article 1, paragraph 1, except shipbuilding; in mining it is also 16 for surface work, but 18 for underground work.

In the remaining four provinces (New Brunswick, Nova Scotia, Ontario, Quebec) a minimum age is fixed only for employment in mining and some of the other undertakings covered by the Convention. The ages fixed for mining are mostly above the 15-years' standard of the Convention, although no age is fixed for surface work in Quebec or for surface work in coal mines in New Brunswick. In New Brunswick the legislative minimum is 16 years; this applies only for employment in factories and the Minister may permit exceptions. In the other three provinces a minimum of 14 years is fixed as a general principle, in Quebec and Ontario only for work in factories, in Nova Scotia for work in the undertakings mentioned in clauses (b) and (c) of Article 1, paragraph 1. However, regulations in these provinces make reservations relating to school attendance and require the granting of an employment certificate, which may raise the age in effect in many cases to 16 years. Also in Quebec, the Government may exempt establishments from the legislative provisions.

Article 5. The Government mentions in its report those of the present-day provisions which represent improvements in minimum-age standards in recent years. Thus in Alberta and Manitoba, amending legislation in 1957 extended the authority for the making of regulations to prohibit the employment of young persons under 18 years in work of the kind referred to in Article 5, paragraph 1. In Quebec a minimum age (16 or 18 years) higher than the statutory basic age of 14 years has been definitely fixed for certain dangerous trades.

Ceylon.

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

Employment of Children Regulations, 1957.

Legislation falls short of the requirements of the Convention in the following respects: (1) the minimum age for admission to employment in industry is 14; (2) the employment of children in industrial undertakings in which only members of the same family are employed is permitted without exception; (3) there is no provision for prescribing a higher age for employments which are dangerous to the life, health or morals of the persons employed therein.

The Commissioner of Labour is entrusted with the supervision of the application of the legislation. Where unions of employees and employers can help they are consulted and their assistance sought in the enforcement of the law.

The Government states that no action to modify the law to bring it into conformity with the Convention has been taken and that it is not opportune to raise the minimum age for employment at the present stage of development

of the country in the economic, educational and other fields.

Chile.

Labour Code, 1931 (*L.S.* 1931—Chil. 1).

Regulation No. 485 of 7 May 1932 (respecting the registration of workers under the age of 16).

Legislative Decree No. 76 of 29 July 1953.

Section 47 of the Labour Code states that children between the ages of 12 and 14 may work (except in industrial establishments) if they have completed their compulsory schooling; they may also work in an industrial establishment if the latter employs members of the same family under the management of one of the members of that family.

Section 47 of the Code requires every manager or employer to maintain a register of all persons under the age of 16, which must state, *inter alia*, the date of birth. Regulation No. 485 prescribes the form of this register.

Section 46 of the Labour Code forbids the employment of young persons under the age of 18 on dangerous and unhealthy work, while section 50 forbids the employment of minors in certain types of business on moral grounds.

Under Legislative Decree No. 76 the General Directorate of Labour, through its inspectors, is responsible for enforcing the law. So far, for economic and practical reasons, no changes have been made in Chilean law to give effect to the Convention.

For the time being the Convention cannot be ratified because of certain discrepancies between Chilean law and the Convention, e.g. under the Labour Code young persons are allowed to work between the ages of 14 and 18.

Costa Rica.

See under Convention No. 5.

Denmark.

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

Regulation concerning certain dangerous occupations prohibited to young persons, issued by the Minister of Social Affairs on 30 May 1956.

Article 1 of the Convention. The Government refers to the information contained in its reports on Convention No. 5, which it has ratified. According to those reports the scope of the 1954 Act appears to correspond to that of the Convention.

Article 2. The employment of children under 14 years of age who have not completed their schooling is prohibited in undertakings covered by the Convention; the only exception allowed is for employment as a messenger. This rule also applies to the cases covered by paragraph 2 of this Article.

Article 3. The provisions of the 1954 Act do not apply to work performed by children in technical schools.

Article 4. The 1954 Act requires each young worker to possess a work booklet showing, among other things, his date of birth. The booklet is kept by the employer and must be produced to the Labour Inspector on demand.

Article 5. The law provides that regulations may be issued fixing minimum age limits higher than 14 years for types of work which are dangerous to the life, health or morals of young persons. In this connection the Ministry of Social Affairs issued regulations on 30 May 1956 raising the minimum age for admission to a certain number of occupations to 16 years; other regulations have been issued fixing the minimum employable age for particular types of work at 18 years.

The enforcement of the national legislation is in the hands of the Labour Inspectorate, which may, if necessary, request the assistance of the Ministry of Social Affairs.

The Government states that it is aware of the discrepancies existing between the national legislation and the Convention but that there is at present no practical possibility of introducing the amendments which would bring the Convention fully into effect.

Dominican Republic.

Labour Code of 11 June 1951, Ch. IV (L.S. 1951—Dom. 1).

Resolution No. 4 of 30 April 1958 of the Secretary of State for Labour.

Article 1 of the Convention. Dominican labour legislation applies to industrial, commercial and agricultural undertakings. No distinction is drawn between industrial and other workers.

Article 2. Section 223 of the Labour Code prohibits the employment of children under the age of 14.

Article 3. The Government's report states that the provisions of the Labour Code dealing with minors do not apply to technical or polytechnic schools, which are subject to special regulation.

Article 4. In practice the register prescribed by this Article is not maintained but, before engaging a minor, employers insist on production of a birth certificate.

Article 5. Section 229 of the Labour Code forbids the employment of young persons under the age of 18 on dangerous work. Resolution No. 4 specifies the types of work concerned. Section 231 of the Labour Code stipulates that no person under the age of 18 may be employed in the sale of intoxicating liquor. Section 227 of the same Code prohibits hawking or peddling by males under age of 16 or by females under the age of 18 without prior permission from the Department of Labour.

No changes have been made in the legislation dealing with the matters covered by this Convention.

Finland.

Resolution No. 26 of 14 March 1919 prohibiting the employment of young persons on certain types of work (L.S. 1924—Fin. 5, Appendix).

Act of 31 July 1929 respecting the employment of children and young persons in industrial work (L.S. 1929—Fin. 2).

The Act applies to industrial establishments and undertakings and handicraft undertakings

in which persons other than the spouse or children under age of the head of the undertaking are employed. It does not apply to factories, handicraft undertakings or undertakings in country areas employing less than three workers or to transport undertakings. In addition, it does not cover the building of dwellings for private purposes in country areas or the repair of buildings.

Section 3 of the 1929 Act states that children under 14 years of age may not be employed in any of the types of work mentioned in the Act itself. The provisions of the Act are not applicable to the children under age of the head of the undertaking employed by him except as regards work which involves overstrain or the risk of accident or injury to health which may hinder their physical development, expose them to moral danger or be prejudicial to their health (section 8).

The prohibition of the admission to employment of children under 14 years of age does not apply to work of types approved by a public authority and performed under the supervision of that authority by children attending vocational schools as pupils.

Under section 4 of the Act every employer must keep a register of all the children and young persons employed by him. In addition, children and young persons may not be admitted to employment except on production of a birth certificate, issued free of charge by the public authorities.

Resolution No. 26 of 14 March 1919 designates the types of work which are considered dangerous to children and young persons and also lays down detailed regulations for the protection of workers.

The Labour Inspectorate is responsible for the enforcement of this legislation.

In March 1958 the Government submitted a Bill on the protection of young workers to Parliament; this Bill contained some of the provisions laid down in the Convention. It was not, however, passed.

France.

Labour Code, Book II (sections 2, 4 and 5).

Under the legislation at present in force no child of either sex may be employed in or admitted into an industrial establishment until it has completed its compulsory schooling or reached the age of 14 years. The same rule applies to children placed in apprenticeship in such establishments. It does not, however, apply to establishments in which only members of one family are employed.

In addition, any establishment wishing to employ young persons under 18 years of age must report the fact to the labour inspector before engaging any such persons.

The Labour and Manpower Inspection Service is responsible for supervising the application of the legislation in force.

The Government hopes that ratification of this Convention will be possible as soon as Ordinance No. 59-45 of 6 January 1959, lengthening the period of compulsory school attendance, comes into force. This Ordinance raises the minimum school-leaving age to 16 years and will permit ratification of the Convention

without any change in existing legislation, as the minimum age for admission to industrial employment is defined as the age at which children complete their compulsory school education.

Federal Republic of Germany.

Notification of 13 December 1912 respecting the layout and operation of zinc mills and plants engaged in the roasting of zinc ores, as amended by the Ordinance of 21 February 1923.

Act of 30 April 1938 respecting the protection of young persons (*L.S.* 1938—Ger. 5).

Regulations of 12 December 1938 to apply the Act of 30 April 1938.

Glassworks Ordinance of 23 December 1938, as amended on 13 September 1940.

Act of 6 August 1948 of Württemberg-Hohenzollern respecting the protection of young workers; and Regulations of 19 April 1949.

Act of 9 December 1948 respecting the protection of young persons Act (Lower Saxony), as amended by the Acts of 16 May 1949 and 21 June 1951; and Regulations of 26 July 1949 concerning the protection of young workers.

Silicosis Ordinance of 1 September 1951.

Ordinance of 24 June 1958 respecting the employment of young persons in process engraving.

Under the Constitution of the Federal Republic the Federal Government has power, in conjunction with the *Länder*, to pass legislation on the matters covered by this Convention.

National regulations on the subject apply to all children and young persons in industrial employment as defined by the Convention. "Children" are defined as persons under the age of 18 and "young persons" as those between the ages of 14 and 18. The regulations regarding the employment of children also apply to young persons who are still undergoing compulsory schooling.

Normally the employment of children is forbidden. Exceptions are made only in a small number of cases for light jobs and subject to certain special conditions (*viz.* the issue of an employment permit by the inspectorate after testing the child's physical and mental suitability, and shorter hours of work). Children who are articulated apprentices are subject to the same regulations as young persons. The latter may, in principle, be employed in any job unless it is forbidden either generally or specifically.

Children under the age of 14 may be employed in family businesses of any kind, but are not allowed to perform certain unsuitable jobs which are listed in national regulations.

Employers are required to maintain a register of all young persons in their employment; this register must state the date of birth and the date of entry into the employer's service.

The employment of young persons may be forbidden or restricted if the work is detrimental to their health and morals. A number of prohibitions and restrictions of this kind have been imposed in national regulations as regards industry, particularly in zinc mills, plants for the roasting of zinc ores, glassworks, process engraving establishments, etc. National regulations are enforced by the labour inspectorate. In the case of the mining industry supervision is exercised by the Offices of Mines and the Regional Offices of Mines.

Under the 1952 Works Constitution Act works councils are empowered to keep a check

on the operation of the labour protection regulations, including those dealing with the employment of young persons. This may also be done by staff committees under the 1955 Staff Representation Act.

The Government states that so far no changes have been made in national legislation to give effect to the Convention.

The main difficulty in the way of ratifying the Convention is that German legislation fixes a minimum age of 14, which is the same as the school-leaving age. It will not be possible to raise the minimum age to 15 until all the *Länder* in the Federal Republic have made a ninth school year compulsory—which does not seem likely in the near future.

Two bills for the protection of the employment of young people, one of them put forward by the Government and the second by another parliamentary group, are now being discussed by the Bundestag. Both these bills propose to forbid the employment of children in any industrial work whatever, but as regards the minimum age they make no change in the existing position. However, it is still somewhat premature to make any definite statement on this point.

Greece.

Act No. 4029 of 1912 respecting the employment of women and young persons, amended by Acts Nos. 2943 of 1922 and 199 of 1936.

Act No. 2271 of 1920 to ratify the Minimum Age (Industry) Convention, 1919 (No. 5).

Royal Decree of 14-26 August 1923 respecting dangerous and unhealthy processes.

Act No. 1542 of 1950 respecting apprenticeship, confirmed by Act No. 1654 of 1951.

Royal Decree of 3 June 1952 respecting the training of apprentices in industry (*L.S.* 1952—Gr. 3).

Under section 1 of the 1912 Act the minimum age for the admission of children to employment is fixed at 14 years. This provision applies to workers in all branches of industry, including transport and mining.

It does not, however, apply to young persons working in establishments in which only members of the family of the head of the undertaking are employed unless dangerous or unhealthy work is performed there (section 17 of the 1912 Act). In addition, in certain cases the minimum age for admission to employment in industry may be raised to 16 years.

Children in vocational training schools begin their practical training at the age of 14 years, while the average age for admission to apprenticeship is 15 years. The training of apprentices in factories is organised on the basis of an official syllabus approved by the Ministry of Labour.

Section 15 of the 1912 Act requires every employer to post up a list showing the names of all young persons employed by him, actual working hours, break-times and weekly rest days, etc., in a prominent place in the undertaking.

In addition, section 36 of the Royal Decree of 14/26 August 1923 prohibits the employment of young persons on certain tasks which are considered to be dangerous or unhealthy.

A special tripartite commission is at present studying the possibility of bringing the national legislation into line with the provisions of the Convention with a view to ratifying it.

Guatemala.

See under Convention No. 5.

Haiti.

Act of 6 August 1947 respecting children and young persons (L.S. 1947—Hai. 2).

Act of 17 September 1958 respecting conditions of work (L.S. 1958—Hai. 1).

Article 1 of the Convention. The classification contained in Article 1 of the Convention has been incorporated in the Act of 17 September 1958, and reference is made to it whenever a distinction has to be made between industry on the one hand and commerce and agriculture on the other.

Article 2. Under the terms of sections 1 and 3 of the Act of 6 August 1947 the minimum age for admission to employment is fixed at 12 years. To be admitted to employment any person under 18 years of age must first obtain a special permit from the Labour Office. In addition, young persons between 12 and 14 years of age must prove that they are attending school during part of the day or that they hold primary school certificates.

Article 4. Haitian law does not require employers to keep special registers of all persons under age employed by them. A check is kept, however, by means of the employment permits issued to young persons, copies of which are sent to the employers concerned. In addition, the Government states that under section 5 of the Act of 13 September 1947 concerning labour inspection a general register of all employees must be kept in any establishment employing three or more workers (including minors). One of the details to be recorded in the registers is the ages of all the employees. Under the same Act all heads of industrial undertakings employing wage earners are required to report the fact to the Labour Office on a special form, indicating, *inter alia*, the number of young persons employed and the conditions under which they work.

The Department of Labour and Social Welfare is responsible for supervising the application of the legislation concerning minors. Supervision is also effected through the Women's and Children's Service, which is attached to the Labour Office, and by a body of labour inspectors, who are unfortunately few in number. In addition, the recently established Social Welfare Institute is concerned with the protection of children in employment and the improvement of their living conditions.

The Government considers that an amendment to existing legislation, raising the minimum age for admission to employment, is necessary; this amendment, however, will be introduced within the framework of a general reform of social legislation, which is at present in preparation.

The Labour Department hopes that it will be possible to submit the necessary Bills to Parliament at its next session, which is due to begin in April 1960.

The Government also states that, owing to the limited degree of industrial development achieved so far and the high level of unemploy-

ment prevailing in the country, there are in practice hardly any children of 12 years of age employed in industry.

Honduras.

Constitution of 1957 (L.S. 1957—Hon. 5).

Decree No. 44 of 6 February 1952 to promulgate the Act respecting the employment of young persons and women (L.S. 1952—Hon. 1).

Legislative Decree No. 224 of 20 April 1956 to promulgate the Act respecting individual contracting for employment (L.S. 1956—Hon. 1).

Health Code.

Article 112 of the Constitution prescribes an age limit of 14 for the employment of young persons, unless their employment is necessary for their own support or that of their parents or brothers and sisters, in which case the minor must not be prevented thereby from completing the minimum compulsory schooling. The Employment of Young Persons and Women Act forbids the employment of young persons under the age of 12 (section 1) and of children over the age of 12 who have not completed their primary schooling. This section has been amended by article 112 of the Constitution. Section 18 of the Contract of Employment Act forbids any young person under the age of 16 to conclude an individual contract of employment. Section 94 of the Health Code imposes a minimum age of 12 for any type of factory work.

Section 2 of the Employment of Young Persons and Women Act allows children under the age of 12 to work in state-approved schools.

The General Directorate of Labour states that employers do not maintain a register for young workers only, but are required to maintain one for all employees irrespective of age.

Sections 7 and 8 of the Employment of Young Persons and Women Act forbid the employment of young persons under the age of 16 on morally harmful, dangerous or unhealthy work. Sections 9 and 10 list the types of dangerous and unhealthy work covered. The Act is enforced by the General Directorate of Labour, which comes under the Secretariat for Labour and Social Welfare.

The Government states that no changes have been made in national legislation for the purpose of giving effect to the Convention.

The Constitution, which prescribes a minimum age of 14 for employment, makes it impossible to ratify the Convention, which stipulates a minimum age of 15.

Once the Labour Code now in preparation has been adopted, the necessary action will be taken to give effect to the Convention where possible.

Iceland.

See under Convention No. 5.

India.

Employment of Children Act of 1 December 1938 (L.S. 1938—Ind. 5).

Factories Act, 1948 (L.S. 1948—Ind. 4).

Employment of Children (Amendment) Act, 1951 (L.S. 1951—Ind. 6).

Mines Act, 1952 (L.S. 1952—Ind. 3).

Factories (Amendment) Act, 1954 (L.S. 1954—Ind. 1).

The Convention provides for special standards for India, in Article 7.

Paragraph 2 of Article 7 of the Convention stipulates a minimum of 12 years for employment in factories working with power and employing more than ten persons. The Factories Act, which applies not only to factories working with power and employing more than ten persons but also to workshops which function without the aid of power but employ more than 20 workers, prescribes a minimum age of 14 years for admission to employment (section 67 of the Act). In addition, the Employment of Children Act prescribes a minimum age of 14 for employment in workshops which are not covered by the Factories Act but are engaged in producing various articles such as carpets, matches, soap, etc., listed in a schedule to the Act (section 3 of the Act). The state governments of Madras and Coorg have extended this provision to workshops attached to motor-transport companies; that of Uttar Pradesh has extended it to the glass-bangle and brassware industries.

The provisions of paragraph 3 of Article 7 of the Convention are complied with by the Employment of Children Act, which, *inter alia*, prohibits the employment of children below 15 in any occupation connected with the transport of passengers, goods or mails by railways or connected with a port authority within the limits of any port (section 3 of this Act).

In respect of paragraph 4 (a), Article 7 of the Convention under the Mines Act the employment of children below 15 years of age in mines is prohibited (section 45 of the Act). As regards paragraph 4 (b) of Article 7, under subsection 2 of section 22 of the Factories Act the employment of young persons under 18 in the cleaning, lubricating or adjusting of machinery is prohibited if such cleaning would expose the young person to risk of injury from any moving part of a machine. Section 27 of the same Act prohibits the employment of children below 15 near cotton-openers. Furthermore, section 87 of the Factories Act empowers state governments to make rules prohibiting or restricting the employment of young persons under 18 in operations involving serious risk of bodily injury, poisoning or disease and some state governments have made use of this enabling clause.

As regards the medical certification of fitness for work (paragraph 5 of Article 7 of the Convention) such certification is obligatory in respect of all establishments coming under the scope of the Factories Act for employing young persons under 18 (section 68 of the Act); and in respect only of work below ground in a mine by young persons under 18 (section 40 of the Mines Act).

Both the Factories Act and the Employment of Children Act include provision for exempting from the minimum age requirements—(a) public institutions maintained for the purposes of education, training or reformation (section 86 of the Factories Act); (b) schools established by or receiving assistance or recognition from a state government (section 3 of the Employment of Children Act); and (c) the employment of children in the railways or in ports as apprentices or for the purpose of receiving vocational training. The Mines Act does not provide for any such exceptions.

Furthermore, section 3 (D) of the Employment of Children Act provides for the main-

tenance of registers of child workers by the employers concerned in the case of the railways and the port authorities; similarly, under the Factories Act the managers of factories are required to maintain a register of child workers showing their date of birth, if this information is available, or their certified age. Similarly the Mines Act, in section 48, provides for the maintenance of a register including, *inter alia*, an entry showing the age of each person employed, though not the date of birth.

The Factories Act is administered by the state governments and enforcement is entrusted to the Chief Inspectors and Inspectors of Factories in the various states. In addition, certain other officers such as District Magistrates, Labour Officers, etc., are also nominated *ex officio* inspectors for enforcing certain sections of the Act in various states. The administration of the Employment of Children Act rests with the state governments except in the case of central undertakings, when it is administered by the Chief Labour Commissioner to the Government of India. The state governments have appointed inspectors to secure compliance with the provisions of the Act. The central Government is the appropriate authority for administering the Mines Act. Enforcement of the provisions of this Act is entrusted to the Chief Inspector of Mines, assisted by a number of regional inspectors, inspectors, assistant inspectors and junior labour inspectors.

The workers' and employers' organisations have extended full co-operation to the central and state governments in enforcing the provisions of these Acts and on the whole the implementation of the Acts has been satisfactory.

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention. The Government indicates that it is not possible to ratify the Convention for the time being. The main difficulty comes in respect of the Mines Act. As it stands now it does not contain any provision for the medical certification of fitness for work in the case of adolescents working above ground in mines. As the mines are scattered over a wide area there is a shortage of qualified medical staff; it is considered that it will be difficult to provide for the compulsory medical examination of the young persons employed in the mines in work above ground also. A proposal to create a Medical Inspectorate of Mines is currently under consideration, and if it materialises it may prove possible to reconsider the position.

Indonesia.

See under Convention No. 5.

Iran.

See under Convention No. 5.

Ireland.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920—G.B. 9).

School Attendance Act, 1926 (L.S. 1926—I.F.S. 1).

Conditions of Employment Act, 1936 (L.S. 1936—I.F.S. 1).

Factories Act, 1955

Factories (General Register) Regulations, 1956.

Articles 1, 2 and 3 of the Convention. The employment of young persons under 14 years of age is prohibited in the undertakings enumerated in Article 1, paragraph 1, of the Convention in virtue of the Acts of 1920 (sections 1 and 4) and 1936 (section 13) mentioned in the above legislation. The Government states that work done in technical schools does not come within the scope of these two Acts.

Article 4. The 1920 Act (section 1 (4)) and also the Factories Act of 1955 (section 122) require the keeping of registers of young persons under 18, and the form of register is prescribed in the Factories Regulations, 1956.

Article 5. Female young persons under 18 years may not be employed in certain occupations in glass and salt manufacture and no young persons under 18 may be employed in certain processes which use lead or lead compounds (sections 68, 69 and 70 of the Factories Act). The Conditions of Employment Act, 1936, and the Factories Act, 1955, empower the Minister for Industry and Commerce to prohibit the employment of young persons in other unsuitable or dangerous occupations. Also, regulations made under earlier factories legislation prohibit the employment of persons under a specified age in a number of occupations.

Enforcement of the legislative provisions is carried out by the Inspectorate of the Minister for Industry and Commerce.

With regard to the minimum age of 14 years provided for in the Irish legislation the Government states that it is considered most desirable that the minimum school-leaving age, which is also 14, and the age for entry into industrial employment should be the same. While it is the Government's continuous policy to raise the age, this is not at present feasible. On the other hand orders made in respect of certain areas under the Vocational Education Act, 1930, require young persons between 14 and 16 years who are not attending a full-time school, and whether in employment or not, to attend special courses which comprise 180 hours of instruction a year. Under the Act employers are obliged to grant leave to young employees for this attendance, without deducting from their wages or increasing their hours of work.

Japan.

Labour Standards Law, No. 49 of 5 April 1947 (*L.S.* 1947—Jap. 3).

Ordinance No. 8 of the Ministry of Labour of 31 October 1947 on labour standards for women and minors.

Article 1 of the Convention. The Labour Standards Law (section 8) is applied to all industrial and non-industrial enterprises except the domestic employees. The enterprises listed under subsections 1 to 5 of section 8 of the Law correspond to the industrial undertakings defined in the Convention.

Article 2, paragraph 1. Section 56 of the Labour Standards Law prohibits the employment of minors under 15 years of age.

Article 2, paragraph 2. The Labour Standards Law (section 8) does not apply to any enterprise or office which employs only the members of a family living with the employer.

Article 3. No corresponding provisions are made in the existing laws.

Article 4. The Labour Standards Law (section 57) requires the employer to keep at the working place a census register showing the age of the minors under 18 years of age.

Article 5. The Labour Standards Law (section 63) prohibits the employer to employ minors under 18 years of age in places which are dangerous or injurious to their safety, health or welfare.

Article 6. See under Articles 2 and 5.

The Labour Standards Bureau in the Ministry of Labour, the Prefectural Labour Standards Offices and the Labour Standards Inspection Offices in each prefecture, which have a total of 2,350 labour standard inspectors, are responsible for the administration and supervision of the application of the Labour Standards Law and other relevant laws and ordinances, in an integrated manner throughout the country.

The Labour Standards Law contains no provisions corresponding to those of the Convention respecting the prohibition of the employment of children below the minimum age even in family undertakings if such employment is dangerous to the life, health and morals of the persons employed therein.

The Government states that no modification has been made in the national legislation with a view to giving effect to the provisions of the Convention; at the present stage it is not intended to proceed with such modification.

Federation of Malaya.

See under Convention No. 5.

Mexico.

See under Convention No. 5.

The Government declares that Article 4 of the Convention is applied by means of administrative regulations. Article 123 of the Mexican Constitution and section 106 of the Federal Labour Act are in line with the provisions of Article 5.

Morocco.

See under Convention No. 5.

Netherlands.

Labour Act, 1919 (*L.S.* 1922—Neth. 1).

Stonemasons Act, 1921 (*L.S.* 1921, Part II—Neth. 3).

Act of 1931 concerning the loading and unloading of ships (*L.S.* 1931—Neth. 3).

Mining Regulations, 1939.

Act No. 388 of 6 August 1954.

Under the terms of the existing legislation boys under 14 years of age or still completing their compulsory schooling and girls under 15 years of age are not allowed to perform any remunerated employment (section 9 of the 1919 Act).

In addition, boys under 14 years of age and women may not be employed underground in

mines. The minimum age of admission to employment underground in mines is 16 years. The Stonemasons Act states that no person under 14 years of age may be employed on stone-cutting work. No persons under 18 years of age may be employed in the loading or unloading of ships except in certain cases specified in public administrative regulations; in these cases, however, the age limits laid down in the 1919 Act apply.

The enforcement of the Labour Act and the Stonemasons Act lies with the Labour Inspectorate. The application of the Mining Regulations is supervised by the State Mining Inspectorate. The Dock Labour Inspectorate is responsible for the enforcement of the Act concerning the loading and unloading of ships. The employers' and workers' organisations do not take an active part in the application of any of this legislation.

Since the Convention came into force the minimum age for the admission of girls into employment has been raised from 14 to 15 years, but at the same time such admission was authorised for girls who had reached the age of 14 years or who had completed their primary schooling.

Although the raising of the minimum age for admission to industrial employment is desirable, the Government is not contemplating any steps to achieve that end. The main reasons for this are the impossibility of providing suitable general or vocational training facilities for the persons of 14 years of age who would be precluded from entering employment by such a measure and the difficulty which industrial undertakings would have in replacing the 14-year-olds by older workers.

In these circumstances the Government does not for the moment intend to take any measures to give effect to those provisions of the Convention which are not complied with in the national law and practice.

Netherlands Antilles.

Labour Regulations, 1952 (*L.S.* 1952—Neth. Ant. 1).

Under the terms of the regulations in force (section 17, paragraph 1) the employment, whether remunerated or not, of women and young persons on night work or in dangerous processes (specified by governmental order) is prohibited. The minimum age for admission to employment is 14 years.

The employment of young persons is supervised by the Labour Inspectorate, which is a department of the Ministry of Social and Economic Affairs.

No change in the national legislation concerning the minimum age for admission to employment is contemplated at present.

Netherlands New Guinea.

Bulletin of the Netherlands East Indies, No. 647 (1925).

For all practical purposes there are no children employed in industrial undertakings in New Guinea. Children between 12 and 14 years of age are very occasionally found working as domestic servants or as assistants in food shops. The Labour Inspectorate restricts the employment of young persons on work other than

family work as far as possible, but the law does not provide for sanctions where they are so employed. According to the provisions in the 1925 Bulletin the employment of children under 12 years of age in factories, workshops, harbours, etc. (with the exception of family undertakings and vocational schools) is prohibited.

The Director of Public Health has fixed the minimum age for admission to employment of indigenous persons whose places of work are more than 20 km. from their places of residence at 16 years.

The Government states that it does not for the moment intend to bring the existing legislation into line with the provisions of the Convention.

Surinam.

In Surinam, the setting of a minimum age for the employment of young persons is a difficult problem. Part of the Surinam population is of Moslem or Hindu origin and the traditions and customs of these groups permit marriage at a very young age—15 years in the case of men and 13 years in the case of women. However, there should be no major obstacle if the Convention were to be implemented in Surinam, because the age limit set by Article 2, paragraph 1, in no way prohibits the employment in industry of Moslem or Hindu husbands of 15 years of age and above if they have to support a family. It would only prevent their younger wives from doing so. Nevertheless cases where married women under the age of 15 seek employment in industry are rare.

The Government therefore intends in due course to introduce legislation to give effect to the provisions of the Convention.

Peru.

See under Convention No. 5.

Philippines.

See under Convention No. 5.

Poland.

Act of 2 July 1958 concerning the vocational training and conditions of employment of young persons.

Order of the Council of Ministers, No. 364 of 26 September 1958.

Order of the Minister of Labour and Social Insurance of 18 November 1958 concerning the schedule of tasks on which young persons may not be employed.

Order of the Minister of Labour and Social Insurance of 18 November 1958 concerning registers of young workers.

The employment of any person under 14 years of age in industrial or non-industrial employment is prohibited. The employment of young persons between 14 and 16 years of age is allowed solely for purposes of vocational training. Young persons may on reaching the age of 16 years be admitted to suitable wage-earning employment provided that they have acquired the necessary vocational skills and served a period of practical training, otherwise they may

be employed only on simple tasks specified by law.

The law requires every undertaking to keep a register, in the form laid down by the Ministry of Labour and Social Insurance, of all young persons employed in it.

Young persons between the ages of 14 and 18 years may not be employed in work harmful to their health. Young persons who have reached the age of 16 years may be employed on some of these tasks (a list of which is in preparation) but solely for purposes of vocational training or while serving a period of preliminary training and if the economic situation is such that workers must be trained to meet the demand for skilled personnel in that particular branch.

The Labour Inspectorate, which is under the authority of the Central Council of Trade Unions, is responsible for the enforcement of the national legislation.

Ratification of the Convention is at present impeded by the need to provide vocational training for a certain number of young persons aged 14 or over; this is due to the shortage of suitable vocational schools and of qualified teaching staff.

El Salvador.

See under Convention No. 5.

Spain.

Order of 4 August 1938.

Act of 26 January 1944 respecting contracts of employment (*L.S.* 1944—Sp. 1).

Primary Education Act of 17 July 1945.

Decree of 26 July 1957 (Industries and Employments Prohibited to Women and Young Persons) (*L.S.* 1957—Sp. 1).

Article 1. The Contracts of Employment Act makes no distinction between industrial and non-industrial occupations.

Article 2. The Contracts of Employment Act prescribes a minimum age of 14 years. Section 18 of the Primary Education Act divides primary education into four stages, the fourth of which (between the ages of 12 and 15) is called the pre-vocational stage; this stage will in due course merge into the full-scale training courses taken by school leavers, which are looked upon as an extension of the pre-vocational stage. Section 134 of the Contracts of Employment Act stipulates that young persons who have not passed the school-leaving age may not be articulated as apprentices; in the near future this age will be raised to 15.

Article 3. Section 3 of the Decree of 26 July 1957 states that inspectors may authorise the employment of young persons under the age of 18 provided that they are subject to articles of apprenticeship and that there are suitable safeguards for the apprentices' health and safety.

Article 4. The Order of 4 August 1938 requires employment offices to maintain a register of apprenticeship contracts. Section 178 of the Contracts of Employment Act states that all the documents required for the hiring of minors must be produced when requested by labour inspectors.

Article 5. The decree of 26 July 1957 usually prescribes age limits in excess of 14 years for any young persons under the age of 18 who are employed in dangerous jobs. Similarly, sections 175, 176 and 177 of the Contracts of Employment Act prescribe a minimum age of 18 where any moral danger might be involved.

Owing to technical difficulties it has not been found possible to fix a minimum age of 15 for the admission of young persons to industrial employment, but in the by no means distant future the current legislation will be superseded by regulations fixing the age of admission of children to employment at 15.

Sweden.

See under Convention No. 5.

Article 5 of the Convention. Section 26 of the Workers' Protection Act provides that if the employment of young persons in a certain type of work involves particular danger for the life, health or morals, the Crown may prescribe special conditions for the employment of such young persons on such work or order that they shall not be employed therein. The Royal Proclamation of 6 May 1949 which has been issued by virtue of this provision contains a detailed schedule of various types of dangerous employment.

Switzerland.

Act of 18 June 1914 respecting hours of work in factories and Order of 3 October 1919 to apply that Act (*L.S.* 1919—Swi. 4).

Act of 24 June 1938 respecting the minimum age of workers (*L.S.* 1938—Swi. 1) and Regulations of 24 February 1940 to apply that Act.

The subject of the Convention lies within the competence of federal legislation.

The minimum age for admission to employment in industrial and handicraft establishments (with the exception of employment on light work and running errands) is fixed at 15 years.

Family undertakings, including those in which tasks dangerous to the life, health or morals of the persons employed therein are carried on, are expressly excluded from the scope of the legislation.

Every employer is required to keep an up-to-date register of his employees, showing, *inter alia*, the ages of all workers under 18 years of age.

Article 5 of the Convention. The minimum age for admission to employment on employments considered to be dangerous to the life, health or morals of young persons may be raised as a general measure or in specific branches of activity; it has been increased by the Federal Council to 16 or 18 years in factories, according to the case.

The enforcement of the Act concerning the minimum ages of workers and of the Factories Act and the application of penalties for breaches of the provisions of the regulations lie within the competence of the cantonal authorities; however, in the last resort the Federal Council is responsible for their enforcement. There are also federal inspection services which ensure that the provisions of the Factories Act are strictly complied with.

The Government states that no change has been made in the national legislation or practice with a view to giving effect to the provisions of the Convention. It also states that ratification of the Convention will be impossible so long as there are discrepancies between it and the federal legislation, particularly on the subject of exceptions to the minimum age for admission to employment (which are allowed for employment on light work and running errands) and the exclusion of all family undertakings without distinction—including those in which employments dangerous to the life, health or morals of young workers are carried on—from the scope of the legislation.

A general Labour Act is in preparation. For the moment, however, it is impossible to say whether this Act will give effect to the provisions of the Convention which are not covered by the existing legislation.

Thailand.

See under Convention No. 5.

Tunisia.

See under Convention No. 5.

Article 4 of the Convention. The Government states that Tunisian law provides for the keeping of registers of children employed in work-rooms in benevolent institutions, orphanages and charitable or relief workshops run by religious or lay institutions (article 15 of the decree of 6 April 1959).

Turkey.

See under Convention No. 5.

Article 5 of the Convention. The Regulations issued under section 58 of the Labour Act list various kinds of works as arduous and dangerous and provide that persons under 18 must not be employed. By virtue of the same regulations young persons between 16 and 18 may be employed in only 26 out of 100 types of work listed as arduous or dangerous; and young persons under 16 must not be employed on any kind of arduous or dangerous work.

United Arab Republic.

See under Convention No. 5.

Union of South Africa.

Native Labour Regulation Act, 1911, as amended by Act No. 56 of 1949.

Mines and Works Act, 1911, as amended by Act No. 27 of 1956.

Railways and Harbours Pension Fund Act, 1925.

Factories, Machinery and Building Work Act, 1941, as amended (L.S. 1941—S.A. 3).

Apprenticeship Act, 1944 (L.S. 1944—S.A. 1) as amended by Act No. 28 of 1951 (L.S. 1951—S.A. 2).

Industrial Conciliation Act, 1956 (L.S. 1956—S.A. 1).

Public Service Act, 1957 (Regulation No. 35).

Wage Act, 1957 (L.S. 1957—S.A. 1).

The Factories Act prohibits the employment of any person under 15 years in a factory. However, the definition of "industrial under-

takings" is more limited than that given in the Convention.

On the other hand the legislation concerning mines prohibits any person under 16 years of age to work underground in a mine, and the Government states that it is not the practice to employ underground young males under 18 years.

Since the age of 16 is necessary for membership of the Railways and Harbours Pension Fund, only persons over 16 are accepted into the Railway Administration; staff regulations, however, do not debar entrants of 15 years of age. Appointment of persons under 16 to government services, which include government industrial activities, is prohibited by regulation under the Public Service Act.

The minimum age for entering into an apprenticeship is 15 years. The Wage and the Industrial Conciliation Acts provide for the making of provisions to prohibit the employment of persons under a specified age and, as a result of a government request, it is now regular practice for wage instruments to contain such a provision in respect of persons under 15 years. The Native labour legislation does not permit attestation of an employment contract with a Native under 18 years, except as under such conditions as may be approved by the Minister.

Where occupations or establishments are not covered by any of the legal provisions referred to above, the employment of European children is restricted by the school attendance age, which is up to 16 years, except in one province where it is 15 years, or on passing a required examination.

As regards the supervision of the application of the national legislation, the above Acts provide for the employment of inspectors, and, in addition, the Industrial Conciliation Act provides for the appointment of designated agents of industrial councils registered under the Act.

The Government states that, although the scope of the present legislation is not fully that of the Convention (and for this reason it has not yet ratified it), the Union approves the main principles of the Convention and its practice is substantially in accordance with the provisions of this Convention.

United Kingdom.

Metalliferous Mines Regulation Act, 1872.

Education Acts, 1918-1946.

Education (Scotland) Acts, 1918-1946.

Employment of Women, Children and Young Persons Act, 1920 (L.S. 1920—G.B. 9).

Education Acts (Northern Ireland), 1923-1947.

Quarries Act (Northern Ireland), 1927.

Factories Act, 1937 (L.S. 1937—G.B. 2) and Factories Act, 1948 (L.S. 1948—U.K. 6).

Factories Acts (Northern Ireland), 1938-1949.

Mines and Quarries Act, 1954.

Articles 1, 2 and 4 of the Convention. The Employment of Women, Children and Young Persons Act, 1920, as amended by the Education Acts, prohibits the employment in industrial undertakings of persons under the minimum school leaving age of 15 years. The 1920 Act covers all the undertakings enumerated in Article 1 except the family undertakings which are covered by the Education Acts. Employers' registers of young persons under 18 years are obligatory under various relevant Acts.

Article 5. Under the Factories Acts the Minister of Labour has power, in respect of factories and certain other industrial undertakings, to make regulations in which he can prescribe or restrict the employment of young persons in various occupations or workplaces which are deemed to be dangerous. On the other hand the Mines and Quarries Act prohibits the performance of certain heavy and dangerous work by persons under 16 years, and the responsible Minister has power to make regulations to ensure the safety, health and welfare of all employed persons. The Government points out, however, that there are industrial employments which can be called dangerous and which are not prohibited for young persons over 15; for example there are no provisions empowering the railway authorities to prescribe higher ages than 15 for admission to dangerous employment; nevertheless, in practice the management does not permit workers under 18, sometimes under 16, to be employed in certain jobs on the railways.

Inspectorates under the respective Ministries (Ministry of Labour for the 1920 Act and the Factories Acts and Ministry of Power for the Mines and Quarries Act) and in certain respects other public authorities are responsible for enforcing the application of the legal provisions. There is no special machinery for securing co-operation of organisations of employers and workers in the application of the law but they are consulted when new or amending legislation is under consideration.

The Government states that the law and practice are largely in conformity with the provisions of the Convention and that the possibility of amending existing legislation is under constant review.

United States.

Federal Legislation.

Public Contracts Act, 1936.

Fair Labor Standards Act, 1938, as amended (L.S. 1938—U.S.A. 1; L.S. 1949—U.S.A. 1).

Civil Service Commission Regulations.

Article 1 of the Convention. The Fair Labor Standards Act applies to undertakings in so far as they are concerned with interstate or foreign commerce, and the Government states that the Act covers the undertakings mentioned in this article. The Public Contracts Act applies to government supply contracts worth more than \$10,000; certain transport and other contracts are exempted from the Act.

Article 2. The Fair Labor Standards Act (sections 12 and 13) prohibits the employment of minors under 16 years of age, and orders under the Act prohibit the employment of those under 18 in a substantial number of hazardous occupations. The Public Contracts Act (section 46) prohibits the employment of boys under 16 and girls under 18 years on government contract work. Neither Act permits the employment of children by their parents in manufacturing or mining occupations or in occupations declared to be hazardous. For federal government employment the Civil Service Commission has set 18 years as a normal minimum age for employment and occasionally 16 or 17 for employment in non-hazardous

occupations. In the rare cases in which collective agreements include minimum age provisions the minimum set is usually 16, 17 or 18 years.

Article 4. Both Acts make obligatory the keeping of records and dates of birth of minors under 19 years of age. Employers are permitted to keep also other records, such as employment certificates, as evidence of compliance with the legal provisions.

Article 5, paragraph 1. See under Article 2 above. Furthermore, under the Fair Labor Standards Act, the Secretary of Labor has power to make orders declaring specific occupations to be particularly hazardous for the employment of children between 16 and 18 years of age, or detrimental to their health or well-being. The Government states that 13 orders have been issued to this effect.

The United States Department of Labor is responsible for the administration and enforcement of the two federal acts, special divisions of the Department being responsible for particular aspects of the administration. The Government states that, in general, the existing legislative standards exceed those established by the Convention.

State Legislation.

The Government advises that every state (including the District of Columbia and Puerto Rico) has legislation concerned with all or most of the matters dealt with in the Convention.

Articles 1 and 2. Some state laws set minimum age standards for all occupations or employments; some specify the occupations or employments covered. According to the tabulated information given in the Government's report 40 states set a minimum age for industrial employment at any time (during or outside school hours) as follows: 16 years in 21 states, 15 in one and 14 in 18 states. In 11 states the age for employment during school hours also ranges from 14 to 16 years; for employment outside school hours, two of the states set no minimum and in nine other States the minimum laid down ranges from 10 years (boys in non-harmful work) up to 14 years. In one state the law does not lay down a minimum age, but prohibits employment during school hours. Seven states exempt children who work for their parents; also in some states certain other special exemptions are allowed.

Article 4. In all but five states employment certificates issued on documentary proof of age are required by law for persons at least under 16 years; the age is 17 or 18 years in 27 of the states.

Article 5. Twenty-one states already lay down a minimum age of more than 15 years for industrial employment at all times, and nearly all states have declared from some up to many occupations to be hazardous for minors under 16 or 18 years and in a number of cases ages up to 23 years have been fixed. In 32 states the state Administrative Agency is empowered to prescribe a higher age than 15 years for admission to hazardous work.

The administration of state child labour laws is vested in the state Department of Labor. This administration involves the co-operation of both employers' and workers' organisations.

Venezuela.

Constitution of 5 April 1953.

Regulation of 30 November 1938 issued under the Labour Act.

Decree of 21 October 1947 to establish the Labour Act (L.S. 1947—Ven. 2).

Act of 30 December 1949 respecting the status of young persons.

Article 1. Labour legislation covers all types of industrial establishments. The law makes a distinction between industry on the one hand, and commerce and agriculture on the other. Agriculture is subject to special regulation.

Article 2. Section 103 of the Labour Act and section 89 of the Young Persons' Statute (Act) forbid the employment of children under the age of 14 in industrial, commercial and mining establishments, undertakings and concerns. The Labour Act does not permit the exception allowed by Article 2 (2) of the Convention regarding family businesses.

Article 4. Section 114 of the Labour Act requires persons employing young persons under the age of 18 to maintain a special register showing their dates of birth.

Article 5. Sections 106 and 107 of the Labour Act prohibit the employment of persons under the age of 18 in jobs or industries which might endanger their lives or health or might prove detrimental to their morals or standards of behaviour. Similarly, section 92 of the Young Persons Statute (Act) forbids the employment of young persons in any work which might endanger their health, lives or morals.

The Ministry of Labour and the labour inspectors are responsible for enforcing labour legislation.

The Venezuelan Government is considering bringing its legislation fully into line with the terms of the Convention. A draft is now in preparation and as soon as it has been completed

it will be submitted to the National Congress for adoption.

Viet-Nam.

Labour Code, 1952 (L.S. 1956—V.N. 1).

Article 159 of the Labour Code fixes the minimum age for admission to employment at 14 years. The Government states that apart from this discrepancy all the provisions of the Convention are applied by the Labour Code. However, as it is at the moment impossible to raise the minimum age, ratification of the Convention cannot be contemplated for the present.

Yugoslavia.

General Occupational Safety and Health Regulation of 13 January 1947.

Occupations and Trades Regulation of 4 February 1950. Apprenticeship Decree of 22 July 1952 (L.S. 1952—Yug. 5A).

Vocational Training Schools Decree of 22 July 1952 (L.S. 1952—Yug. 5B).

Act of 12 December 1957 respecting employment relationships (L.S. 1957—Yug. 2).

The minimum age of admission to employment in the socialist and private sectors is 15.

The minimum age of admission to apprenticeship and to any of the vocational training schools is 14. The work of the vocational training schools is subject to supervision by the appropriate public authorities.

Under current legislation every economic organisation is required to maintain a register of the workers it employs. This register must contain certain essential particulars, including their age.

Yugoslav legislation empowers the Federal Executive Council to fix a minimum age higher than 15 for certain occupations, e.g. underground miners and stokers in the merchant marine, for whom the minimum age is 18. For certain trades and occupations the minimum age of admission to apprenticeship is 16.

The labour inspectorate is responsible for enforcing national legislation on the matters covered by the Convention.

The Government proposes to ratify this Convention and the necessary procedure has been set in train.

Night Work of Young Persons (Industry) Convention, 1919 (No. 6)¹

Australia.

See under Convention No. 90.

Canada.

Alberta.

Child Welfare Act, 1955.

British Columbia.

Control of Employment of Children Act, 1948.

Manitoba.

Child Welfare Act, 1954.

New Brunswick.

Factory Act, 1952.

Newfoundland.

Welfare of Children Act, 1952.

Nova Scotia.

Factories Act, 1954.

Ontario.

Factory, Shop and Office Building Act, 1950.

Quebec.

Industrial and Commercial Establishments Act, 1941.

Saskatchewan.

Factories Act, 1953.

Child Welfare Act, 1953.

The Government considers the provisions of the Convention to be appropriate for action by the provincial legislatures except in the North West and Yukon Territories and except as incidental to certain matters which are subject to federal jurisdiction.

Provincial Action.

In nine of the ten provinces legislation covers some of the matters dealt with by the Convention. Child welfare legislation prohibits the employment at night of children under 16 years in Alberta and Newfoundland, and under 18 years in Manitoba; the specified hours between which night work is prohibited amount to 11, 11 and 9 hours respectively. In Saskatchewan the Child Welfare Act provides for a general protection against night work being performed by young persons between 10 p.m. and 6 a.m.; additionally, the Factories Act prohibits employment of persons between 16 and 18 years after 6.30 p.m.; by special permit they may work between 7 a.m. and 10 p.m.

The Factories Acts in other provinces prohibit or restrict night work in various ways. In New Brunswick the labour inspector's approval is required to employ persons under 16 at all in

a factory, and under 18 for more than the 9-hour daily limit. In Nova Scotia persons under 16 may not work between 9 p.m. and 6 a.m. even under authorised exceptions. In Ontario boys under 16 and girls under 18, and in Quebec persons under 18, may not work between specified night periods amounting to 12½ and 12 hours respectively. In both these provinces labour inspectors may grant temporary exceptions, which reduce the prohibited night period to nine hours, or exceptions for shift work, where the prohibited period is 11 p.m. to 6 a.m. In the case of Ontario and Saskatchewan the Minister may grant exemptions from the hours provisions of the respective Factories Acts. With regard to British Columbia the Government states that for the year ended 31 December 1958 only 14 permits were issued for the employment of children under 15 (Employment of Children Act) in the industries covered by the Convention.

In the matter of exceptions the Government points out in respect of some provinces that hours detrimental to young persons are not authorised. Exceptions may be granted for a limited period to meet emergencies or to facilitate a shift agreement. Because of compulsory school attendance laws not many children under 15 or 16 are employed in industry, while 17 or 18 is the minimum age for entry into some industrial occupations (for example in mining or truck driving) and not many 16 and 17 year olds are employed in industries where night work is regularly scheduled.

For those reasons the employment of young persons at night does not seem to have been a problem of sufficient proportion to lead to legislation in all provinces which would completely comply with the terms of either this Convention or Convention No. 90. The Government adds that this position does not mean that there is no support for the principles expressed in the Convention.

China.

Factory Act as amended. Promulgated by the National Government on 30 December 1932 (*L.S.* 1932—Chin. 2A).

Section 12 of the Factory Act prohibits the employment of young persons between 8 p.m. and 6 a.m. Under section 6 young persons are defined as boys and girls above the age of 14 years and below the age of 16. These provisions are applied to all factories and transport undertakings.

At present the Government is engaged in a general revision of the existing labour laws and regulations; it is expected that the new legislation will include, as far as possible, provisions relating to the matters dealt with by the Convention.

¹ This Convention came into force on 13 June 1921. Thirty-four ratifications had been registered up to 30 November 1959.

Costa Rica.

Labour Code of 1943 (*L.S.* 1943—*C.R.* 1).

Section 88 (a) of the Labour Code forbids the employment at night of all persons under 18 years of age.

In article 135 of the same Act night work is defined as work performed between 7 p.m. and 5 a.m.

There are no obstacles to the ratification of the Convention either in national law or practice or in the Convention itself.

Finland.

Act of 31 July 1929 respecting the employment of children and young persons in industrial work (*L.S.* 1929—*Fin.* 2).

Act of 2 August 1946 concerning hours of work (*L.S.* 1946—*Fin.* 4).

Article 1 of the Convention. The 1929 Act concerning the employment of children and young persons applies to industrial and handicraft undertakings in which persons other than the spouse or children under age of the head of the undertaking are employed. The Act does not apply to factories, handicraft undertakings or undertakings in country areas which employ less than three workers or to transport undertakings. In addition, it does not cover the building of dwellings for private persons in country areas or the repairing of buildings.

Articles 2 and 3. The 1929 Act defines children as persons aged under 15 years of age and young persons or adolescents as persons over 15 but under 18 years of age. Children under 14 years of age are not allowed to do any work except as pupils in vocational schools; the work thus done must be approved by and performed under the supervision of a public authority. No child may be employed before 7 a.m. or after 7 p.m., and no young person may be employed before 6 a.m. or after 7 p.m. The Industrial Council may authorise the employment of young persons between 7 p.m. and 6 a.m. on work which by reason of the nature of the process has to be carried on continuously day and night, if this is considered necessary for their trade training, in the following industries: the manufacture of iron and steel, processes in which reverberatory or regenerative furnaces are used and the galvanising of sheet metal or wire (except pickling workshops), glass works, paper manufacturing and the manufacture of raw sugar.

The provisions of the 1929 Act are not applicable to the children under age of the head of the undertaking employed by him except as regards work which involves overstrain or the risk of accidents or injury to health or which may hinder their physical development, expose them to moral danger or be prejudicial to their health.

Article 4. If a natural disaster, an accident or some other unforeseen circumstance interrupts the normal running of the undertaking or gives rise to imminent danger of such interruption or of danger to life, health or property, children and young persons may be employed, if the circumstances require, in moderation beyond the permitted hours during a period not exceeding four weeks.

The labour inspectorate is responsible for the enforcement of the legislation on this subject. The employers' and workers' organisations are represented on the Industrial Council.

In March 1958 the Government submitted a Bill on the protection of young workers to Parliament; this Bill contained some of the provisions laid down in the Convention. It was not, however, passed.

Federal Republic of Germany.

See under Convention No. 90.

Ghana.

Labour Ordinance, 1948.

Section 75 of the Ordinance defines the industries to which the Convention applies and what is meant by "night work", in terms very similar to those of the Convention (Article 1 and Article 3, paragraph 1, respectively). Night work by young persons (over the apparent age of 15 years and under the apparent age of 18 years) in any industrial undertaking is prohibited (section 80 (1)); a labour officer may grant exceptions to this general prohibition in special circumstances but, the Government states, no such permission has so far been given. Section 81 provides for exemptions where, in case of complaint, it is shown to the satisfaction of the Court that the night work is due to reasons of the kind permitted under Article 4, or where the work is necessary to preserve raw materials; in connection with these exempting provisions of the Ordinance, the report refers to the exceptions permitted under Article 2, paragraph 2 (a).

The Government states that the Commissioner of Labour and employers' and workers' organisations co-operate in the application of the Convention and that consideration will be given in due course to its ratification.

Haiti.

Act of 9 October 1946.

Act of 6 August 1947 respecting children and young persons (*L.S.* 1947—*Hai.* 2).

Act of 4 September 1947 to organise apprenticeship (*L.S.* 1947—*Hai.* 3).

Act of 17 September 1958 respecting conditions of work (*L.S.* 1958—*Hai.* 1).

Article 1 of the Convention. The Act of 17 September 1958 contains a definition of industrial undertakings; it draws a distinction between industry on the one hand and agriculture and commerce on the other.

Article 2. Article 8 of the Act of 6 August 1947 prohibits the employment of children on night work.

Article 3. Article 8 of the Act of 6 August 1947 defines "night" as the period between 7 p.m. and 6 a.m. On the other hand, article 4 of the Act of 4 September 1947 defines "night" as the period between 6 p.m. and 6 a.m.

The Act of 6 August 1947 provides for penalties for breaches of the law. The Act of 9 Octo-

ber 1946 states that the Women's and Young Workers' Department of the Labour Office is the authority responsible for enforcement of the statutory measures for the safeguarding and supervision of the employment of persons under 18 years of age.

A draft Labour Code is at present under consideration. It will contain provisions which will be in line with those of the Convention.

Iceland.

Act No. 29 of 1947 concerning the protection of young workers.

The only provision in the legislation relating to the matters dealt with in the Convention is contained in section 39 of the above Act, which reads as follows: "Youth welfare committees shall see to it that a child or a young person is not overstrained with heavy or unhealthy work, long working hours, watching or irregular working habits."

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention.

Indonesia.

Decree No. 13 of 17 December 1925: Ordinance issuing regulations to restrict the employment of children and the employment of women at night (L.S. 1925—D.E.I. 2A).

The Government states that the difficulties which hinder the ratification of the Convention are that the age limit under the law is lower (14 years) and the duration of the night period is less (from 8 p.m. to 5 a.m.) than the standards laid down in the Convention. The Government has no intention, at present, of modifying the law for the purpose of implementing the Convention.

Iran.

Article 17 of the new Labour Act of 17 March 1959 fixes the minimum age for employment at night at 18 years and defines "night" as the period between 10 p.m. and 6 a.m. When this Act has come into force there will be no obstacles remaining to the ratification of the Convention.

Japan.

Labour Standards Law, No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).

Ordinance No. 8 of the Ministry of Labour of 31 October 1947 on labour standards for women and minors.

Article 1 of the Convention. The Labour Standards Law (section 8) is applied to all industrial and non-industrial enterprises, except those which employ only persons living with the employer as family members. The term "industrial undertaking" as defined in the Convention corresponds to the enterprises listed under sub-sections 1 to 5 of section 8 of the Law.

Article 2, paragraph 1. Section 62 of the Labour Standards Law prohibits the employment of minors under 18 years of age between 10 p.m. and 5 a.m., but permits the employment of male persons over 16 years of age during the night on shift work. With the sanction of the

administrative office, minors under 18 years of age working on night shift may be employed up to 10.30 p.m.

Article 3, paragraph 1. Section 62 of the Labour Standards Law prohibits the employment of minors below 18 years of age between 10 p.m. and 5 a.m. However, when the Minister of Labour deems it necessary this interval may be substituted by the interval of 11 p.m.-6 a.m. for a specified area.

Article 4. Under section 62 of the Labour Standards Law the prohibition on work at night by minors does not apply when their employment is temporarily needed on account of accidents and other unavoidable circumstances.

The Labour Standards Bureau in the Ministry of Labour, the Prefectural Labour Standards Offices and the Labour Standards Inspection Office in each prefecture, which have a total of 2,350 Labour Standards Inspectors, are entrusted with the administration and the supervision of the application of the Labour Standards Law and other relevant laws and ordinances, throughout the country.

The Labour Standards Law of Japan is not in conformity with the Convention so far as the definition of the term "night" and the prohibition of night work are concerned. In the light of the actual economic situation in Japan it is difficult to amend the national legislation.

For the present, it is not intended to adopt measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice.

Federation of Malaya.

Children and Young Persons Ordinance, 1947.

Children and Young Persons Rules, 1947.

Article 1 of the Convention. The Ordinance restricting the night work of young persons applies specifically to employment in factories, godowns and workshops and generally to employment in any labour exercised by way of a trade or for the purposes of gain, whether the gain be to the young person or to any other person.

Articles 2 and 3. No young person between the ages of 14 and 18 years may be employed between the hours of 8 p.m. and 6 a.m.

The Commissioner for Labour and his staff are responsible for the enforcement of the legislation.

The Government is examining Conventions with a view to the ratification of those which it is possible to ratify. This Convention has not yet been examined. It is not possible at present for the Government to state when it will be possible to give effect to all the provisions of the Convention or to ratify it.

Morocco.

Decree of 2 July 1947 to issue labour regulations (L.S. 1947—Mor. 1), amended and supplemented by the Decrees of 21 September 1949, 5 August 1950 (L.S. 1950—Mor. (Fr.) 2), 12 August 1952 and 27 April 1953.

Under section 12 of the above-mentioned decree of 1947 the employment of children under

16 years of age on night work is prohibited, night work being considered as all work performed between 10 p.m. and 5 a.m. (section 13). Children must be allowed a rest of at least 11 consecutive hours, including the above-mentioned period, between any two days' work.

Section 15 allows certain exceptions to this general rule in certain particular types of establishments to be designated in special orders.

If work is interrupted owing to an accident or a similar case of *force majeure*, the employer may make up the time lost up to a maximum of 15 days in any one year, provided that he first informs the labour inspector. Permission must be obtained for any exception to this rule.

Exceptions may also be made to the general rules to deal with urgent work which must be performed immediately to avert impending accidents, to organise rescue work or to repair the damage caused by accidents.

No amendment to the existing legislation is at present contemplated, as young Moroccans of 16 years of age are physically and intellectually as mature as young Europeans of 18 years of age.

New Zealand.

Coal Mines Act, 1925 (L.S. 1925—N.Z. 2).

Mining Act, 1926 (L.S. 1926—N.Z. 1).

Mining Amendment Act, 1937 (L.S. 1937—N.Z. 2A and B).

Motor Drivers' Regulations, 1940.

Factories Act, 1946 (L.S. 1946—N.Z. 4).

Factories (Amendment) Act, 1956.

Article 1 of the Convention. The Factories Act, which restricts the employment during the night of young persons, does not cover the mining, construction and transport industries.

Articles 2 and 3. The Factories Act prohibits the employment of any boy or girl under 16 years of age in any factory between the hours of 6 p.m. and 8 a.m. or, with the consent of the factory inspector, 7 a.m. Although the normal working hours of 40 a week and eight a day may be extended in respect of workers over the age of 16, the extension in respect of women of 16 and over must not include the period between the hours of 10 p.m. and 7 a.m. However, with the consent of the factory inspector this restriction may be relaxed in respect of industries handling perishable raw materials to be processed into foodstuffs and in other industries in exceptional circumstances, but every worker must have at least eleven consecutive hours' rest in every period of 24 hours, and this period must include the hours between 10 p.m. and 6 a.m.

In the mining industry age restrictions and the exclusion of certain categories of persons from employment in some occupations in the industry automatically preclude such persons from night work. Thus, no female person of any age and no boy under the age of 14 years may be employed in any capacity in or about any mine; no male person under the age of 19 years may be employed underground in any quartz mine; and no male person under the age of 16 years may be employed underground in any alluvial mine.

In the transport industry also, age limits, by placing restrictions on the employment of cer-

tain age groups in some occupations, automatically exclude night work in such occupations for these groups. Thus, persons under the age of 24 years may not drive a taxicab; those under the age of 21 years may not drive a motor omnibus or passenger service vehicle; and those under the age of 18 years may not drive a heavy trade motor.

Article 4. With the approval of the Secretary of Labour, a factory inspector may consent to the employment of any worker over the age of 16 at any time if he is satisfied that, because of climatic or other factors beyond the control of the occupier, such employment is necessary in order to preserve raw materials from certain loss.

No modifications have been made in legislation to give effect to the provisions of the Convention, although the requirements of the instrument were taken into account in the drafting of the Factories (Amendment) Act, 1956. The Government states that legislative provisions precluding the night work of young persons in the mining, transport and construction industries are either non-existent or inadequate. In addition, in order to comply with the terms of the Convention some amendment would have to be made to the provisions of the Factories Act in respect of the employment of young persons. The Government does not propose to take any measures to amend existing legislation or to enact fresh legislation and ratification of the Convention is not contemplated.

The Labour Department is entrusted with the supervision of the application of the Factories Act. There is no special manner in which organisations of employers and workers are called on to co-operate in the application of this legislation.

Peru.

Act No. 2851 of 23 November 1918 respecting the employment of women and young persons (L.S. 1919—Per. 1) amended by Act No. 4239 of 26 March 1921.

The employment of young persons under 21 years of age on night work in Peru is forbidden. Young persons over 18 years of age are allowed to work on production of a doctor's certificate of physical fitness, subject to the permission of the labour authorities.

The authority responsible for the enforcement of the legislation on this subject is the Women's and Young Workers' Division of the Department of Social Welfare.

The enactment of the measures required to remove the discrepancies existing between national legislation and the Convention is under consideration.

El Salvador.

Constitution of 1950 (L.S. 1950—Sal. 4).

Decree No. 128 of 22 January 1951 to promulgate the Act respecting hours of work and weekly rest (L.S. 1951—Sal. 1).

Article 2 of the Convention. Article 183 (10) of the Constitution and section 1 of Decree No. 128 both prohibit the employment of young persons under 18 years of age on night work.

Article 3. Section 1 of Decree No. 128 defines day work and night work; all work performed

between 8 p.m. and 6 a.m. is considered as night work.

The labour inspection department of the Ministry of Labour and Social Insurance is responsible for the enforcement of the above-mentioned provisions.

No changes have been made in national legislation to give effect to all the provisions of the Convention.

In theory there are no obstacles to the ratification of the Convention ; in practice, however, the enforcement of the legislation is hampered by the social and economic conditions at present obtaining in the country, which are such that many young persons under 18 years of age are obliged to work at night to help to support themselves and their families.

The enactment of measures to apply the provisions of the Convention in the near future is not contemplated.

Sweden.

Act No. 1 of 3 January 1949 respecting the protection of workers (L.S. 1949—Swe. 1).

Act No. 70 of 17 March 1950 to amend Act No. 1 of 3 January 1949 respecting the protection of workers (L.S. 1950—Swe. 1).

Article 1 of the Convention. In Swedish legislation no difference is now made between industrial and non-industrial work as far as the nightly rest of young persons is concerned. However, work executed in the home of the employee, work executed by a member of the employer's family and employment in shipping are all exempted (sections 3 and 4 of the Workers' Protection Act).

Article 2. Section 33 of the Workers' Protection Act prohibits night work for all young persons under 18 years of age. The exception permitted in paragraph 2 of the Article in respect of young persons over 16 employed in specified industries where because of the nature of the process, the work has to be continuous, is not mentioned in the Swedish legislation.

Article 3. The duration of the nightly rest period prescribed by the Workers' Protection Act is not less than a continuous period of 11 hours including the period between 10 p.m. and 5 a.m. (section 33). In the case of young persons under 16 years of age the nightly rest period has to include the time between 7 p.m. and 6 a.m. Section 33 (b) of the Act authorises the Workers' Protection Board to permit such young persons to be employed between 7 p.m. and 10 p.m., but the Government states that this possibility is used only in case of non-industrial work. In the case of young persons above 16 the Workers' Protection Board is authorised to permit employment after 10 p.m. (section 33 as amended in 1950), and to change the prohibited period to "some other period of seven consecutive hours between 10 p.m. and 7 a.m.". In addition section 33 (c) authorises the Workers' Protection Board to exempt a male young person above 16 years completely from the prohibition of night work on condition that he is medically certified to possess good health and physical development ; and as a rule such exceptions are allowed in order to facilitate the employment of young persons in shift work.

In the baking industry night work is prohibited for all persons on weekdays between 8 p.m. and 6 a.m. The mixing of dough and the lighting of fires, however, is permitted between 4 a.m. and 6 a.m. The Government points out that the employment of male young persons over 16 years of age on such work may be permitted on conditions prescribed by section 33 (c) of the Workers' Protection Act.

Articles 4 and 7. Section 33 (a) of the Act permits young persons who have attained the age of 16 to be employed at night during emergencies. On the other hand Swedish legislation does not allow any suspension by the Government of the prohibition of night work by young persons.

No revision of the legislation concerning the nightly rest of young persons is contemplated.

Thailand.

Proclamation of 20 December 1958 of the Ministry of Interior respecting working hours, holidays of employees, conditions of woman and child labour, payment of wages and welfare services in industry and commerce.

Section 45 of the above Proclamation regulating conditions of work in industry and in commerce provides, *inter alia*, that no employer shall employ any child under 18 years of age in any industrial establishment between 8 p.m. and 6 a.m. This provision applies to all industrial undertakings which employ "any woman or child from one person upwards". The same Proclamation also prescribes the records to be kept by the employer (sections 53 and 54) and the procedures for inspection and enforcement (sections 53 and 54).

The Proclamation does not provide for any exceptions from or modifications of the above requirements either in respect of particular industries or of emergencies.

The Government states that it is considering amendments to the law to bring it in harmony with the Conventions, but that this requires careful study in order to avoid adverse effects on the means of livelihood of the general public.

Turkey.

Public Health Act (L.S. 1930—Tur. 1).

Act No. 3008 of 8 June 1936 respecting labour (L.S. 1936—Tur. 2) amended by Act No. 5518 of 25 January 1952 (L.S. 1952—Tur. 1B).

National Protection Act No. 3780 of 18 January 1940.

Article 1 of the Convention. Section 3 of the Labour Act defines an industrial undertaking in the same terms as the Convention. Moreover, section 4 of the Act also authorises the Minister of Labour to decide whether other types of undertakings should also be classed as "industrial".

Article 2. Section 50 (I) of the Labour Act provides that boys under 18 and girls and women irrespective of age may not be employed on industrial work during the night. This prohibition covers even undertakings where only members of the same family are employed. Only industrial home work by members of the same family or near relations living in the home without the assistance of any outside person is excluded.

Turkish legislation does not contain any special provision for the employment of young persons on night work in continuous process industries.

Article 3. Section 43 of the Labour Act defines "night" as the part of the day beginning not later than 8 p.m., ending not earlier than 6 a.m., and lasting not more than 11 hours.

Article 4. The Labour Act, section 50 (III), permits the employment of young persons over 16 years of age on night work in cases of *force majeure* which could not have been foreseen or prevented and which are not of a periodical character.

Article 7. Article 19, paragraph II, of the National Protection Act empowers the Government to suspend the prohibition of night work for young persons over 16 years of age when national interests demand it.

The Government does not propose to modify the national legislation to bring it in conformity with the Convention.

Union of South Africa.

Shops and Offices Act, 1939.

Factories, Machinery and Building Work Act, 1941, as amended (*L.S.* 1941—*S.A.* 3).

Apprenticeship Act, 1944 (*L.S.* 1944—*S.A.* 1), as amended by Act No. 28 of 1951 (*L.S.* 1951—*S.A.* 2).

Articles 1, 2 and 3 of the Convention. The Factories Act, which applies to undertakings of the kind mentioned in clause (b) of Article 1, paragraph 1, prohibits the employment of females between 6 p.m. and 6 a.m., and the employment at all of any person under 15 years of age. The Act does not otherwise provide for the application of the special provisions of the Convention. Only in footwear repair establishments is the employment of young persons under 18 years of age after 6.30 p.m. prohibited by legislation (Shops and Offices Act, 1939).

Provisions regarding night work may be prescribed in instruments made under the Wage Act, 1957, or the Industrial Conciliation Act, 1956, or by the Minister of Labour in prescribing conditions of work under the Apprenticeship Act. In the latter case, for example, apprentices under 18 in the printing industry may not be employed between 6 p.m. and 7 a.m., except under an authorised exemption; in the milling industry, a minor during the first two years of apprenticeship may not work between 10 p.m. and 6 a.m. There is no legislation which specifically prohibits night work by young persons in mines, although underground work at any time is prohibited for persons under 16 and in practice those under 18 are not employed underground.

The Government states that although the scope of the present legislation prevents ratification, the Union approves the principle of the Convention. Also, practice in the Union is substantially in accordance with the Convention's provisions.

United Arab Republic.

Act No. 91 of 1959 (Labour Code).

The Labour Code forbids the employment on night work, i.e. between 7 p.m. and 6 a.m., of children under the age of 15 years.

The Government states that the age limit of 15 years has been adopted because of local, social and climatic conditions; and that this is the difficulty which delays the ratification of the Convention.

United Kingdom.

See under Convention No. 90.

United States.

See under Convention No. 90.

Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)¹

Australia.

See under Convention No. 5.

Article 1 of the Convention. There is no legislation in Australia prohibiting or regulating the employment of young persons under 18 years of age during the night in all "industrial undertakings" as defined in the Convention. The general subject of hours of work is dealt with partly by legislation in the states and territories of the Commonwealth and partly by awards and determinations of commonwealth and state industrial tribunals. The report gives examples of awards limiting the working of overtime and shift work by certain young workers in a way which excludes them from night work. Where laws or awards dealing with the subject matter of the Convention do exist, their application is confined to one type of industrial undertakings such as "factories" or "mines" or to one industry or branch of an industry.

In each state the hours of employment for young persons in "factories" (as defined) are limited by state legislation. However, the definition of "factory" is narrower than the definition of "industrial undertaking" set out in the Convention and in most states the criteria of the number of workers and the use of mechanical power have the effect of excluding very small factories from the legislative provisions on this subject.

Articles 2, 3 and 4. There are no provisions specifically prohibiting the employment of young persons at night in the Australian Capital Territory and in the Northern Territory.

In each of the six states (New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia) the prohibition applies only to "factories", the age limit being in all these cases 16 years for males. Night work is also prohibited for all females. The prohibited period is from 6 p.m. to 6 a.m. in New South Wales and Queensland; from 9 p.m. to 7 a.m. (6 p.m.—7 a.m. for females under 16) in Victoria; from 6 p.m. to 7.45 a.m. in Western Australia; and after 9 p.m. in South Australia and in Tasmania. The report refers also to legislative provisions relating to mines which limit hours of employment and exclude persons below specified ages from employment completely or in underground work. However, state legislation empowers the responsible minister or other competent authority to grant exemptions from the overtime restrictions imposed on the employment of young persons and females in circumstances not provided for in the

Convention (where the exigencies of a trade so require, in the case of an unforeseen press of work, in factories where articles are prepared or manufactured from fresh fruit or other perishable material).

Article 5. In times of serious emergency such as wartime special legislation relating to defence and national security might alter the laws and award provisions regulating hours of work and overtime.

Article 6. The laws, awards and determinations that exist on this matter make adequate provision for ensuring that they are known to the persons concerned (copies or abstracts of the relevant Acts or Regulations must be displayed on the premises, as well as copies of the awards) and define the persons responsible for compliance therewith.

The laws, awards and determinations are policed by adequate public inspection services and penalties for non-compliance with these provisions are prescribed.

As regards registers of young persons see information under Convention No. 5 (Article 4).

No modifications have been made in national law or practice with a view to giving effect to the provisions of the Convention.

As far as is known, no measures are anticipated at present with a view to giving effect to the provisions of the Convention not yet covered by the national law or practice.

Austria.

Act No. 146 of 1 July 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3), as amended by Acts Nos. 45 of 1952 (L.S. 1952—Aus. 1A), 258 of 1954 (L.S. 1954—Aus. 3) and 70 of 1955 (L.S. 1955—Aus. 3B).

Act of 31 March 1955 to regulate employment in establishments in which bakers' wares are manufactured (L.S. 1955—Aus. 2).

Article 2 of the Convention. The 1948 Act prohibits the employment of young persons at night, i.e. between 8 p.m. and 6 a.m. On completion of the day's work young persons must be allowed an uninterrupted rest of at least 12 hours' duration.

Article 3. In establishments where work is organised in shifts young persons over 16 years of age may be employed up to 10 p.m. in alternate weeks.

The 1955 Act concerning bakery workers provides that young persons who have reached the age of 15 years may be employed in establishments in which bakers' wares are manufactured from 4 a.m. onwards if that is desirable for the purposes of their vocational training.

Article 4. The provisions of the 1948 Act concerning the employment of children and

¹ This Convention came into force on 12 June 1951. Twenty-one ratifications had been registered up to 30 November 1959.

young persons do not apply to young persons over 16 years of age in cases of temporary work which has to be performed immediately in cases of emergency. The employer is required to report all work undertaken in such circumstances to the Labour Inspector immediately.

Breaches of the provisions of the Act are punishable by fines or imprisonment.

The application of the Act, including the provisions it contains relating to night work, is supervised by the Labour Inspectorate. The co-operation of employers' and workers organisations is provided for in the Labour Inspection Act.

The obstacle to the ratification of this Convention is the provision in section 17, paragraph 5, of the 1955 Act authorising the employment of young persons who have reached the age of 15 years in bakeries from 4 a.m. onwards for purposes of vocational training. This provision was only adopted recently and no amendment thereto is contemplated, at least not in the near future.

Belgium.

Act of 1919 respecting the employment of women and children, amended by the Act of 15 July 1957.

Act of 14 June 1921 respecting the eight-hour day (*L.S.* 1921—Bel. 1).

Royal Order of 22 January 1924 (*L.S.* 1924—Bel. 7A).

Royal Order of 2 December 1924 (*L.S.* 1924—Bel. 7B).

Royal Order of 23 April 1925.

Royal Order of 18 February 1926 (*L.S.* 1956—Bel. 6A).

Royal Order of 25 January 1958.

Article 1 of the Convention. The Act concerning the employment of women and children, which prohibits the employment of children at night, applies to all commercial and industrial establishments, both public and private, covered by the Act of 14 June 1921 concerning the eight-hour day and also to water transport undertakings and all establishments classified as dangerous, unhealthy or unpleasant. The only undertakings not covered are family undertakings, and then only provided that they are not classified as dangerous, unhealthy or unpleasant and that no work is performed in them involving the use of steam boilers or mechanical power (section 1 of the Act).

Article 2. The period of nightly rest must be of at least 11 consecutive hours' duration and must include the period between 10 p.m. and 5 a.m. In exceptional circumstances, after the employers' and workers' organisations concerned have been consulted, the King may decide to replace this period by the period between 11 p.m. and 6 a.m. as far as women employed in particular industries or regions are concerned.

Article 3. The employment of children at night is prohibited. The employment of boys at night is prohibited up to the age of 18 years, while the employment of girls and women at night is forbidden irrespective of their age (article 7 of the Act). There are Royal Decrees authorising exceptions to this prohibition in processes which by their very nature have to be carried on continuously day and night in enamelling works, paper factories,

glass-blowing works, plate-glass works, works manufacturing various special types of glass and glass-bottle factories in which the work is organised in shifts. These exceptions are only allowed on condition that young persons are not employed at night in such processes for more than one week in three. Similar exceptions have been authorised for continuous processes in the iron and steel industry, in zinc, lead and silver smelting works, in zinc rolling mills, in works in which iron and steel tubes are manufactured and in copper-smelting works under similar conditions or subject to the further condition that young persons between 16 and 18 years of age may only be employed in auxiliary work in such establishments and, in most of the establishments concerned, that they are allowed one or more breaks, of a total duration of not less than one hour, during each period of work.

Night work for purposes of apprenticeship is not allowed. Boys under 16 years of age are allowed to visit underground workings in deep and surface mines and in quarries under escort, and under conditions stipulated in the regulations in force, six times a year.

Article 4. Permission to employ boys and girls over 16 years of age and women after 10 p.m. and before 5 p.m. may be granted in cases of *force majeure* when the work of an undertaking is interrupted by an unforeseeable and non-recurring circumstance. Such permission is granted for a specified period, which may not exceed 60 days per year. In no case may the period of nightly rest be reduced to less than ten hours.

Article 5. The prohibition of night work may be suspended in cases of serious emergency and when the public interest so requires.

Ratification of the Convention would involve an amendment to section 8 of the Act concerning the employment of women and children, which provides that all workers under 18 years of age must be allowed a nightly rest of 11 consecutive hours, including the period between 10 p.m. and 5 a.m. When the question of raising the minimum school-leaving age to 15 years, which is at present under consideration, has been dealt with it will be possible to contemplate the introduction of such an amendment.

Brazil.

Constitution of 1946 (*L.S.* 1946—Bra. 3).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*L.S.* 1943—Bra. 1).

Brazilian legislation prohibits night work for persons under 18 years of age, save the exceptions authorised by the competent magistrate. Night work is defined as work between 10 p.m. and 5 a.m.

Apart from the powers conferred on the competent magistrate, the authorities of the Ministry of Labour, Industry and Commerce are responsible for supervising application of the above-mentioned provisions.

The Convention has been submitted to the National Congress. Incorporation of its provisions in Brazilian domestic law is therefore dependent on the decision to be taken by Congress.

Bulgaria.

Labour Code, 1951 (*L.S.* 1951—Bul. 2), as amended in 1957 (*L.S.* 1957—Bul. 2).

Circular of 5 November 1958 issued by the Directorate for the Protection of Labour.

Circular of 26 May 1959 issued by the Directorate for the Protection of Labour.

Articles 1 and 2 of the Convention. The employment of persons under 18 years of age on night work is prohibited. Such persons must be allowed a rest period of at least 12 consecutive hours (including the period between 10 p.m. and 6 a.m.) between two daily working periods.

Articles 3, 4 and 5. In exceptional circumstances young persons who have reached the age of 16 years may be required to work at night. Exceptional circumstances are defined as unforeseeable or unavoidable cases of *force majeure* of a non-recurring character and of such a kind as to interrupt the normal working of the undertaking concerned.

Article 6. Every undertaking, institution and organisation is required to keep a list of all persons under 18 years of age employed in it. This list must show, *inter alia*, the names of the persons concerned and their dates of birth.

Burma.

The Factories Act, 1951 (*L.S.* 1951—Bur. 6).

The Oilfields (Labour and Welfare) Act, No. 21 of 1951.

The Factories Act applies to the factories defined in section 2 (*m*). Some of the industrial undertakings enumerated in 1 (*b*) and (*d*) of the Convention may be considered as factories provided that they employ the required number of workers. Under section 58 certain provisions of the Factories Act apply to docks, wharves and warehouses. Section 57 (1) empowers the President to bring the building operations and certain works of engineering within the scope of the Act. Section 79 (1) (*b*) prohibits the employment of children under 15 years of age between 6 p.m. and 6 a.m. Under section 78 an adolescent who has completed his fifteenth year but not his eighteenth year is deemed to be either an adult or a child according to whether or not he has been granted a certificate of fitness to work in a factory as an adult. However, under section 72 (1) (*b*) a female adolescent cannot be employed between 6 p.m. and 6 a.m. even if she is deemed to be an adult. Section 81 requires the keeping of a register of all child workers. Chapter II deals with the inspecting staff and section 85 deals with penalties in case of a breach of the Act. Section 7 empowers the President to exempt any factory or class of factories from all or any of the provisions of the Act in case of public emergency.

The provisions in sections 56 (1) (*b*), 55, 58, 62 and Chapter II of the Oilfields (Labour and Welfare) Act of 1951 correspond to those in 79 (1) (*b*), 78, 81, 85 and Chapter II respectively, of the Factories Act of 1951.

No differentiation is made by the two Acts between young persons who are members of the employer's family and those who are not.

The provisions of the Act are made known to the employers and employees by the inspectors.

The Chief Inspector of Factories and General Labour Laws is entrusted with the enforcement of the two Acts.

The fact that people of the tropical countries mature earlier than people of the temperate countries, the general economic conditions requiring people to support themselves at an early age and the absence of the necessary legislation for certain classes of industrial undertakings prevent the ratification of the Convention at present.

So far no amendments have been made to the two Acts. Measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice will be adopted as and when warranted.

In the Union of Burma the provisions of the Convention are regarded as appropriate, under its Constitutional system, for federal action.

Canada.

See under Convention No. 6.

Chile.

Labour Code, 1931 (*L.S.* 1931—Chil. 1).

Decree No. 655 of 7 March 1941 (Industrial Health and Safety).

Article 2 of the Convention. Under section 48 of the Labour Code work is regarded as night work if performed between 8 p.m. and 7 a.m. except in undertakings in which members of one and the same family are employed under the authority of one of them.

Article 3. Section 48 of the Labour Code prohibits the employment of young persons below 18 years of age on night work. Section 228 of Decree No. 655 authorises the employment on night work of young persons over 16 years of age in certain industries listed in the article.

The national legislation does not cover private salaried employees and the night period as defined in the national legislation extends over 11 hours instead of the 12 provided for in the Convention. For these legal reasons, as well as for various economic reasons, it is not possible to take any action on the subject in the immediate future.

China.

See under Convention No. 6.

Costa Rica.

See under Convention No. 6.

Article 6, 1 (e) of the Convention. Under section 93 of the Labour Code any person employing persons under the age of 18 must maintain a register of such persons.

There are no insuperable difficulties in the way of ratification of the Convention.

Denmark.

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

Article 1 of the Convention. The provisions of the Danish legislation on night work of

young persons do not apply to purely family undertakings; this exception is wider than authorised by the Convention as it applies to all work which is carried out by members of the employer's family.

Article 2. The night work prohibition prescribed by the Convention is observed in respect of all persons under 18 years of age in trade, industry, transport, storerooms and warehouses. In dairies, however, the prohibition relates to a period of only 11 hours. No night work prohibition applies to certain occupational fields, including building and construction.

Article 3. The provision concerning an uninterrupted 13 hours period of rest is not guaranteed to trainees between 16 and 18 years of age. As far as bakeries are concerned, the night period is 12 hours.

Articles 4 and 5. Danish legislation does not contain such provisions.

Article 6. Danish legislation is in accordance with the provisions of this Article.

The Labour Inspection Service is responsible for the enforcement of this Act under the supervision of the Ministry of Social Affairs.

The obstacle preventing Denmark from ratifying the Convention is that the relevant Danish legislation is not in full conformity with some of the detailed provisions of the Convention.

Finland.

See under Convention No. 6.

In addition the Government has supplied the following information.

Article 6 of the Convention. In all establishments and workshops covered by the 1929 Act the provisions of that Act must be posted up by the employer in a suitable place. In addition, the employer must keep a register, in the form laid down by the Labour Council, of the children and young persons employed by him.

An employer (or his representative) who commits a breach of the provisions of the Act is liable to a fine. If a child is employed in contravention of the provisions of the Act the person responsible for his maintenance is also liable to a fine.

France.

Labour Code, Book II, Title I, Chapter III.

Articles 1, 2 and 3 of the Convention. The Government refers to the ratification by France of Convention No. 6 and states that French legislation is in accordance with the provisions of that Convention in that the prohibited period of night work in France is 11 consecutive hours including the interval from 10 p.m. to 5 a.m. The Government adds that France has not therefore been able to ratify Convention No. 90, which lays down a longer night period. Section 21 of the Code prohibits the employment at night of children under 18 years of age in a number of undertakings which comprise those enumerated in Article 1, paragraph 1, of

the Convention. The prohibition applies specifically to apprentices in undertakings such as are enumerated in subparagraphs (a), (b) and (c) of paragraph 1; apprentices under 16 years may not be employed on any night work by a manufacturer or workshop owner, except with a special local permit.

The Labour Code empowers labour inspectors to authorise different night work rules in certain cases, and permits administrative regulations to be made for exceptions from the night work provisions of the Code. Young males over 16 may be employed at night in essential work in continuous-process factories; on work in connection with accidents (Article 4, paragraph 2, of the Convention); young males may be employed in underground work in mines and quarries which are organised in two shifts, from 4 a.m. and up to 10 p.m., and in prescribed special cases up to midnight; and young persons in general, if at least 16, may do night work to make up time lost during an accidental interruption of the work of an undertaking. For all these exceptions, rules prescribe the periods and type of work which may be performed by the young persons.

Federal Republic of Germany.

Act of 29 June 1936 respecting hours of work in bakeries and pastrycooks' establishments (L.S. 1936—Ger. 1).

Act of 30 April 1938 respecting the protection of young persons (L.S. 1938—Ger. 5).

Regulations of 12 December 1938 to apply the Act of 30 April 1938.

Act of 6 August 1948 of Württemberg-Hohenzollern respecting the protection of young persons; and Regulations of 19 April 1949.

Act of 9 December 1948 of Lower Saxony respecting the protection of young workers, amended by the Acts of 16 May 1949 and 21 June 1951; and Regulations of 26 July 1949 respecting the protection of young persons.

Works Constitution Act of 11 October 1952 (L.S. 1952—Ger. F.R. 6).

Act of 5 August 1955 respecting staff representation (L.S. 1955—Ger. F.R. 1).

The enactment of regulations on the subject covered by this Convention is at present a matter for the federal authorities. The Länder have also issued statutory provisions concerning particular matters dealt with in the Convention. The main provisions in force at present are those listed above.

Article 1 of the Convention. The Act concerning the protection of young persons applies to all young persons employed in any of the industrial undertakings mentioned in the Convention.

Only the provisions in the Act concerning dangerous processes are applicable to young persons employed in family undertakings. The other provisions are treated simply as guiding principles unless the Labour Inspectorate orders that they be complied with in individual cases.

Article 2. For the purposes of the Act a young person is any person who has reached the age of 14 years but not that of 18 years and is no longer under obligation to attend school.

The employment of children at night in industrial establishments is strictly forbidden. The employment of young persons in industrial

establishments at night (i.e. between 8 p.m. and 6 a.m.) is in principle prohibited. Young persons must be allowed at least 12 hours' uninterrupted rest on completion of a day's work.

Articles 3, 4 and 5. In undertakings where work is organised in shifts, young persons over 16 years of age may be employed until 11 p.m. in alternate weeks. The morning shift may start work not earlier than 5 a.m. provided that the late shift ends correspondingly earlier and that due notice is given to the Labour Inspectorate. In such cases young persons under 16 years of age may be employed from 5 a.m. onwards in the early shift. The Labour Inspectorate may give permission for the late shift to end normally not later than midnight, provided that the time at which the early shift begins work is put back accordingly.

In bakeries and pastrycooks' establishments the period of uninterrupted rest to be granted to young persons under 16 years of age may be reduced to 10 hours. Young persons over 16 years of age may be employed on night work in such establishments in so far as the Act concerning hours of work in bakeries authorises the manufacture of bakers' wares at night. However, the latter Act prohibits all work in premises used for the manufacture of bakers' and pastrycooks' wares between 9 p.m. and 4 a.m.

The provisions concerning nightly rest and uninterrupted rest periods do not apply to temporary work which has to be performed in cases of emergency.

The Ministry of Labour may authorise the employment of young persons under 16 years of age between 5 p.m. and midnight and the employment of young persons over 16 years of age at night for specified periods if the public interest so requires—and particularly where there is a danger that raw materials or foodstuffs may deteriorate—or for purposes of vocational training. Since the 1938 Act concerning the protection of young persons came into force advantage has been taken of this provision on several occasions. In recent years, however, very few exceptions have been authorised on these grounds.

Article 6. Every employer is required to keep a register of all young persons employed by him, showing their dates of birth and the dates on which they entered the undertaking.

Breaches of the provisions of the Act are punishable by fines and imprisonment.

The enforcement of the Act concerning the protection of young persons and the regulations issued to apply it is the responsibility of the Labour Inspectorate. In the mining industry the mining authorities bear this responsibility.

The Works Constitution Act of 1952 states that the works council must ensure that the provisions concerning the protection of workers are applied; the Staff Representation Act of 1955 assigns a similar responsibility to the staff councils. The latter Act provides for the establishment of bodies representing the staff in the administrative services of the Federal Republic and of public corporations, institutions and foundations directly responsible to the Federal Republic and in the federal courts. Similar pro-

visions exist in the legislation of some of the Länder concerning staff representation in administrative services.

No change has been made in the national legislation with a view to giving effect to all or any of the provisions of the Convention.

Two Bills on the subject of the protection of young workers, one submitted by the Government and the other by the Socialist Party, are at present being discussed by the Bundestag; both of them are intended to restrict the employment of young persons at night. However, it is as yet too early to say to what extent their provisions will conform with those of the Convention.

Ghana.

See under Convention No. 6.

Article 6 of the Convention. Section 82 of the Labour Ordinance of 1948 provides for the registration of young persons employed in industrial undertakings and prescribes penalties for violation. Section 83 deals with inspection and empowers officers of the Labour Division to ensure compliance with the provisions of the Ordinance.

The Government states that consideration is being given to the ratification of the Convention.

Greece.

Act No. 4029 of 1912 respecting the employment of women and young persons, amended by Acts Nos. 2943 of 1922 and 199 of 1936.

Royal Decree of 14-27 August 1913 to apply Act No. 4029 of 1912.

Act No. 2272 of 1920 concerning the night work of young persons in industry.

Legislative Decree of 30 October 1935 to ratify the Night Work (Women) Convention (Revised), 1934 (No. 41).

Act No. 3924 of 1959 to ratify the Night Work (Women) Convention (Revised), 1948 (No. 89).

Persons under 19 years of age and women may not be employed in industrial establishments, factories, workshops, quarries, mining, building work, shops, etc., between 9 p.m. and 5 a.m. Article 6 of the 1912 Act stipulates that the uninterrupted nightly rest period granted to such persons must be at least 11 consecutive hours in duration.

Decrees have been issued providing for exceptions to these rules in the case of women workers over 16 years of age whose employment at night is considered essential to prevent the loss of raw materials or manufactured goods.

A tripartite committee of the National Council on Social Policy is at present considering the possibility of bringing existing national legislation into line with the provisions of the Convention.

The conclusions reached by the Ministry of Labour on this subject will be communicated to the Office in due time.

Honduras.

Constitution of 1957 (L.S. 1957—Hon. 5).

Decree No. 44 of 6 February 1952 to promulgate the Act respecting the employment of young persons and women (L.S. 1952—Hon. 1).

Article 2 of the Convention. Article 112 (7) of the Constitution provides that persons under

14 years of age shall not be employed on any kind of work and that persons under 16 years of age may work only during the day. Article 4 of the Act respecting the employment of young persons and women prohibits night work for persons below 16 years of age, night work being defined as work done between 6 p.m. and 6 a.m. The same article permits the above-mentioned work when only members of the same family are employed (Article 1 (3) of the Convention).

Article 6. Article 121 of the Constitution provides that in order to give effect to labour laws and safeguards the State shall supervise and inspect undertakings.

The Directorate-General of Labour, working through its Inspection Division, is the authority responsible for inspecting and ensuring compliance with the labour laws.

There have been no amendments to the labour legislation.

The different age limits laid down for night work (16 years in the national legislation and 18 years in the Convention) prevent ratification of this instrument. So far as possible measures will be taken to apply the Convention.

Iceland.

See under Convention No. 6.

Indonesia.

See under Convention No. 6.

Iran.

See under Convention No. 6.

Ireland.

Employment of Women, Young Persons and Children Act, 1920 (*L.S.* 1920—*G.B.* 9).

Conditions of Employment Act, 1936 (*L.S.* 1936—*I.F.S.* 1).

Factories Act, 1955.

Article 1 of the Convention. The Act of 1920 prohibits night work by young persons in mines other than quarries, and in transport by road and rail. The Act of 1936 covers the undertakings mentioned in subparagraphs (b) and (c) of paragraph 1 of this Article.

Articles 2 and 3. In mines and transport persons under 18 years of age may not be employed at night during the period of 11 consecutive hours including the interval between 10 p.m. and 5 a.m. In industry the period of general prohibition amounts to 12 hours (8 p.m. to 8 a.m.) but under exceptions made by regulation it may be 11 consecutive hours, including the interval between 10 p.m. and 8 a.m. The legislation also provides for exceptions to permit male persons over 16 years of age to do night work in a number of specified processes (section 47 of the Conditions of Employment Act).

Article 4, paragraph 2. Specified emergencies (breakdown of machinery, fire, etc.) may be pleaded by an employer as a defence for breaches of the Conditions of Employment Act (section 54).

Article 6. The provisions of the Conditions of Employment Act (section 53), of the Employment of Women, Young Persons and Children Act (section 1 (4)) and of the Factories Act (section 122) meet the various requirements of this article. The Inspectorate of the Minister for Industry and Commerce ensures the application of the legislation.

The Government, which has ratified Convention No. 6, states that, except in isolated cases, persons under 18 years of age are employed in accordance with its provisions. Since the present position is regarded as satisfactory, amendment of existing legislation to bring it into conformity with the Convention is not at present considered necessary.

Japan.

See under Convention No. 6.

Article 6 of the Convention. Section 119 of the Labour Standards Law provides that any person who violates the stipulation of section 62 shall be punished with penal servitude not exceeding six months or with a fine not exceeding 5,000 yens. Chapter XI of the Labour Standards Law contains provisions concerning the supervisory bodies for ensuring effective implementation of the Law. Section 57 of the Labour Standards Law requires the employer to keep, at the working place, a census register showing the age of minors under 18 years of age.

Federation of Malaya.

See under Convention No. 6.

Morocco.

See under Convention No. 6.

New Zealand.

See under Convention No. 6.

Peru.

See under Convention No. 6.

Poland.

Act of 2 July 1958 concerning the vocational training and conditions of employment of young persons.

The national legislation at present in force stipulates that the period of nightly rest allowed to young persons may not be less than 12 consecutive hours in duration. The term "young person" covers all persons who have reached the age of 14 but not the age of 18 years.

The employment of young persons between 10 p.m. and 6 a.m. is strictly forbidden. No exceptions are allowed.

The application of the national legislation is supervised by the Labour Inspectorate, which is under the authority of the Central Council of Trade Unions.

There are no obstacles impeding ratification of the Convention; such a step might be considered at some time in the future.

Portugal.

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in industrial and commercial establishments (*L.S.* 1934—Por. 5).

Legislative Decree No. 26917 of 24 August 1936 to amend Legislative Decree No. 24402 (*L.S.* 1936—Por. 3).

Legislative Decree No. 36173 of 6 March 1947 respecting collective employment agreements (*L.S.* 1947—Por. 1).

Legislative Decree No. 37268 of 31 December 1948 to approve the regulations of the National Labour and Welfare Institution.

Article 1 of the Convention. The legislation applies to both industrial and commercial establishments.

Article 2. In the decrees of 10 November 1944 and 24 September 1945, night work is defined as work performed between 8 p.m. and 7 a.m.

Article 3. According to Legislative Decree No. 24402 as amended by Legislative Decree No. 26917, the employment of persons under 18 years of age outside normal working hours, which comprise the period from 7 a.m. to 8 p.m. (articles 7 and 9 of the Legislative Decree No. 26917), is forbidden.

Under the decree of 1 August 1955 the employment of persons under 18 years of age in textile undertakings at night is prohibited. The law lays down the principle of the prohibition of night work for young persons under 18 years of age.

Under Legislative Decree No. 37268 the authority responsible for enforcing the law on this subject is the Labour Inspectorate.

In addition Legislative Decree No. 36173 provides for the establishment of corporate conditions which ensure the application of the regulations in the event of disputes.

El Salvador.

See under Convention No. 6.

Spain.

Decree of 1 July 1931 to fix the maximum statutory daily hours of work (*L.S.* 1931—Sp. 9A).

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

Decree of 13 July 1940 (Regulations of the National Labour Inspectorate).

Regulations of 21 December 1943 (Labour Delegations).

Act of 26 January 1944 respecting contracts of employment (*L.S.* 1944—Sp. 1).

Article 1. The national legislation applies equally to industrial and non-industrial employment.

Articles 2 and 3. Section 172 of the Act respecting contracts of employment regards as night work any work done between 8 p.m. and 6 a.m. on the following day. The same section prohibits night work for persons over 14 and under 16 years of age. Section 7 of the decree of 1 July 1931 prohibits overtime for persons under 16 years of age. Section 106 of the same decree prohibits work in excess of eight hours a day for persons under 18 years of age.

Articles 4 and 5. The exceptions for which provision is made under the Convention are not allowed under Spanish legislation.

Article 6, subparagraph (a). The provisions in force were published in the Official Bulletin, but contain no specific requirement that they must be brought directly to the notice of the persons concerned.

Subparagraph (b). It is for the Labour Inspectorate to supervise the enforcement of the law (section 3 of the Regulations of 13 July 1940); the labour judges are competent to consider disputes arising out of the legislation.

Subparagraph (c). The regulations respecting labour delegations, dated 21 December 1943, provide for the imposition of penalties for failure to comply with the statutory provisions.

Subparagraph (d). A national corps of labour inspectors was established by the Act of 15 December 1939.

Subparagraph (e). Article 174 of the Contracts of Employment Act introduces a special register for minors; the obligation to maintain such a register is imposed by section 178 of the same Act.

Difficulties of a social and economic character prevent ratification of the Convention.

Sweden.

See under Convention No. 6.

Article 3 (2) of the Convention. Swedish law contains no special provisions allowing young persons to be employed in night work in connection with their vocational training or apprenticeship.

Article 6. Chapters 8 and 9 of the Workers' Protection Act and sections 52, 53, 56 and 70 of the Royal Proclamation No. 208 make suitable provisions to ensure that the provisions of the law are known to the persons concerned, define the persons responsible for compliance, prescribe penalties for violations and provide for inspection and enforcement.

The Workers' Protection Board (which includes special members appointed in equal numbers on the recommendation of the national associations of employers and employees respectively) and under its supervision and direction, the labour inspection officers and commune supervision representatives, are responsible for enforcement.

No revision of the legislation to bring it in line with the requirement of the Convention is under consideration.

Switzerland.

Act of 18 June 1914 respecting hours of work in factories and Order of 3 October 1919 to apply that Act (*L.S.* 1919—Swi. 4).

Act of 30 March 1922 concerning the employment of young persons and of women in arts and crafts and Order of 15 June 1923 to apply that Act.

The subject of this Convention is appropriate for federal legislation. The term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. All young persons under 18 years of age must be allowed such a rest period. Exceptions to the prohibition of the employment at night of young persons between 16 and 18 years of age are allowed in arts and crafts in certain cases (*force majeure*, unexpected and fortuitous interruption of work, undertakings engaged in work of a seasonal character, or where exceptional circumstances justify such a step) and in factories (where the public interest so requires or where international conventions authorise such employment).

The enforcement of the Act concerning the employment of young persons and women and of the Factories Act, the institution of proceedings in respect of breaches of the law and the hearing of the cases are matters for the cantonal authorities. At the highest level the supervision of the application of these provisions is in the hands of the Federal Council. In addition there are federal inspection services which supervise the application of the Factories Act.

No changes have been made in national legislation or practice to give effect to the provisions of the Convention.

In view of the hours worked in virtue of long-established traditions in certain handicraft trades (such as baking), which the legislature must respect, ratification of the Convention is for the moment impossible.

A general labour Act is in preparation. For the moment, however, it is impossible to say whether it will give effect to those provisions of the Convention which are not covered by the existing legislation.

Thailand.

See under Convention No. 6.

Tunisia.

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1).

Article 1 of the Convention. The distinction between different economic activities is determined by legal practice. An industrial process is one in which materials are transformed; hence transport is not an industry but a commercial occupation.

Article 2. The decree of 6 April 1950 fixes the night rest period of young persons under 18 years of age at 12 consecutive hours including the interval between 10 p.m. and 5 a.m.

Article 3. The prohibition of night work refers to all young persons under the age of 18, including apprentices.

Article 4. Tunisian legislation contains no exemptions as mentioned in this Article.

Article 5. Tunisian legislation does not provide for such circumstances.

Article 6. The legal provisions which protect the night rest of children are published in the *Journal officiel*. The labour inspectorate is responsible for supervising their enforcement.

Existing legislation does not provide for a record to be kept of the names of young workers; however, any violation of the law concerning the night rest is punishable by a fine.

Article 7. Tunisian legislation does not provide for an age limit lower than 18 years for night work.

Turkey.

See under Convention No. 6.

Article 1, paragraph 1 (d), of the Convention. The handling of goods at airports is not covered by the provisions of the Labour Act of 1936.

Article 2, paragraph 3. Section 43, II, permits the Government by regulation to vary the commencement and termination of the night period, according to the nature and requirements of the work, or the differences of climate and custom, or by making a distinction between winter and summer time, or by fixing different night periods for men, women and children for different kinds of work. But such regulations have not yet been issued.

Article 3, paragraphs 2, 3 and 4. Turkish legislation contains no provisions in regard to these paragraphs (exemptions from the night work prohibition).

The Government does not propose to modify the national legislation to bring it into conformity with the Convention.

Union of South Africa.

See under Convention No. 6.

United Arab Republic.

See under Convention No. 6.

United Kingdom.

Metalliferous Mines Regulation Act, 1872.

Employment of Women, Young Persons and Children Act, 1920 (L.S. 1920—G.B. 9).

Quarries Act (Northern Ireland), 1927.

Factories Act, 1937 (L.S. 1937—G.B. 2) and Factories Act, 1948 (L.S. 1948—U.K. 6).

Mines and Quarries Act, 1954.

Articles 1, 2 and 3 of the Convention. The Employment of Women, Young Persons and Children Act prohibits the night employment of young persons under 18 years in any of the industrial undertakings enumerated in Article 1, paragraph 1, of the Convention; these provisions do not apply to undertakings in which only members of the same family are employed. The "night" period is of 11 consecutive hours including the hours 10 p.m. to 5 a.m. Section 81 of the Factories Acts permits night work by male young persons over 16 years employed on continuous processes in specified industries, which include those mentioned in Article 2, paragraph 2 (a), (b) and (c) of Convention

No. 6, subject to conditions as to the number of turns, intervals between turns, consecutive and total hours of work, and medical examination ; night work between midnight and 6 a.m. in two consecutive weeks is prohibited.

In Great Britain, the Mines and Quarries Act prohibits night employment above ground between 9 p.m. and 6 a.m. of young persons, females under 18 and males under 16, and below ground (where female employment is entirely prohibited) of young males under 16 years between 10 p.m. and 6 a.m. ; a few slight exceptions for male young persons are permissible. This Act also lays down that there shall be at least 12 hours between successive periods of employment.

Articles 4 and 5. The exception mentioned in Article 4, paragraph 2, may be applied in virtue of the provisions of the Factories Acts and the Mines and Quarries Act. Existing Defence Regulations would permit the application of Article 5.

Article 6. The legislation provides for the keeping of registers.

The enforcement of the legislative provisions is ensured through the activities of the inspectors of labour responsible under the various Acts.

The Government states that the possibility of amending the legislation to bring it more closely into line with the Convention is kept under review.

United States.

Fair Labor Standards Act, 1938 (*L.S.* 1938—U.S.A. 1), as amended by the Act of 26 October 1946 (*L.S.* 1949—U.S.A. 1).

Child-Labor Laws of various States.

The matter of the Convention is considered to be appropriate in part for federal action and in part for state action.

Federal Action.

The Federal Act is concerned with employment in undertakings engaged in commerce and production for defined inter-state and foreign trade purposes. The child-labour provisions (sections 12 and 13) prohibit the employment of minors under 16 years of age and the employment of those between 16 and 18 years in a number of occupations which have been declared hazardous by orders under the Act. However, the Act has no provisions concerning night work of young persons.

State Action.

All but two of the states have laws regulating to some extent the night work of children and young persons employed in industrial undertakings.

Article 1 of the Convention. In the state laws the night-work provisions apply to minors of certain ages "in any gainful occupation", in some states with enumerated exceptions ; or in specified industries or occupations. The exemption permitted under paragraph 3 is provided for in only a few states.

Article 2 and Article 3, paragraph 1. In 26 of the states in which minors under 16 years may

be employed at all in the industrial undertakings covered by each state law, the prohibited period varies in length from 12 to over 15 hours and is generally 12 or 13 hours ; in 12 other states the period is 10-11½ hours ; in four it is nine hours ; and in one, eight hours. The various specified intervals to be included in the period are in all these cases longer (generally from 6 or 7 p.m. to 7 a.m.) than the interval prescribed in Article 2, paragraph 2. In three states night work is prohibited for minors under 14 or 15 years for 11 or 13 hours, and in one of them and another state, night work of minors aged 14 to 16 years is prohibited without the number of hours being laid down.

There is less state legislation to regulate night work of minors between 16 and 18 years. Twenty-nine states lay down some limitation but only 15 of them have provisions which wholly meet the minimum seven-hour interval standards set in Article 2, paragraph 3 ; in only three states, and for girls only, is the total number of consecutive hours in accordance with the definition of night work in paragraph 1.

The Government states that it has no report to make regarding the permissive provisions of Article 3, paragraphs 2 and 3, and that paragraph 4 and also Article 4, paragraph 1, are not applicable in the United States.

Article 4, paragraph 2, and Article 5. The laws of six states authorise suspension of night work standards in cases of serious emergency, hardship in the industry, war needs, or suchlike, and in a few states the competent authority may change the night-work provisions for other reasons.

Article 6. The Government's report gives detailed information and references showing the extent to which the various provisions of Article 6 are implemented in respect of the existing child-labour laws. The state Departments of Labor are responsible for the administration of their respective laws, and this administration involves the co-operation of employers' and workers' organisations and of the general public. The Government adds that the federal Department of Labor provides advisory and technical services to the states with a view to improving the working conditions of young persons. Through this means it promotes co-ordinated action among the states to meet the standards of the Convention.

Viet-Nam.

Labour Code of 1952 (*L.S.* 1956—V.N. 1).
Application Order No. 56 of 8 August 1953.
Decree No. 294 of 6 June 1958.

The regulation relating to the night work of children is laid down in Part V, Chapter X, sections 168-172, of the Labour Code and by Decree No. 294.

According to section 168 of the Labour Code, children, workers or apprentices below the age of 18 years shall not be employed on any night work in any factories, works, mines, surface mines and quarries, worksites, workshops and their dependencies thereof, of any kind, public or private, of a religious nature or not, even when such establishments are of a professional or charitable character.

Children under 18 years of age shall likewise not be employed on any night work in undertakings engaged in the transport of passengers or freight by road or rail, or in undertakings for the loading and unloading of goods.

Certain divergencies exist between the national legislation actually in force and the provisions of the Convention. As regards the term "night" and the duration of this period, sections 169 and 170 of the Labour Code stipulate that all work performed between 10 p.m. and 5 a.m. shall be deemed to be night work, and that the night rest of children of either sex and of women shall be at least 11 consecutive hours. According to Article 2, paragraph 1, of the Convention, the term "night" signifies a period of at least 12 consecutive hours. The same Article specifies that in the case of children under 16 years of age, this period shall include the interval between 10 p.m. and 6 a.m. There exists then, on the one hand, a difference in the definition of the term "night" and, on the other hand, in the duration of this period, especially with respect to children under 16 years of age. However, this difference is dealt with by the possibility, provided for under Article 4 of the Convention, for countries in which the climate renders work by day particularly trying, to shorten the night period and the barred interval fixed by Article 2. In fact Viet-Nam is one of the countries in which

the midday rest consists of at least two hours. Under these conditions it seems unnecessary to amend sections 169 and 170 of the Labour Code.

The exceptions, authorised by the Convention, of the employment in night work of children who have attained the age of 16 years for purposes of apprenticeship or vocational training (Article 3, paragraph 2) and in case of emergencies demanded by public interest (Article 5), are not provided for in the Labour Code.

On the other hand, the national legislation provides for the following exceptions: (a) temporary exception may be made, after notice has been given to the inspector of labour, for the prohibition of night work of children below 18 years of age in industries dealing with raw materials subject to rapid deterioration (section 171 of the Labour Code and the Application Order No. 56—the latter authorising exceptions for industries dealing with the preservation of foods and fish is now in the course of being abolished); (b) in case of urgent work, the work of children who have attained 16 years of age may be extended beyond the fixed limits (section 172 of the Labour Code, amended by Decree No. 294).

Studies are being made with a view to bringing about the amendment of the national legislation and the ratification of the Convention.

Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)¹

Australia.

Commonwealth.

Superannuation Act, 1922-1954.
Public Service Act, 1922-1958.

Australian Capital Territory.

Coal Mines Regulation Act of New South Wales, 1902-1910.

Northern Territory.

Factories Act of South Australia, 1907-1910.
Mines Regulation Ordinance, 1939-1957.

States.

New South Wales.

Coal Mines Regulation Act, 1912-1953.
Factories and Shops Act, 1912-1957.

Queensland.

Factories and Shops Acts, 1900-1958.
Mines Regulation Acts, 1910-1958.
Coal Mining Acts, 1925-1952.
Health Acts, 1937-1955.

South Australia.

Mines and Works Inspection Act, 1920-1955.
Industrial Code, 1920-1958.

Tasmania.

Factories Act, 1910.
Mines and Works Regulation Acts, 1915-1957.

Victoria.

Coal Mines Regulation Acts, 1928-1950.
Mines Acts, 1928-1955.
Labour and Industry Acts, 1953-1958.

Western Australia.

Factories and Shops Act, 1920-1957.
Mines Regulation Act, 1946-1957.
Coal Mines Regulation Act, 1946-1958.

In addition to the legislation listed above the Superannuation Acts of the various states, and the constitutive Acts (both commonwealth and state) of many government and semi-government instrumentalities, prescribe medical examination for public servants and the employees of the respective instrumentalities.

The provisions of the Convention are regarded as appropriate for action partly by the Commonwealth Government (in relation to its own employees and to the Australian Capital Territory and the Northern Territory) and partly by the states.

Article 1 of the Convention. In none of the jurisdictions in Australia is there any legislation requiring the medical examination of all children and young persons under 18 years of age before admission to employment in industrial undertakings.

In some states there is legislation relating to the medical examination of young workers under 16 in specified classes of industrial employment, for example in factories (as

defined), in special types of employment in factories, or in mines. In no state is the definition of "factory" as comprehensive as the definition of "industrial undertaking" in Article 1 and the legislation does not generally require that the medical examination take place before the employment commences.

However, in some industrial establishments where medical and health services are being developed, medical examination before engagement is required by the employer.

Furthermore, medical examinations are required in certain awards of industrial tribunals.

Commonwealth and state public servants and employees of many government and semi-government instrumentalities are required by legislation to pass a prescribed medical examination before permanent appointment.

Article 2 of the Convention. There is no legislative or other provision in Australia requiring the compulsory medical examination of young persons under 18 years of age before admission to employment in industrial occupations.

Government and semi-government employees who are required to be medically examined for superannuation purposes would usually be temporarily employed before such an examination took place.

In New South Wales the Factories and Shops Act provides that a young person under 16 may not be employed in a factory (as defined), unless the occupier has obtained a certificate of his fitness for employment from a qualified medical practitioner. In certain occupations medical inspection is required for persons under the age of 18 years, and in some cases (for example under the Luminous Radioactive Substances Regulations made under the Factories and Shops Act) all persons are required to be medically examined before commencing employment in the occupation concerned.

In Queensland persons under 16 may be admitted to employment in factories (as defined) before undergoing a medical examination, but are required to obtain a certificate of fitness from a qualified medical practitioner within a week of commencing duty in such classes of factories as are determined by regulation. Also, in this state, under the Mines Regulation Acts no male under 16 years is to be employed underground in any mine unless a certificate of fitness has been obtained. (The Coal Mining Acts and the Mines Regulation Acts both prohibit the employment of all females underground.)

In Victoria the Labour and Industry Act contains a provision requiring young persons under 16 years to be medically examined before commencing employment in a factory (as defined), but only in such cases as prescribed or as the Chief Inspector of Factories and Shops requires.

¹ This Convention came into force on 29 December 1950. Seventeen ratifications had been registered up to 30 November 1959.

Article 3. No provision exists in Australia whereby annual medical re-examinations are required for persons under 18 years, although some states have provisions under which young persons employed in certain branches of industrial undertakings are under medical supervision and may be required to undergo medical examination or re-examination at the request of a competent authority.

Employees in the public services and in government and semi-government undertakings are required shortly after admission to employment on a provisional basis to undergo one medical examination before permanent appointment may be offered. If a person passes on the first occasion no other examination takes place annually or otherwise.

In Queensland an Industrial Hygiene Division is established in the Department of Health and Home Affairs, and a medical officer attached to that Division examines employees when he thinks it advisable to do so or when requested to do so by the employee, the employer or the Department of Labour and Industry.

In South Australia the Industrial Code and in Tasmania the Factories Act, requires that every factory employee under sixteen years of age must obtain and, when required by an inspector, produce a certificate in the prescribed form of his fitness for employment in any factory in such cases as may be prescribed.

In Victoria the Labour and Industry Act provides that in cases where a certificate of fitness need not be obtained before a young person under sixteen years of age is employed, such a certificate must be obtained and produced to an inspector upon demand made by him.

Provision is made in the Factories and Shops Act of Western Australia that if an inspector believes any person under 18 employed in a factory (as defined) to be physically unfit for such employment he may require that person to produce a medical certificate certifying that he is physically fit to perform the duties on which he is engaged.

Article 4. Legislation in several states provides for medical examinations to continue until at least the age of 21 years in certain industrial occupations involving high health risks, either directly as in legislation relating to employment in mines, or indirectly by conferring power on the Executive Government or other competent authority to make Regulations covering certain aspects of employment, including medical examinations.

In New South Wales the Luminous Radio-active Substances Regulations made under the Factories and Shops Act require that every person employed in a luminous process shall be medically examined both before commencing work in such process and at intervals of not more than three months while engaged in such process. The Lead Regulations provide that the Chief Inspector of Factories may require any person to have a medical inspection.

In the coal-mining industry each person must have a pre-employment medical examination and is re-examined at least every three years.

In Queensland and Tasmania the relevant Mines Regulation Acts and in Queensland the Coal Mining Acts contain provisions requiring an engine driver in charge of a winding engine to hold a medical certificate, to be renewed at

intervals not exceeding two years. In Queensland the Mines Regulation Act contains a provision requiring certain employees in certain mines to be medically examined, particularly in cases where there may be occupational diseases.

In Victoria the Mines Acts authorise regulations on various aspects of employment in mines, including the medical examination of underground workers in mines.

Under the Western Australian Mines Regulation Act the Executive Government is authorised to make regulations providing for periodical medical examination of persons in charge of winding machinery.

Also in Western Australia, the Factories and Shops Act authorises regulations requiring employees in a factory using poisonous substances to be medically examined at prescribed intervals by the Commissioner of Public Health or other qualified medical practitioner.

All states have legislation covering employment in "factories" or "mines" with provisions prohibiting the employment of persons under 18 years or higher in certain occupations involving high health risks or on work classified as "dangerous" or "unhealthy".

Article 5. No expense is borne by the young person or his parents in medical examinations which take place in connection with appointment to the public services or public instrumentalities, or those required for employment in mines in the various states and territories.

In New South Wales provision has been made by the state Government for medical examinations required under the Factories and Shops Act to be without expense to the child or parents.

In Western Australia it is provided that medical examinations required by regulation are to be without charge to the occupier or employee.

In no other state or territory is there any provision relieving the young person from bearing the expense of medical examinations held in connection with admission to employment in a factory, although where examinations are held at the request of a competent authority the person concerned would not be involved in any personal expense.

Article 6. Vocational guidance and physical and vocational rehabilitation of young persons are available throughout Australia as part of the services provided by the Commonwealth Employment Service and the Commonwealth Rehabilitation Service to the community as a whole. Use of these facilities and acceptance of any recommendations made to the individual concerned is entirely voluntary.

In addition to these services provided by the Commonwealth Government, the state Education Department in Queensland operates an extensive Vocational Guidance Service and the Youth Welfare Section of the New South Wales Department of Labour and Industry provides vocational guidance; young persons who have been refused a permit to work in a factory are entitled to the services of this Section.

The provisions outlined in paragraph 3 are not adopted in Australia.

Article 7. Provision is made in the Commonwealth and state Public Services and instru-

mentalities to file and keep available reports on the medical examinations of government employees.

In each state where young persons under 16 years (Western Australia 18 years) have been required to obtain certificates of fitness for employment in factories, there is legislation providing that such certificates shall be produced to labour inspectors on request. However, only in New South Wales, Queensland and Victoria is the employer required to file or keep a register of such certificates. In Western Australia the Chief Inspector of Factories keeps a register of all certificates of fitness issued, but in South Australia and Tasmania the document is retained by the employee, who must produce it to an inspector when required.

As no general provision is made for medical examination of young persons in Australia, no authorities are specifically entrusted with the supervision of the application of the legislation. The commonwealth and state Public Service Boards and/or Superannuation Boards are responsible for the medical examinations that take place for public servants. Other government and semi-government employees are the responsibility of the authority concerned. The commonwealth Departments of Labour and National Service and Social Services are responsible for vocational guidance and for physical and vocational rehabilitation, respectively, in conjunction with some of the state Labour and Education Departments. The state Labour Departments are responsible for administering the legislation in the respective States relating to employment in factories and the various commonwealth and state industrial inspection services for administering the relevant provisions in industrial awards or determinations. In each of the six states the relevant mines legislation is administered by the various state Mines Departments; in the Australian Capital Territory the legislation is the responsibility of the Department of the Interior, and in the Northern Territory it is administered by the Mines Branch of the Northern Territory Administration.

The Government states that no modifications have been made in national law or practice with a view to giving effect to the provisions of the Convention.

A new Tasmanian Factories, Shops and Offices Act, 1958, came into force on 1 January 1959, and contains a provision raising the age below which a certificate of fitness for employment in a factory is required from 16 to 18 years. However, such a certificate is not compulsory but is necessary only in such cases as may be prescribed or in such cases as the Secretary for Labour in special circumstances may require.

The Commonwealth Public Service, in consultation with the Department of Health, has for some time been considering the introduction of medical examinations for all its temporary employees, but so far such a measure has not been implemented.

As far as is known, it is not intended to adopt any further measures to give effect to the provisions of the Convention.

Austria.

Order of 8 March 1923 issuing regulations for the protection of the life and health of persons employed in

lead and zinc smelting works, zinc white factories, industrial undertakings in the production of lead compounds, lead alloys and lead articles, printing, lithography and type founding and painting, varnishing and decorating (L.S. 1923—Aus. 1).

Order of 28 March 1934 respecting benzine, etc. (L.S. 1934—Aus. 5).

Act No. 146 of 1 July 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3), as amended by Acts Nos. 45 of 1952 (L.S. 1952—Aus. 1A), 258 of 1954 (L.S. 1954—Aus. 3) and 70 of 1955 (L.S. 1955—Aus. 2B).

Order of 10 November 1954 respecting measures for protecting the life and health of workers engaged in building and in allied or ancillary operations.

Act of 31 March 1955 to regulate employment in establishments in which bakers' wares are manufactured (L.S. 1955—Aus. 2).

Order of 31 March 1955 respecting the protection of the life and health of workers in iron and steel foundries.

Order of 3 December 1956 respecting the protection of the life and health of workers, as amended by Order No. 287 of 1958.

Articles 1 and 2 of the Convention. The employment of children in industry is in principle prohibited except in the making of cinematograph films, which in Austria is assimilated to an industry. In this case, an official permit is required, which will be granted only on condition that precautions are taken to protect the child's eyes and that the child is placed under the supervision of an oculist.

With regard to young persons between the ages of 14 and 18, an Order may be issued to the effect that they shall be employed in certain undertakings or kinds of work only subject to the issue of a medical certificate. However, for admission to apprenticeship in establishments where bakery products are manufactured, the law requires a young person to produce a certificate issued by the Labour Inspectorate or a public medical officer that he is in good health and that he is physically fit for the work.

Article 3. Young persons must undergo a medical examination at least once every six months in order to ascertain their state of health. When it is absolutely indispensable to employ young persons in work whose nature is such that it cannot be interrupted, the Labour Inspectorate may authorise the working hours of young persons over 16 to be prolonged up to 48 hours a week, on condition that a special medical examination be carried out by the Labour Inspectorate physician, the undertaking medical officer or an insurance fund, to show that the young person is physically fit to undertake such extra work.

Article 4. Current provisions exclude young persons from employment in certain establishments or types of work mentioned in a special list or prescribe special conditions for their employment, such as the minimum age for admission to employment and a medical examination to ascertain their fitness for work. There are also special provisions which govern employments involving the risk of occupational disease and which apply to adult workers as well as to young persons. The employer is entitled and, if the competent authorities so prescribe, obliged to have workers engaged in such employments examined by an approved medical officer at regular intervals. If the

medical examination shows that there is a risk of an occupational disease being contracted, reappearing or being aggravated, the worker concerned must be excluded from such employment until the risk is eliminated, or permanently if he is particularly susceptible to its harmful effects.

Moreover, medical examinations for workers of all ages are provided for by a series of legislative texts which deal in particular with strenuous or unhealthy work (lead and zinc smelting, the manufacture of lead compounds, alloys and articles, lithography, painting carried on by way of trade, various building operations and work in iron and steel foundries). These texts apply to young persons only in so far as their employment is not already prohibited by the legislation referring to children and young persons. They include prescriptions relating to examinations for fitness for work on the one hand and, on the other, examinations to be carried out at regular intervals or as may be decided upon for each individual case.

Article 5. Workers employed in strenuous or unhealthy work are examined at the expense of the employer.

Article 7. The findings of the medical officer after examining workers employed in strenuous or unhealthy work or work involving the risk of occupational disease are recorded in a register which must be held at the disposal of the competent efficient bodies.

Supervision of the observance of national legislation on this matter is entrusted to the Labour Inspectorate. The co-operation of employers' and workers' organisations to this end is guaranteed by the Labour Inspection Act and the Act respecting Workers' Chambers.

The main obstacle to ratification of the Convention is the fact that a medical examination is not provided for in present regulations as a condition of admission to employment for all children and young persons under 18 years of age, as required by Article 2, paragraph 1, of the Convention. Although this point has often been discussed there is as yet no national legislation to regulate it and the Government is thus not in a position to specify whether and when the country's legislation will be adjusted to the provisions of the Convention.

Belgium.

General Labour Protection Regulations dated 11 February 1946 (Part II, Chapter III, sections 104 to 148bis).

Order of the Regent of 25 September 1947 to establish bodies for the supervision of safety and hygiene in underground mines and quarries (*L.S.* 1947—Bel. 5).

Article 1 of the Convention. Current regulations cover all industrial undertakings defined in paragraph 2 of this Article of the Convention, with the exception of family undertakings.

Article 2. Young persons of both sexes under the age of 21, whether wage earners or salaried employees, are admitted to employment in industrial undertakings only after having submitted to a medical examination, whatever the nature of the work for which they apply. The supervision of young persons' health is entrusted

to medical practitioners or bodies selected by the employer.

Each time he examines a young person the medical officer must record his report on a "worker's health supervision form". A coupon of this form, entitled "Report of the Examining Medical Officer to the Employer" contains the findings of the physician concerning the physical fitness of the worker to undertake the work for which he is applying or to continue in the work in which he is engaged. This coupon is given to the employer. Employers must take into account the information given them in this way when admitting young persons to employment or assigning them to a post of work. Every young person must possess a "health book" supplied to him free of charge by the employer at the time of the medical examination upon his entering employment, unless he already has such a book.

Article 3. After the medical examination upon entering employment, young persons employed in industrial undertakings must undergo, once a year, a thorough medical examination which is called "supervisory medical examination".

Article 4. If in the course of work they are exposed to the risk of occupational diseases governed by national regulations, young persons are as a rule examined more frequently, every three months or every six months according to the case. The Labour Medical Inspectors may order case-finding examinations for occupational diseases to be held more frequently for as long as they shall deem necessary; such examinations may take place once a month when the number or gravity of cases in the undertaking points to an abnormal situation which justifies such prophylactic measures. Young persons who are found by the medical inspectors to have contracted an illness due to their employment must cease work immediately and until they are completely cured if it appears that to continue in employment would aggravate the illness. If circumstances permit, such young persons should be transferred to other work in the undertaking which will not prevent or retard their re-establishment.

Article 5. Supervision of young persons' health is carried out at the expense of the employer. Time taken out of the working day for medical examination is reckoned as effective working time for the purpose of wages.

Article 7. The employer must at all times hold at the disposal of the medical inspectors and health visitors the list of young persons who have undergone medical examination upon entering employment and subsequent periodical examinations, accompanied by the report of the examining medical officer on their physical fitness for the work in which they are employed.

Supervision of the health of young persons is entrusted to the Workers' Medical Inspection Service under the Occupational Health and Hygiene Administration of the Ministry of Labour. Services and committees for safety, hygiene and the improvement of workplaces also have an important role to play in this respect.

No changes have been made in legislation in

order to give effect to the provisions of the Convention.

The principal obstacle to ratification of the Convention lies in the fact that national legislation in this matter does not cover family undertakings, which in the Convention are covered in the same way as other undertakings. There are still discrepancies between national legislation and the provisions of the Convention as regards the qualifications required of medical officers (Article 2, paragraph 2, of the Convention), medical re-examinations additional to the annual examination (Article 3, paragraph 3) and the measures to be taken for physical and vocational rehabilitation (Article 6, paragraphs 1 and 2). The Government, however, proposes to give effect to the provisions of the Convention which are not yet covered by new legislative texts, some of which have already been approved by the appropriate bodies. The Act respecting vocational training and rehabilitation and the social reclassification of disabled persons, dated 28 April 1958, goes a long way towards solving the problem of physical and vocational rehabilitation of children and young persons.

Brazil.

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*L.S.* 1943—Bra. 1).

Section 416 of the Labour Code forbids the admission to employment in undertakings or establishments carried on for purposes of gain of young persons under 18 years of age unless they are in possession of a young person's work book. To obtain this work book, which is issued in the Federal District by the National Labour Department and in the states by the regional offices of the Ministry of Labour, Industry and Commerce, the applicant must produce, among other documents, a medical certificate of physical and mental fitness for employment (section 417). This certificate is issued by the competent federal or municipal authorities or, in default of such authorities, by a medical practitioner appointed by the labour inspection authority (section 418).

The certificate of physical and mental fitness must be renewed every two years (section 418).

The authorities entrusted with the supervision of the application of the legislation are, in the Federal District, the Ministry of Labour, Industry and Commerce and, in the states, the regional officers of this Ministry.

No modifications have been made in the national legislation or practice to give effect to all or any provisions of the Convention.

Under Brazilian law, the certificate of physical and mental fitness must be renewed every two years. The Convention requires medical re-examination at intervals not exceeding one year. This stipulation and those contained in Articles 4 and 6 of the Convention make it impossible for Brazil to ratify the Convention under existing conditions: there are not sufficient medical practitioners in certain regions and the national vocational rehabilitation service is in the early stages of organisation.

Burma.

Mines Act, 1923, as amended up to 3 February 1955. Factories Act, 1951 (*L.S.* 1951—Bur. 6).

Oilfields (Labour and Welfare) Act No. 21 of 1951.

The Factories Act is applied to the factories defined in section 2 (*m*). Some of the industrial undertakings enumerated in Article 1 (*b*) and (*d*) of the Convention may be classified as factories provided that they employ the required number of workers. Under section 58 certain provisions of the Act are applicable to docks, wharves and warehouses. Section 57 (1) empowers the President to bring building operations and certain works of engineering within the scope of the Act. Section 76 prohibits the employment of a person between 13 and 18 years of age unless a certificate of fitness is issued by a certifying surgeon, at the cost of the employer. Under section 78 an adolescent having completed his 15th year but not his 18th year is deemed to be either an adult or a child according to whether or not he has been granted a certificate of fitness to work in a factory as an adult. Section 83 empowers the inspector to require a medical certificate where he is of the opinion that a young person working in a factory with a certificate of fitness is unfit to continue to work as a child or adult as stated therein. Section 84 empowers the President to make rules on this subject.

The provisions laid down in sections 53, 54, 55, 60 and 61 of the Oilfields (Labour and Welfare) Act, 1951, which is applicable to the oilfields, correspond to those in sections 76, 77, 78, 83 and 84 respectively, of the Factories Act, 1951. The Chief Inspector of Factories and General Labour Laws is entrusted with the enforcement of the two Acts.

Section 26 (1) of the Mines Act prohibits the employment of any child in a mine or his presence in any part of a mine which is below ground. Section 3 (*c*) defines a "child" as a person who has not completed his 15th year. Section 26A (*a*) forbids any person who has not completed his 18th year to be present in any part of a mine which is below ground unless a certificate of fitness in the prescribed form and granted to him by a qualified medical practitioner is in the custody of the manager of the mine.

The fact that people of the tropical countries mature earlier than people of the temperate countries, the general economic conditions requiring people to support themselves at an early age and the absence of the necessary legislation for certain classes of industrial undertakings prevent the ratification of the Convention at present.

So far, the Factories Act, 1951, and the Oilfields (Labour and Welfare) Act, 1951, have not been amended. Measures to give effect to those provisions of the Convention not yet covered by the national legislation or practice will be adopted as and when warranted.

Under the constitutional system of Burma the provisions of the Convention are regarded as appropriate for federal action.

Canada.

Federal Legislation.

Canada Shipping Act, 1952.

Provincial Legislation.

Alberta.

Regulation 114 of 15 October 1957 concerning apprenticeship trades under the Apprenticeship Act.

Manitoba.

Regulation 21 of 14 November 1945, under the Apprenticeship Act.

Nova Scotia.

Education Act, 1954.

Quebec.

Industrial and Commercial Establishments Act, 1941.

Various decrees under the Collective Agreements Act relating to printing trades.

The Government considers that the provisions of the Convention are appropriate for action by the provincial legislatures except in the Northwest and Yukon Territories and in respect of certain matters within the federal jurisdiction.

Federal Action.

Medical examination of young persons under 18 for fitness for work in all vessels (including inland navigation vessels) is made obligatory by the Canada Shipping Act. As a normal practice the certificate of fitness must be renewed yearly.

Provincial Action.

In Alberta and Manitoba an apprentice (minimum age 16 years) when registering his agreement must submit a certificate of fitness for the work which he will undertake (regulation under the Apprenticeship Acts). Applicants for apprenticeship in printing trades (age limit 16 to 20 years) in certain areas in Quebec are required to pass a complete medical examination by a qualified physician. In Quebec under the factories legislation factory inspectors are empowered to request that boys and girls employed in a factory be medically examined; they may be discharged if found to be physically unfit. In Nova Scotia medical examination by an approved physician is necessary before granting a child of 13 an employment certificate.

The Government points out that a survey of working conditions published in 1958 by the Department of Labour showed that a substantial number of workers were in firms which themselves provide pre-employment medical examinations irrespective of age. This was notably so in manufacturing, metal mining, air and rail transport, and in public utilities, particularly among larger firms. A smaller proportion of workers were subject to periodical medical examinations provided by their employers.

The tendency in Canada, the Government states, has been to regard preventive measures in health as individual or public responsibilities rather than a responsibility of the employer.

The Government indicates the various authorities responsible for the enforcement of the legislation mentioned in the report.

The Government also states that there is no present indication that further measures will be adopted in Canada to give effect to the provisions of the Convention not yet covered by legislation, nor are any arrangements made in Canada to permit co-ordinated action to give effect to the provisions of the Convention.

Ceylon.

Administrative Regulations, Nos. 112-114.

These Regulations require every person selected for permanent employment with the

Government to pass a medical examination. Apart from them there is no provision in regard to the matters dealt with in the Convention.

At the present time the Government does not intend to adopt measures to give effect to the provisions of the Convention.

Chile.

Chilean legislation contains no provisions relating to medical examinations for young persons. However, the National Health Service has been requested to undertake a study of this subject in order to determine what possibilities of ratification exist and what are the obstacles in the way of ratification.

China.

Amended Regulations of 30 December 1932 for the Administration of the Factory Act (L.S. 1932—Chin. 2B).

Mines Act of 25 June 1936.

Measures for the Medical Examination of Factory Workers and Miners, promulgated by the Ministry of the Interior, dated 1957.

Section 18 of the Regulations for the administration of the Factory Act stipulates that the allocation of work to children shall be determined after a medical examination. Article 2 of the Mines Act states that the provisions of this Act shall apply in addition to the provisions of the Factory Act and the regulations governing its enforcement, which shall be applicable to mines as regards health and hygiene. The Government states that as these provisions are also applicable to communication and transport enterprises, Article 1, paragraph 2, of the Convention is therefore complied with.

In September 1957 measures were adopted by the Ministry of the Interior requiring, in principle, a medical examination to be held annually for all factory workers and miners at the cost of the employers. As these measures apply to all workers, including young persons, the Government considers that they are in compliance with Article 3 (2) of the Convention.

The Government is now engaged in a general revision of the existing labour laws and regulations; it is expected that the new legislation will include, as far as possible, provisions relating to the matters dealt with by the Convention.

Costa Rica.

Labour Code of 1943 (L.S. 1943—C.R. 1).

Regulations of the Occupational Safety and Health Board: Government Decree No. 4 of 16 April 1957. Health Code.

Article 71 (f) of the Labour Code obliges every worker to undergo a medical examination either on applying for employment or, at the request of the employer, in the course of employment. Employers and the heads of undertakings or those in charge of workplaces are, for their part, under an obligation to provide their personnel with facilities for consultations and medical examinations when required by the Occupational Safety and Health Board (section 60 (d) of Government Decree of 16 April 1957).

Article 245 of the Sanitary Code provides that there shall be a compulsory medical examination every six months for persons engaged in the manufacture, handling or distribution of foodstuffs and related products.

The General Labour Inspection Service and the Occupational Safety and Health Bureau are the authorities responsible for applying the statutory provisions on this subject.

Consideration will be given to the possibility of adopting measures to apply the provisions of the Convention.

Denmark.

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

Article 1 of the Convention. Except for the exclusion of the employer's family, the scope of the Danish law coincides in general with that of the Convention.

Article 2. Any general practitioner authorised to practise medicine in Denmark may examine the young workers ; but the decision on their physical fitness for specified jobs is left to the Labour Inspector.

Articles 3 and 4. Danish law does not make medical re-examinations and regular medical examinations mandatory. The Minister of Social Affairs may, however, provide for young persons under 18 years of age in particular trades to be examined both immediately before beginning work and at regular intervals. When a young worker applies for a job where his health may be endangered, or in order to prevent and combat occupational diseases in certain trades, preventive medical examinations may be required.

Article 5. Danish law provides for the medical examinations to be paid for by the employer.

Article 6. Vocational rehabilitation is provided when a worker is victim of a labour accident for which he is insured. Special groups of disabled persons (blind, deaf, cripples, etc.) are cared for by Danish legislation. No general legislation on rehabilitation is in force so far in Denmark.

Article 7. Section 40, paragraph 1, of Act No. 226 complies with the provision of this Article.

Article 8. The Government states that the Occupational Safety and Health Act does not apply to Greenland.

The Labour Inspection Service is responsible for the enforcement of Act No. 226 under the supervision of the Ministry of Social Affairs.

Dominican Republic.

Labour Code of 11 June 1951, ch. IV (L.S. 1951—Dom. 1).
Order No. 7676 to apply the Labour Code.

Article 1 of the Convention. The national legislation applies equally to industrial, commercial and agricultural undertakings and to those of a mixed agricultural and industrial character.

Article 2. Section 226 of the Labour Code compels any person under 18 years of age seeking employment in any kind of undertaking to provide evidence of physical fitness for the work in question in the form of a medical certificate issued by a physician in the employment of the State, the area or the municipality.

Article 3. The repeated medical examination of young persons at intervals is not compulsory, but section 40 of the Labour Code compels every worker to undergo a medical examination at the request of his employer with a view to proving his fitness for work in the course of his employment.

Article 4. The national legislation does not provide for the special situation referred to in this Article of the Convention.

Article 5. Section 226 of the Labour Code provides that the medical examination shall be absolutely free. Article 7 of Order No. 7676 provides that when an employer requests that a worker shall undergo a medical examination the cost of the examination shall be charged to the employer.

Article 6. The authority for vocational guidance and physical and vocational rehabilitation, where required, is the National Employment Service.

Article 7. In practice employers file medical certificates of fitness so that they will be available to the administrative authority when desired by that authority.

There have been no amendments to the national legislation with regard to the subjects covered by this Convention.

Finland.

Resolution No. 26 dated 14 March 1919 prohibiting the employment of young persons on certain types of work (L.S. 1924—Fin. 5, Appendix).

Act of 31 July 1929 respecting the employment of children and young persons in industrial work (L.S. 1929—Fin. 2).

Labour Protection Act, No. 299 of 28 June 1958 (L.S. 1958—Fin. 1).

Article 1 of the Convention. The 1929 Act respecting the employment of children and young persons applies to industrial and handicraft undertakings employing persons other than the spouse or minor children of the employer. The Act does not cover factories, handicraft undertakings and rural enterprises employing fewer than three workers ; dairies are also excluded. Nor does it affect transport, private house building in rural districts or the repair of buildings.

Article 2. Children are defined under the 1929 Act as persons below the age of 15, and young persons as being between the ages of 15 and 18. Children under the age of 14 may only be admitted to employment in the case of approved work supervised by a public authority and provided they do the work in their capacity of pupils in a vocational training school. Before a child is allowed to work a physician must satisfy himself that the work will not be detrimental to his health and physical development.

The 1929 Act does not apply to the employer's minor children employed by him, except in the case of jobs which through overwork, dangers to health or risk of accident may be detrimental to their health, impair their physical development or expose them to moral danger.

Article 3. The state labour inspector may, if necessary, ask for a medical opinion as to whether the child or young person can continue to work without detriment to his health and physical development. Unless the employer supplies a medical certificate within the time limit fixed by the inspector, he is forbidden to continue to employ the child or young person in question.

Article 4. The types of employment considered to be harmful to children and young persons are prescribed by Resolution No. 26 dated 14 March 1919, which also lays down detailed rules for the workers' protection.

Article 5. The entrance medical examination for children is paid for by the employer.

Article 7. Employers must maintain a register of children and young persons employed by them in accordance with a standard form laid down by the Ministry of Social Affairs.

The legislation on this subject is enforced by the labour inspectorate.

The report states that no changes have been made in national law or practice in order to give effect to the Convention, several of whose provisions are not implemented. For example, the 1929 Act respecting the employment of children and young persons does not apply to transport or building concerns. The medical certificate of fitness for employment is only compulsory for children who have not completed their fifteenth year and is not normally required in the case of those who are over 15 but have not completed their eighteenth year. There is no continuous medical supervision of the fitness of children and young persons for their job until they reach the age of 18. For jobs involving distinct danger to their health, no initial or subsequent medical examination is required until the age of 21. National legislation does not prescribe the authority competent to issue the document certifying fitness for employment. The principle that the medical examination should entail no expense for the child or young person or his parents usually applies only in the case of children. Lastly, Finnish law contains no provision stating that the competent authority must take appropriate action for the physical and vocational rehabilitation of children and young persons found unsuitable for certain types of work.

As regards the action it is proposed to take to give effect to the clauses of the Convention which have not yet been applied, the report states that section 44 of the new Labour Protection Act of 1958 empowers the Government to order an employer to arrange a medical examination at his own expense within a prescribed period following admission to employment and to repeat the examination at specified intervals during employment or at the request of the labour inspector if a particular occupation is considered to entail a special risk to health. If the examination shows that continuation

in the job may impair the worker's health he must be taken off the job. The Ministry of Social Affairs is at present working on a draft order on medical examinations along these lines ; the order will in due course be submitted to the Government.

In March 1958 the Government submitted to Parliament a Bill on the protection of young workers which included some of the clauses of the Convention, but the Bill was not passed.

Federal Republic of Germany.

Notification of 13 December 1912 respecting the layout and operation of zinc mills and plants engaged in the roasting of zinc ores, as amended by the Ordinance of 21 February 1923.

Ordinance of 30 January 1931 respecting the manufacture, packaging, storage and import of Thomas meal.

Act of 30 April 1938 respecting the protection of young persons (*L.S.* 1938—Ger. 5).

Glassworks Ordinance of 23 December 1938, as amended on 13 September 1940.

Police Regulation of 23 May 1940 respecting medical examinations for entrance to employment in mining.

X-rays Ordinance of 7 February 1941.

Act of 9 December 1948 of Lower Saxony respecting the protection of young workers, amended by Acts of 16 May 1949 and 21 June 1951 ; and Regulations of 26 July 1949 concerning the protection of young workers.

Silicosis Ordinance of 1 September 1951.

Ordinance of 24 June 1958 respecting the employment of young persons in process engraving.

Model Agreement of 14 January 1959 for workers employed by the Länder.

Under the Constitution the Federal Government has power, in conjunction with the Länder, to pass legislation on the matters covered by this Convention. As the Federal Government has already availed itself of this power it is competent at the present time as regards legislation on this subject.

Articles 1 and 2 of the Convention. Under the legislation in force in Lower Saxony any young person (under the age of 18) must, before being admitted to apprenticeship or employment, undergo a free medical examination to ascertain his physical suitability for the job and his general state of health.

If the examination shows that some action is required the necessary measures must at once be taken by the appropriate social security scheme or by the local health office. If action is required by the concern employing the individual the appropriate labour inspection office must be notified.

Entrance examinations are carried out by the works doctor or by a physician selected by the employer. The doctor then notifies the employer of the result of the examination.

Medical examinations must also be given to young people who were not examined by a doctor on entering employment.

Apart from the Lower Saxony Act concerning the protection of young workers the only regulations requiring a medical examination to be held as a condition of entering and remaining in employment are to be found in the two Ordinances dealing with glass works and process engraving.

Sometimes, although not commonly, there are clauses on medical examinations in collective agreements, e.g. the 1959 model agreement for

workers employed by the Länder, and the 1953 model federal agreement for employees of local authorities.

Before young people are placed in apprenticeship or employment or before they take vocational guidance tests the employment offices arrange for them to have a medical examination to make sure that they are physically fit for the proposed employment. The record card compiled by their school during their last year of attendance (which contains the opinion of the school doctor) is also taken into account. If the employment office has any doubts as to the young person's fitness for the proposed work, or for any other work which might suit him, it must arrange a second examination. However, it is not forbidden for an employer to fill jobs with young persons who have not been examined or who have not been passed as physically fit for certain types of work.

If it is found that a young person is not physically fit for the work he has been performing he may ask for further guidance by the employment office, if necessary after another examination by the physician attached to the office. He may also apply to be transferred if possible to another job (either as an apprentice or as a wage earner or salaried employee) for which he has the necessary qualifications.

Article 3. The medical examination for young persons required by the Lower Saxony Act concerning the protection of young workers is repeated every year. These examinations are carried out by the health offices on behalf of the school medical service; pupils of vocational schools are also covered by these arrangements. The health offices fix the interval between these examinations. If a health office has any doubts about the employment of a young person it must notify both the labour inspectorate and the employer.

Article 4. In certain occupations or industries which involve dangers to health or morals a medical examination must be held before engagement and there is continuous medical supervision during employment. These provisions apply to adults as well as to young persons (silicosis, mining, zinc mills, plants engaged in the roasting of zinc ores, X-rays, etc.).

The power to require young persons to take a medical examination and an aptitude test before entering employment and to undergo periodical examination thereafter is derived from the 1938 Act concerning the protection of young persons (section 20).

The industrial mutual accident insurance associations also have standards regarding medical examinations for adults and young people, especially in the case of occupations which are liable to lead to occupational diseases. The employer is entitled and required (if instructed by the association) to have persons he intends to engage examined by an approved doctor, who may be designated by the association. Repetition of the examination at regular intervals may also be required. If the examination shows that there is some risk of occupational disease the individual concerned must be taken off the job which is endangering his health until the risk has been eliminated; he may be taken off for good if he is exceptionally vulnerable.

Article 5. Under the Lower Saxony Act the cost of the entrance examination is borne by the employer, but that of the subsequent examinations is defrayed by the health authorities.

The cost of examining young persons on admission to apprenticeship or employment is borne by the employment office.

In addition a number of firms have all the workers they propose to engage (including young persons) examined by their regular doctor in order to check their state of health and to find out whether they are fit for the jobs it is proposed to give them.

Article 7. Under the Lower Saxony Act the employer must supply the labour inspectorate on request with a certificate regarding the medical examination.

The employer must also enter the date of the subsequent examination carried out by the health office on behalf of the school medical service in a list which must be kept in a prescribed form.

The results of the examinations carried out in accordance with the rules of the industrial mutual accident assurance associations are entered in a register. The association concerned may lay down more detailed rules. The register must be produced when requested by a technical inspector.

The Lower Saxony Minister of Social Affairs is responsible for the enforcement of the Act respecting the protection of young persons and its Ordinance in the Land.

The other regulations are enforced by the labour inspector and the state industrial medical service. In the coal-mining industry this task is discharged by the local and regional offices of mines.

The terms of collective agreements are implemented by the employers' and workers' organisations directly concerned.

Breaches of the law in Lower Saxony are punishable by fines, detention or imprisonment in serious cases. In the latter type of case or if there is any repetition of the offence the individual concerned may be forbidden either temporarily or permanently to employ young persons.

Hitherto no changes have been made in national legislation to give effect to the Convention.

A Young Persons (Protection of Employment) Bill which is now before the Bundestag contains clauses dealing with the medical supervision of young persons employed in industrial or other undertakings. These are not, however, fully in line with the Convention and at the present stage it is difficult to forecast the final shape of the new enactment. It is hardly likely that a medical certificate will be required for each young person stating that he is fit for the proposed job.

Ghana.

Labour Ordinance of 1948.

The provisions of the Convention have not been applied in Ghana. The Government states that any change in the situation is not expected in the foreseeable future. It points out that the employment of children under the apparent age of 15 years, outside the child's own family, is prohibited under the Labour Ordinance, 1948.

Greece.

Act No. 4029 of 1912 respecting the employment of women and young persons, amended by Acts Nos. 2943 of 1922 and 199 of 1936.

Under section 14 of the 1912 Act young persons under the age of 16 may not be employed in factories, industrial establishments and workshops, mines of all types and quarries, building and similar employment and undertakings for the transport of persons or goods by land or sea, unless they produce a medical certificate showing that they are in good health and able to perform the work required of them without harm to their health or physical development. This medical certificate is registered in a special individual work book, issued free of charge by the Ministry of Labour; it must be renewed every six months.

Under section 22 of the same Act the employer is bound to keep this work book and to show it to the officials responsible for supervising the observance of the law. Upon expiry of the contract of employment the employer must return the work book to its owner.

A Tripartite Committee of the National Consultative Council for Social Security is at present studying the possibility of adjusting national legislation to the provisions of the Convention. Unless obstacles arise, particularly with regard to Article 6 of the Convention, the Government hopes to be able to propose its ratification.

Honduras.

There are no statutory provisions concerning the medical examination of young persons under 18 years of age in industry. There is merely an obligation under section 650 of the Public Health Regulations for persons employed in the handling of foodstuffs, as well as domestic servants, to have in their possession a health card to be issued by a medical officer appointed by the Directorate-General of Public Health. No worker or servant may be admitted to employment without first obtaining a health card.

There are also measures of an administrative character: in a circular of 14 February 1958 issued by the Directorate-General of Social Welfare and addressed to the trade unions workers were recommended, whenever they needed the medical services of the Directorate-General, to apply to their employer for an application form for medical services which would constitute evidence of their employment for the Directorate-General of Social Welfare. In addition a circular of 12 March 1958, also issued by the Directorate-General of Social Welfare and addressed to the owners or managers of factories, workshops, commercial establishments, etc., requires employers to continue sending their workers to the medical services of the Directorate-General of Social Welfare. There are also a series of administrative measures taken by the Directorate-General of Social Welfare with regard to the forms required to enable any worker to obtain a health card.

The Directorate-General of Public Health, which is part of the Office of the Secretary for Public Health and Social Assistance, and the Directorate-General of Social Welfare, which is part of the Office of the Secretary for Labour and Social Welfare, concern themselves with the workers' health.

At the moment there is under discussion in the national congress a proposed labour code; when it comes into force the issue may arise whether or not it is necessary to ratify the Convention.

Iceland.

National legislation contains no provisions relating to the subject matter of the Convention. No measures have been taken to give effect to the provisions of the Convention and none are contemplated.

India.

Employment of Children Act of 1 December 1938 (*L.S.* 1938—Ind. 5).

Factories Act, 1948 (*L.S.* 1948—Ind. 4).

Mines Act, 1952 (*L.S.* 1952—Ind. 3).

Labour is a concurrent subject under the Constitution of India; both the central and state governments are empowered to take legislative and administrative action in respect of the matters covered by the Convention. The enforcement of legislation in respect of central sphere undertakings extending beyond the borders of individual states is the responsibility of the central government. In other cases the state governments are the appropriate administrative authorities.

Article 1 of the Convention, read with Article 10, paragraph 1 (b). For the purpose of the Convention the term industrial undertaking includes, in the case of India, factories as defined in the Indian Factories Act, mines as defined in the Indian Mines Act, railways and all employments covered by the Indian Employment of Children Act. But of these three laws only the first two contain provisions for the medical examination of children and young persons for ascertaining their fitness for employment. The Employment of Children Act prohibits the employment of children below 15 in railways and in ports, and of children below 14 in workshops not covered by the Factories Act and engaged in producing specific products, such as *bidis*, carpets and matches listed in a schedule to the Act; but it provides for a medical examination of young persons only when there is a dispute concerning their age and for the specific purpose of determining the age of the child concerned.

Article 2, read with Article 10, paragraph 1 (c). Section 68 of the Factories Act provides that a child (who has completed his 14th year) or an adolescent (who is above 15 but less than 18 years of age) cannot be required or allowed to work in any factory without (a) a certificate of fitness to work in the factory as a child or as an adult as the case may be and, (b) carrying a token, while at work, giving a reference to such certificate. Sections 69 and 10 of the Act prescribe that such a certificate of fitness should be granted only after the child or adolescent has been examined and his fitness for work in a factory ascertained by a qualified medical practitioner appointed by the state government as a certifying surgeon.

Section 40 of the Mines Act provides that no adolescent (i.e. a person who has completed his 15th year but has not completed his 18th year)

shall be allowed to work underground in any part of a mine without (a) a medical certificate granted by a certifying surgeon attesting his fitness for work as an adult and (b) carrying a token, while at work, giving a reference to such certificate. Under section 11 of the Act the Central Government has been authorised to appoint qualified medical practitioners as certifying surgeons.

Under subsection (3) of section 69 of the Factories Act a certificate of fitness may be made subject to conditions in regard to the nature of the work in which the young person may be employed and under subsection (6) the young person cannot be required or allowed to work in any factory except in accordance with these conditions. Subsection 1 (b) of section 41 of the Mines Act similarly empowers the certifying surgeon, when issuing a medical certificate to an adolescent permitting his employment in underground work in a mine, to specify conditions and the adolescent cannot be required or allowed to work in any mine except in accordance with these conditions.

Article 3. Under both the Factories and the Mines Acts the medical certificates of fitness for employment issued to young persons are valid only for 12 months (section 69 of the Factories Act and section 41 of the Mines Act) and have to be renewed each year until the young person completes his 18th year. Again under both enactments the certifying surgeon is empowered to revoke any certificate granted or renewed by him if, in his opinion, the holder is no longer fit to work in the capacity stated therein (Factories Act, section 69, and Mines Act, section 41).

Article 4. The Mines Act does not provide for medical examinations and re-examinations for fitness for employment up to a special higher age limit in occupations which involve high health risks. Section 87 of the Factories Act authorises the state government to make rules, *inter alia*, prohibiting altogether the employment of children and adolescents and/or requiring the periodical medical examination of all persons employed when they are of the opinion that any operation carried on in a factory exposes the persons employed in it to a serious risk of bodily injury, poisoning or disease.

Article 5. The Factories Act specifically provides in section 69, subsection (7), that any fee payable for a certificate of fitness shall be paid by the employer and shall not be recoverable from the young person, his parents or guardian. The Mines Act provides in section 41, subsection (5), that in all cases where the application for a certificate of fitness either is made by the manager of a mine in which the adolescent desires to be employed or is endorsed by the manager, neither the adolescent nor his parents shall be liable to pay any part of the expenses of the medical examination.

Article 6, paragraph 3 (a) and (b). Neither the Factories Act nor the Mines Act contains any provisions for the grant of temporary work permits or of permits or certificates requiring special conditions of employment to children and young persons whose fitness for employment cannot be clearly determined.

The Factories and the Mines Acts require every factory or mine employing young persons under 18 years of age to maintain a register containing a reference to the relevant certificates of fitness and make their registers available to the Inspectors in charge of the enforcement of the laws.

The Factories Act is actually administered by the state governments and its enforcement is entrusted to the Chief Inspector and inspectors of factories in various states. In addition to the Chief Inspector and the whole-time inspectors of factories, certain other officers, such as district magistrates, civil surgeons, labour officers, directors of labour, etc., are nominated *ex officio* inspectors for enforcing certain sections of the Act in various states.

The central government is the appropriate authority for administering the Mines Act. Enforcement of the provisions of this Act is entrusted to the Chief Inspector of Mines, assisted by a number of regional inspectors, inspectors, assistant inspectors and junior labour inspectors. The Government states further that it invariably seeks the advice of the various tripartite advisory and consultative committees which have been set up at the centre and at the state and local levels not only in the framing of labour legislation but also in implementation.

The workers' and employers' organisations have been extending full co-operation to the central and state governments in enforcing the provisions of the Factories and the Mines Acts.

The Government states that generally it has been able to give effect to the standards laid down in the Convention in the case of factories covered by the Factories Act, and in respect of work underground in mines. The question of providing for medical examination of the young persons employed above ground in mines has been recently examined and it has been found that it would be difficult to provide for medical examination and re-examination of adolescents employed above ground in the mines as the mines are very scattered and the administrative set up required would be too heavy. Nevertheless a proposal to create a Medical Inspectorate of Mines is being considered by the Government of India and if this proposal materialises it may be possible to provide for the certification of all adolescents employed in mines both above and below ground. Also the Mines Act does not include any provision for medical examination and re-examination up to 19 years of age for employment in occupations involving high health risks as required by the Convention.

The Government states that it has not been able to give full effect to the requirement concerning medical examination and re-examination of young persons in all the employments covered by the Employment of Children Act except on the railways and in ports. In the railways, arrangements have been made in the past few years for the medical examination and re-examination by the railway medical staff of children and young persons who are regular railway servants. Periodical medical examinations are also invariably carried out in respect of workers employed by the various Port Administrations and Dock Labour Boards and the Port Administrations of Calcutta, Bombay and Madras do not employ any persons below

18 years of age. In the various workshops which fall outside the scope of the Factories Act, but for which a minimum age of 14 years has been prescribed by the Employment of Children Act, it has not so far proved possible to provide for the medical examination and re-examination of the young persons employed except in the case of disputes regarding the age of such persons. The question of amending the Employment of Children Act with a view to including such a provision was recently considered, but it was decided that it would not be administratively feasible to enforce the provisions of the Convention in these workshops, as they are scattered over too wide an area and each establishment employs a small number of workers.

Iran.

Act of 16 July 1955 respecting social insurance for workers (*L.S.* 1955—Iran 1).

Act of 25 July 1956 respecting industrial safety.

Labour Act of 17 March 1959.

Under section 81 of the Act respecting social insurance, before engaging a worker the employer must require him to produce a certificate of good health and physical fitness issued by a medical practitioner recognised or approved by the Workers' Social Insurance Organisation.

Supervision of the observance of the law in connection with medical examinations for workers, including children and young persons, is the responsibility of the labour inspectors.

In order to guarantee the supervision necessary to ensure strict observance of the law, section 6 of the Act respecting industrial safety provides that employers and the responsible authorities must furnish the labour inspectors with all the information they may need.

The Government states that, since the application of the basic provisions of the Convention is ensured by current legislation, there can be no obstacle to its ratification. However, when regulations in application of the new Labour Act are issued, steps will be taken to ensure that the secondary provisions of the Convention will also be covered.

Ireland.

Factories Act, 1955.

Factories Act (Certificates of Fitness of Young Persons) Regulations, 1956.

Factories Act (General Register) Regulations, 1956.

Articles 1 and 2 of the Convention. The legislation applies to young persons between the ages of 14 and 18 years employed in the type of undertakings referred to in subparagraphs (b) and (c) of Article 1, and in warehouses (subparagraph (d)). The employment of young persons may not continue beyond, as a general rule, ten working days unless they are examined by a registered medical practitioner appointed by the Minister for Industry and Commerce and certified fit for that employment (section 80 of the Factories Act). The certificate of fitness must be entered and signed in the general register (employers' records) prescribed by the Act; a loose-leaf form of certificate is permitted in certain specified employments, e.g. in building operations. The certificate may be issued in respect of employment in all or specified

factories of the same employer, or in respect of the nature of the work. Official instructions for certifying doctors deal with the conditions to be observed in drawing up and issuing certificates.

Article 3. Section 80 also provides for annual medical re-examination up to the age of 18 years, and continued employment after a provisional period of 21 days is not permitted unless the young person has been re-examined and certified fit.

Article 4. Section 80 (subsection (9) of the Act provides for the making of regulations along the lines of the provisions of Article 4, but no such regulations have yet been made.

Article 5. Fees in respect of the medical examination must be paid by the employer (section 97 of the Act).

Article 6. There is no legislation in Ireland concerning vocational guidance and physical and vocational rehabilitation of children and young persons.

Article 7. The employer's general register, required by section 122 of the Act, must contain records of medical examinations and be submitted as required to labour inspectors.

The application of the legislation is enforced by the Labour Inspectorate of the Minister of Industry and Commerce. The Government states that the question of providing for the medical examination of young persons employed in mines and quarries will be considered in connection with a proposed revision of existing law. However, no legislation is contemplated which would extend such requirements to young persons engaged in transport undertakings.

Japan.

Labour Standards Law, No. 49 of 5 April 1947 (*L.S.* 1947—Jap. 3).

Ordinance No. 9 of the Ministry of Labour of 31 October 1947 on labour safety and health.

Article 1 of the Convention. The Labour Standards Law (section 8) is applied to all industrial as well as non-industrial enterprises, except those which employ only persons living with the employer as members of the family. The enterprises listed under subsections 1 to 5 of section 8 of the Law correspond to the industrial undertakings defined in the Convention.

Physical examination is compulsory, at the time of employment, for all regular workers employed by enterprises employing permanently over 50 workers and for workers employed in dangerous or injurious work regardless of the size of the enterprise.

Article 2. The Labour Standards Law (section 52, paragraph 1) requires the employer engaged in a specified enterprise to have his workers physically examined at the time of employment and afterwards at fixed periods. Paragraph 3 of the same section requires the employer to take necessary measures to preserve the worker's health on the basis of the results of the prescribed medical examination. However, the system of certifying the worker's

health by a medical certificate or by an endorsement on the work permit or in the work book has not been adopted, nor the system of vocational aptitude certification as a requirement for employment.

In regard to prohibition of the employment of sick persons and health supervision after employment, concrete provisions are made in the Ordinance on Labour Safety and Sanitation in accordance with sections 51 and 53 of the Labour Standards Law.

Article 3, paragraph 1. Both the Labour Standards Law and the Ordinance on Labour Safety and Sanitation provide that employers operating enterprises which permanently employ more than 50 workers shall appoint health supervisors, including physicians, to supervise the workers' health.

Paragraph 2. Section 52 of the Labour Standards Law provides that a physical examination shall be given to permanent workers periodically and at least once a year.

Paragraph 3. In respect of workers in whom symptoms of tuberculosis were diagnosed at the time of physical examination or who are employed in work which is injurious to their life or health, the Labour Standards Law provides that a physical examination shall be carried out periodically and at least twice a year.

Article 4. See under article 3, paragraph 2.

Article 5. National legislation contains no corresponding provisions. However, in Japan physical examinations do not involve the workers in any expenses.

Article 6. No special measure is taken for vocational guidance of children and young persons found by medical examination to be unfit for employment.

Article 7, paragraph 1. It is laid down in sections 52 and 109 of the Labour Standards Law and in section 53 of the Ordinance on Labour Safety and Sanitation that the record of physical examinations shall be kept in conformity with the prescribed form and preserved.

The Labour Standards Bureau in the Ministry of Labour, the Prefectural Labour Standards Offices and the Labour Standards Inspection Offices in each prefecture, which have a total of 2,350 labour standards inspectors, are entrusted with the administration and supervision of the application of the Labour Standards Law and other relevant laws and ordinances throughout the country.

The report states that under prevailing conditions in Japan it is difficult to carry out compulsory physical examinations at the time of employment in respect of workers in enterprises employing less than 50 workers who are not engaged on dangerous or injurious work, as provided in the Labour Standards Law. Moreover, the Japanese Government considers that the physical examination need not necessarily be certified by a medical certificate in a specific form; a certificate in any form will suffice.

No modification has been made in the national legislation with a view to giving effect to the

provisions of this Convention. For the present it is not intended to adopt measures to give effect to those provisions of the Convention not yet covered by national legislation or practice.

Federation of Malaya.

No legal provisions exist requiring medical examination of children or young persons entering employment, except in the case of children or young persons who take part in public entertainment.

In the case of public undertakings children or young persons, other than a person to be employed on manual work, are medically examined and must be fit before being given employment.

Mexico.

Federal Labour Act of 18 August 1941 (L.S. 1931—Mex. 1).

Occupational Health Regulations of 13 February 1946.

Section 15 of the Occupational Health Regulations compels employers to order medical examinations for all their workers on admission to employment and periodically thereafter at least once every two years. In unhealthy or dangerous industries medical examinations are to be carried out at more frequent intervals.

Section 22 of the Occupational Health Regulations provides that the workers shall be directed to the kind of work that best suits their state of health and fitness. The Office of the Secretary of Labour and Social Welfare and the Office of the Secretary of Health and Social Assistance and the Mexican Social Security Institute are empowered to issue, after the necessary technical studies have been carried out, notifications prescribing the types of work on which workers are to be engaged at each place of employment.

Section 102 of the Federal Labour Act provides that the works regulations shall contain particulars regarding the time at which and manner in which the workers are to undergo medical examinations.

The Occupational Health Regulations state that employers shall produce the register of medical examinations for the medical inspectors as and when required.

The authorities responsible for applying the provisions on this subject are the Office of the Secretary of Labour and Social Welfare, acting through the Department of Occupational Health, for undertakings within the federal jurisdiction, and the Office of the Secretary of Health and Social Assistance, acting through the Directorate-General of Industrial Health, for other undertakings.

It has not been considered necessary to amend the existing law and practice because in essentials there is compliance with the provisions of the Convention. However, there are certain differences which prevent the ratification of the Convention for the moment.

Only the more urgent measures can be taken now.

Under the Mexican constitutional system the provisions of the Convention are more appropriate for action at the federal level.

Morocco.

Decree of 8 July 1957 respecting the establishment of industrial medical services.

Decree of 8 February 1958 in application of the decree of 8 July 1957.

All industrial undertakings which employ at least 50 workers must have a medical service. Depending on the number of workers, the undertaking may either have its own medical service or share a group service with other undertakings.

Every worker must submit to a medical examination before being placed on the payroll or, at the latest, before the probation period expires. The examination must include an X-ray of the lungs. Moreover, after absence due to occupational illness, after absence lasting more than three weeks due to other illnesses or in the case of repeated absences for health reasons, workers must undergo a medical examination upon returning to work in order to determine their fitness to resume their former work or the need for readaptation.

All workers must submit to a medical examination at least once a year and those under 18 years of age every three months.

The medical service in the undertaking must keep a diary of its activities. It is supervised by the staff representational body.

For the time being no measures are contemplated to give effect to the provisions of the Convention which are not yet covered by national legislation or practice.

Netherlands.

Labour Decree, 1920 (*L.S.* 1933—Neth. 4).

Stonemasons' Act, 1921 (*L.S.* 1921, Part II, Neth. 3).

Mines Regulations, 1939.

Decree respecting protection against ionising radiations, 1957.

Under current legislation (section 35 of the 1920 Labour Decree), a medical examination is required, as a general rule, for all young persons in employment. Moreover, the District Chief of the Labour Inspectorate is authorised to require every young person performing work in a factory or workshop to submit to a medical examination. Under certain special provisions a medical examination is also required for underground work in mines up to the age of 20 and for stonemasons and radiological workers up to the age of 21.

Supervision of the observance of the Labour Decree and the decree respecting protection against ionising radiations has been entrusted to the labour inspectorates. Observance of the Mines Regulations is supervised by the Mines Inspectorate. Workers' and employers' organisations are not called upon to co-operate in enforcing laws and regulations.

Since the Convention was adopted national legislation on this matter has been supplemented by the decree respecting protection against ionising radiations.

The Government considers that medical certificates as referred to in the Convention should be issued by physicians acquainted with industrial medicine, of whom there are still an insufficient number in the Netherlands. For this reason, the Government does not, at the present time, contemplate taking steps to give effect to the provisions of the Convention which are not yet covered by national legislation or practice.

Netherlands Antilles.

There are no provisions relating to the subject matter of the Convention. There are very few young persons employed in industrial undertakings in the Netherlands Antilles.

Netherlands New Guinea.

In New Guinea the employment of young persons is not subordinated to a prior medical examination. This is required only for indigenes workers whose place of work is more than 20 kilometres away from their residence.

The medical examination may be carried out only by physicians approved by the competent authorities.

The periodical medical examinations carried out by the public health services, which cover the whole population and are intended to combat contagious diseases, compensate, to some extent, the lack of legislation on this subject.

For the time being, it is not possible, for practical reasons, to give full effect to the provisions of the Convention, but they will be taken into account when the legislation is revised.

Surinam.

There are no legislative provisions or administrative regulations in Surinam on the subject covered by the Convention.

The greater part of all industrial activity is concentrated in a small number of large and medium-sized undertakings. There are, however, a number of small establishments which, owing to the lack of financial resources, have to operate at low levels of efficiency. However, the social and economic importance of these establishments is not negligible and the Government owes a duty to itself not to force them to take measures in a field such as that covered by the Convention, which would spell ruin for the whole of that sector of industry. The Government therefore feels that for the moment it cannot require the heads of small undertakings to bear the cost of medical examinations, and, as it cannot itself pay these costs, there can be no question at the present time of applying the provisions of the Convention.

New Zealand.

Coal Mines Act, 1925 (*L.S.* 1925—N.Z. 2).

Mining Act, 1926 (*L.S.* 1926—N.Z. 1).

Factories Act, 1946 (*L.S.* 1946—N.Z. 4).

Shipping and Seamen Act No. 49, of 23 October 1952.

Government Railways (Staff) Regulations, 1953.

Article 2 of the Convention. The Factories Act prohibits the employment in a factory of any young person under 16 years of age unless the employer has obtained from the Medical Officer of Health or from a registered medical practitioner nominated by the Medical Officer of Health a certificate of fitness for such employment in respect of such young person. Certificates of fitness may be granted by a factory inspector on the basis of a medical certificate obtained by the employer certifying that the young person is fit for employment, and on the production of satisfactory evidence of the age of the young person concerned. Certificates of fitness issued by factory inspectors may be

made applicable to one or more specified factories, or generally to all factories of any specified description or class.

In regard to the medical examination of mining personnel, both the Coal Mines Act and the Mining Act contain provisions to the effect that no mine owner or employer may require any person employed in a mine, or applying to be so employed, to be medically examined or to produce a medical certificate stating that he is in a good or sound state of health.

The Shipping and Seamen Act of 1952, which covers inland waters, provides (section 49) that no person under the age of 18 years shall be employed in any ship unless there has been delivered to the master of the ship a medical certificate certifying that that person is fit to be employed. This certificate remains in force for a period of 12 months.

Regulations relating to the state railways require all new entrants to the staff to undergo a medical examination.

Article 3. In the month before the employment of a young person under the age of 16 ceases or before he attains the age of 16, whichever is earlier, the employer is under an obligation to obtain and deliver to the Inspector of Factories a medical certificate as to the state of health of the young person concerned.

Article 5. All medical certificates in respect of young persons must be obtained by the employer or prospective employer at his own expense.

Article 7. Under the Factories Act the inspector shall keep a register of all certificates of fitness issued by him.

The report states that in the revision and consolidation of the Shipping and Seamen Act of 1908 as the Shipping and Seamen Act of 1952, opportunity was taken to include provisions referred to above, in order to accord with the Convention.

The New Zealand Government states that, apart from the consideration that it entertains some misgiving as to the relative value of diverting the services of medical practitioners from the more urgent and pressing demands on their time, the practical difficulty exists that under present conditions the Convention would be impossible of implementation as the number of medical practitioners available in New Zealand would be inadequate to cope with the extra demands this would make on that profession.

No measures to give effect to those provisions of the Convention not yet covered by national legislation or practice are contemplated.

Norway.

Act respecting the protection of workers, No. 2 of 7 December 1956 (*L.S.* 1956—Nor. 2).

Royal Decree of 12 December 1958.

The provisions of the Act relating to the physical examination of children and young persons are based on this Convention and on the Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), to ensure their physical fitness for industrial or non-industrial employment.

The Act provides that all young persons under 16 years of age shall be medically examined before entry into employment, and provision is made for the King-in-Council to raise this age limit to 18 years. Instructions concerning the way in which the medical examinations are to be carried out have been issued. All qualified Norwegian physicians may issue certificates of fitness for employment. If either the young worker or the employer so desires the result of the medical examination may be submitted to the Directorate of Labour Inspection.

When the work or industry is especially fatiguing or dangerous to the life or health of the young worker, pre-employment medical examinations are required up to the age of 19 years, and this limit may be raised to 21 years if the King-in-Council so decides. Regulations prohibiting the employment of young persons under 18 years of age in a number of especially dangerous or tiring types of work have been issued under section 13 of the Act. In practice, therefore, the provision requiring medical examination up to the age of 19 years will not be widely applied.

The Royal Decree of 12 December 1958 provides that the expenses involved in the medical examinations required under the Act respecting the protection of workers shall be met by the employer concerned, if they are not covered by the health insurance programme.

Where, as the result of a medical examination, a young person is found to be unfit for the work in respect of which the examination was made, the medical officer must send him to the local employment office or employment counsellor.

The execution of the regulations concerning medical examination of children and young persons is supervised by the Directorate of Labour Inspection.

The Ministry of Labour and Local Government is of the opinion that before taking steps to raise the age limits to 18 and 21 years experience should be gained of how the existing age limits work in practice.

Pakistan.

Mines Act of 23 February 1923.

Factories Act, 1934.

Section 51 of the Factories Act provides that "no child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—(a) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and (b) he carries while he is at work a token giving reference to such certificate".

Section 26A of the Mines Act contains a similar provision in respect of young persons under 17 years who are allowed to be present in any part of a mine which is below ground.

Enforcement of these two Acts has been entrusted to the Inspectors of Factories and the Inspectors of Mines appointed under the respective Acts.

The Government has under consideration some proposals to modify the two Acts but, even with these, ratification of the Convention is not considered feasible. The scope of the Convention is considered too wide and it is not

administratively possible to arrange for the medical examination of young persons, particularly annual re-examination in all the employments covered by the Convention.

According to article 108 of the Constitution, the Federal Government is empowered to legislate for implementing any decision taken by any international body.

Peru.

Act No. 2851 of 23 November 1918 (*L.S.* 1919—Per. 1), amended by Act No. 4239 of 26 March 1921.

Decree of 25 June 1921 to apply the foregoing.

Under section 2 of Act No. 2851 job seekers between 12 and 14 years of age must provide evidence of their physical fitness in the form of a medical certificate. Sections 4 and 5 of the decree of 25 June 1921 provide for the testing of a minor's physical fitness by a medical examination.

Section 31 of Act No. 2851 empowers the authorities to order a cessation of employment after a medical examination has shown that such employment is detrimental to the health of young persons. Most of the undertakings have a medical service which examines the personnel when they enter employment and periodically thereafter in order to check on their state of health.

The competent authority for the application of the statutory provisions on the subject is the Medical Department of the Office of the Deputy Director of Inspection Services of the Directorate-General of Labour.

There is a special committee which carries out comparative studies of the Conventions and of the national law or practice with a view to proposing ratification of the Conventions.

Philippines.

Employment of Women and Children Act, No. 679 of 8 April 1952 (*L.S.* 1952—Phi. 1).

Section 4 of the Act forbids the employment in any shop, factory, commercial, industrial or agricultural establishment or other place of labour of any person below the age of 18 unless he has been found fit for the work he is to do on the basis of a thorough medical examination carried out, without cost, by a qualified government physician or by any other qualified physician approved by the Secretary of Labour. The fitness for employment certificate may be issued subject to specified conditions of employment or for a specified employment or group of employments involving similar risks.

Every employer who employs persons under the age of 18 must arrange for such persons to be medically examined at least once in every period of six months, or oftener as the Secretary of Labour may require in exceptional cases involving high health risks, in order to determine the continued fitness of such persons for employment.

In respect of occupations involving high health risks, the Secretary of Labour is empowered to require medical examination and re-examination for fitness for employment until the age of 21 years.

The Secretary of Labour is required to refer to the appropriate authorities for vocational guidance and physical and vocational rehabilita-

tion the cases of children found by medical examination to need such service.

The fitness for employment certificates shall be available to the Department of Labour inspectors.

Portugal.

Act No. 1942 of 27 July 1936 respecting the right of compensation for the consequences of industrial accidents or occupational diseases (*L.S.* 1936—Por. 2).

Legislative Decree No. 36173 of 6 March 1947 respecting collective employment agreements (*L.S.* 1947—Por. 1).

Legislative Decree No. 37245 of 27 December 1948 to regulate labour inspection (*L.S.* 1948—Por. 1).

Legislative Decree No. 37268 of 31 December 1948 to approve the Regulations of the National Labour and Welfare Institution.

Portuguese law does not require minors to be examined for physical fitness before entering employment in industrial establishments, as provided in Article 2 of the Convention. However, Legislative Decree No. 37245 of 1948 provides under section 22 that young persons under 18 years of age employed in undertakings must undergo a medical examination at least once a year in order to ascertain whether the work is harmful to their health or physical development.

The physician responsible for making the examination (the health delegate or deputy delegate) records his observations on a form approved by the Labour Inspectorate.

Readjustment of workers, whatever their age, in the case of industrial accidents or occupational illnesses, is regulated by Act No. 1942 of 1936. Under section 41 of this Act a special rehabilitation service is attached to the labour courts, to which recourse may be had when the injured person has incurred temporary partial incapacity.

Under section 26 of Decree No. 37268 of 1948 the Labour Inspectorate is responsible for ensuring observance of labour legislation.

By virtue of Legislative Decree No. 36173 of 1947 it rests with the Corporative Boards established under the collective agreements to promote the execution of those agreements and to determine questions as to the interpretation of the clauses thereof.

In the opinion of the Government Portuguese legislation is on the whole in conformity with the principles laid down in the Convention. However, for ratification to be contemplated, it will be necessary for special provisions to be adopted to give effect to Article 2.

El Salvador.

In practice there is a check exercised in the metropolitan area of the capital, San Salvador, and in the main towns of both the western and the eastern parts of the country, on young persons between 12 and 18 years of age. This check takes the form of the listing of minors in a register and an obligation on them to undergo medical examinations to determine their state of health and their fitness for the kind of work in which they are employed or wish to be employed.

There is an annual medical examination of the minors on the register. If they are found to be ill or suffering from some disability,

arrangements are made to give them treatment or to remedy their disabilities.

The application of these measures for the benefit of young persons is the responsibility of the Women's and Minors' Employment Section and of the Labour Inspection Department of the Ministry of Labour and Social Welfare.

There are difficulties that hinder ratification of the Convention. They are mainly connected with the large number of young persons between 12 and 18 years of age who are in employment, as well as with the lack of funds, medical and nursing staff, laboratories and the necessary medical equipment to ensure strict application of the provisions of the Convention.

There are no plans concerning measures to be taken in the near future to apply the provisions of the Convention.

Spain.

Regulations of the Labour Inspection Service, dated 13 July 1940.

Act of 26 January 1944 respecting contracts of employment (*L.S.* 1944—Sp. 1).

Decree of 21 August 1956 to institute works medical services (*L.S.* 1956—Sp. 2).

Regulations of 22 December 1956 to organise and issue regulations for works medical services.

Article 1 of the Convention. The national legislation applies equally to industrial and non-industrial workers.

Article 2. Section 178 of the Act respecting contracts of employment provides that young persons under 18 years of age must, for the purposes of admission to employment, provide evidence in the form of a medical certificate to the effect that they are not suffering from any contagious or infectious disease, that they have been vaccinated and that the work would not be beyond their strength.

Article 3. Section 6 of the decree of 21 August 1956 compels workers to pass annual medical examinations in order that there may be a check on changes in their psychic or somatic condition, whether due to employment or to some other cause. Section 45 of the Regulations of 22 December 1956 provide that the preliminary medical examinations of apprentices and the periodical medical examinations of apprentices after their entry to apprenticeship, as well as their vocational selection and medical supervision during periods of training and apprenticeship, must receive particular attention from the industrial physician.

Article 4. Section 38 of the Regulations of 22 December 1956 also places the works physicians under an obligation to examine any workers sent to them owing to a fall in their individual output and those who report voluntarily on the ground that they feel ill.

Article 5. Section 178 of the Contracts of Employment Act provides that the medical certificate required for the admission to employment of a person under 18 years of age shall be issued free of charge. The decree of 21 August 1956 compels undertakings to organise free medical services for the workers.

Article 6. Section 36 of the Regulations of 22 December 1956 refers to the medical assessment of the fitness of an applicant for a particular job ; section 53 of the same Regulations places the works physician under an obligation to examine the workers' output curves in accordance with any rules laid down by the management of the undertaking and in conjunction with the production manager and the shop foreman, with a view to discovering psychic or somatic changes, and to give advice if possible on any changes he may consider desirable with a view to adapting the job to the working capacity and general fitness of the worker.

Article 7. Section 178 of the Act respecting contracts of employment provides that the medical certificates are to be kept by the undertaking for submission to the labour inspectors on request. Section 34 of the Regulations of 22 December 1956 compels undertakings to keep files on the examinations carried out by the physician.

The supervision of the enforcement of the labour legislation for the protection of young persons is the responsibility of the national corps of labour inspectors (section 3 of the Labour Inspection Regulations).

Social and economic difficulties have until now prevented ratification of the Convention.

Sweden.

Act No. 1 of 3 January 1949 respecting the protection of workers.

Royal Proclamation No. 208 of 6 May 1949 respecting workers' protection (*L.S.* 1949—Swe. 4).

Royal Proclamation No. 213 of 6 May 1949 respecting medical examinations and re-examinations of young persons in employment.

Protection from Radiation Act of 14 March 1958.

Article 1 of the Convention. According to its section 1 the Workers' Protection Act applies only to concerns and certain special undertakings. There are, however, certain exceptions from the scope of the Act, namely work which is executed in the home of the employee, employment in shipping and to a certain extent work which is executed by a member of the employer's family.

The report states that the meaning of the term "industrial undertaking" as described in the Convention is quite consistent with the Swedish interpretation of the term, save that the Swedish provisions do not apply to transport by inland waterways.

Article 2. Section 27 of the Workers' Protection Act provides that no employer shall employ a young person unless the latter passes over to him a work book containing a valid medical certificate concerning his state of health and physical development.

Section 49 of Proclamation No. 208 provides further that if the young person shows signs of ill-health, weakness or deficient physical development the medical certificate shall state in what respect this is so and specify the conditions subject to which he may be employed. Sections 49 to 51 of the same Proclamation contain detailed instructions concerning the issue of work books and the entering into work books of medical certificates.

Article 3. Under section 28 of the Workers' Protection Act every young person employed has to undergo a medical examination once every calendar year in order to ascertain whether the employment is proving detrimental to his health or physical development.

Article 4. Under the provisions of Proclamation No. 213 and of the Protection from Radiation Act, 1958, medical examinations and re-examinations are required in respect of workers, including adults, in a number of occupations involving high health risks.

Article 5. The initial medical certificate is issued by the school authority and the annual re-examination is carried out free of charge to the young person, his parent or guardian (section 50 of Proclamation No. 208 and section 28 of the Workers' Protection Act). However, there are a few cases in which in practice the cost of the first medical examination has to be borne by the young person, e.g. when a work book is issued to a young person during his school holidays or after he has finished school, or when he obtains employment only after the medical certificate issued by the school authorities has become invalid.

Article 6. Section 51 of Proclamation No. 208 contains instructions concerning the medical certificates to be entered into the workbooks by the school doctor. The doctor is required to enter not only the particulars of the medical examinations but also annotations with reference to the vocational guidance given in connection with such examinations. Instructions concerning medical vocational guidance were issued in 1952 by the National Board of Education. Under section 58 of Proclamation No. 208, when an examining surgeon, as a result of a re-examination, orders a change of employment for a young person, he is required to give, as far as possible, indications as to the kind of work on which the young person may be employed; for this purpose he may contact the Youth Employment Service.

Article 7. Sections 52, 53, 55 and 56 of Proclamation No. 208 require every employer to retain the workbooks of every young person he employs, to make them available to officers of the Labour Inspectorate and to notify the labour inspector in writing of all hirings of young persons intended to last more than one month.

The Workers' Protection Board and, under its supervision and direction, the labour inspection officers and commune supervision representatives, are in charge of enforcement of the legislation. The Workers' Protection Board includes special members appointed on the recommendation of the national association of employees and employers respectively.

The report points out the discrepancies between the national legislation and the Convention, relating in particular to Articles 1, 2, 3 (1) and 5 of the latter. When the Workers' Protection Act was drafted the opinion of Parliament on the Convention was requested, and the Minister of Social Affairs declared that a considerable number of modifications would have to be made in the Swedish legislation in order to make possible Swedish ratification. The

Government was, however, of the opinion that there was hardly sufficient reason for some of those modifications while others were liable to cause considerable inconvenience.

No revision of Swedish legislation in order to bring about closer accord with the Convention is at present contemplated.

Switzerland.

Regulations of 24 February 1940 to apply the Act of 24 June 1938 respecting the minimum age for employment.

Order of 3 September 1948 respecting measures of silicosis prevention and control.

The protection of workers' health lies within the jurisdiction of the cantons. Federal legislation only occasionally mentions a medical examination for fitness for employment as a requirement for entry into employment. The Regulations of 24 February 1940 empower the cantons to establish requirements, in particular the issue of a medical certificate, for the admission of children under 15 years of age to certain types of work. There are also various provisions in cantonal law which refer more or less directly to medical examinations for fitness for employment, but they are not of general application.

The health of children and young persons is, however, being more and more closely supervised in school, both the primary schools at which attendance is compulsory, in many cantons, up to the age of 16, and in intermediate schools. Periodical medical examinations are organised in the schools at low cost and frequently free of charge, especially for the purpose of detecting tuberculosis cases.

No changes have been made in national legislation or practice in order to give effect to the provisions of the Convention. The General Labour Act which is at present being drafted will probably contain provisions relating to the medical examination of young persons.

Thailand.

Proclamation of 20 December 1958 of the Ministry of the Interior respecting working hours, workers' holidays, conditions of woman and child labour, payment of wages and welfare services in industry and commerce.

The Proclamation provides that no employer shall employ any child over 12 but under 16 years of age except on light work or in an undertaking in which only members of the family are employed and then only if the child has obtained a certificate from a first-class physician showing that he is physically fit to be employed.

The authorisation officers are for the provinces of Bangkok and Dhonburi, the Chief of the Labour Division of the Department of Public Welfare, and for other provinces, the district officers.

The Government states that some parts of the law have been amended to conform with the provisions of the Convention. However, since the scope of the law is much smaller than that of the Convention, Thailand is not yet ready to ratify the latter.

The Government is considering amendments with a view to bringing national legislation into harmony with I.L.O. Conventions, but is anxious that this should not affect the livelihood of the general public.

Tunisia.

Decree of 6 April 1950 respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1).

Decree of 25 October 1956 respecting occupational medical services in the undertaking.

The decree of 6 April 1950 forbids the employment in industrial establishments of children who have not the necessary physical aptitude for the work assigned to them. Labour inspectors are entitled at any time to order the dismissal of children under 12 years of age when the tasks assigned to them exceed their strength. They have the same powers with respect to children of 12 to 16 years of age, acting on the advice of the industrial medical officer and after a further medical examination if the parents so request.

The decree of 25 October 1956, which requires all undertakings with more than 50 employees to set up an occupational medical service, is a step forward in medical aptitude tests for adolescents. In each such undertaking the medical officer devotes one hour a month for each ten children to such tests. Adolescents undergo a medical aptitude test on engagement and are the subject of special supervision afterwards. As a minimum, this supervision includes a medical examination every six months, with compulsory radioscopic lung test.

Various decrees issued by the Minister of Labour and Social Insurance determine the different types of work which are dangerous to the health or morals or beyond the strength of women and children, and forbid their employment therein. They also lay down special conditions under which these different categories of workers may be employed in unhealthy or dangerous undertakings, where the worker is exposed to operations or emanations prejudicial to his health.

In addition to the legislative provisions in respect of medical examinations for young persons the Government has set up several vocational training centres. Adolescents are admitted to these centres provided they have first undergone a psychotechnical test and a medical examination of physical aptitude. The physical aptitude tests are carried out by the medical officers of the Industrial and Social Health Service, who decide the aptitude of the candidate in relation to the vocational training he has chosen. Furthermore, the services of the National Education Office carry out psychotechnic and physical aptitude tests in respect of all school children who reach school-leaving age, with a view to their vocational guidance or apprenticeship to a trade.

The Government states that the provisions of the Convention are on the whole applied throughout Tunisia.

Turkey.

Act No. 3008 of 8 June 1936 respecting labour (L.S. 1936—Tur. 2), amended by Act No. 5518 of 26 January 1952 (L.S. 1952—Tur. 1B).

Article 1 of the Convention. The Act defines the term "industrial undertaking" in the same terms as the Convention except that air transport and the handling of goods at airports are not covered. However, section 4 of the Act

empowers the Ministry of Labour to decide whether undertakings other than those listed in section 3 should also be regarded as industrial undertakings.

Article 2. Under section 60 of the Act children and young persons between the ages of 12 and 18 have to undergo a medical examination before being admitted to any employment whatever and certified physically fit for the work to be performed, its nature and conditions being taken into account. This medical examination has to be carried out by the medical officer of the undertaking (or in default of such, by a state or communal medical officer).

Article 3. Section 62 of the Act empowers the Ministries of Labour and Public Health to issue regulations jointly to prescribe, *inter alia*, that all employees in certain kinds of work must undergo a medical examination at prescribed intervals, but no such regulations have yet been issued.

Article 4. Regulations issued by the Government under section 58 of the Act specify various kinds of work to be deemed arduous and dangerous. The employment of young persons under 16 on any kind of arduous or dangerous work is prohibited; young persons above 16 but under 18 may be employed on only 26 out of a total of 100 types of arduous or dangerous work. Under section 59 of the Act no worker, irrespective of his age, may be employed on arduous or dangerous work without a certificate from the medical officer of the undertaking (or, in default of such, from a state or communal medical officer) that he is physically fit for the work in question. The Regulations issued under section 59 of the Act also prescribe that all employees engaged in arduous or dangerous work must be medically examined at intervals of six months.

Article 5. All medical examinations or re-examinations required under the Act are free.

Article 6. Turkish legislation does not include provisions in respect of these subjects.

Article 7. Employers are required to file and keep available for inspection by the competent official the relevant medical certificate and records.

The Ministry of Labour is responsible for the enforcement of the above legislative provisions.

The Government does not propose, for the time being, to amend the national legislation with a view to bringing it in line with the Convention.

Union of South Africa.

Electrical Wiremen's and Contractors' Act, 1939, as amended.

Factories, Machinery and Building Work Act, 1941, as amended (L.S. 1941—S.A. 3).

Apprenticeship Act, 1944 (L.S. 1944—S.A. 1), as amended by Act No. 28 of 1951 (L.S. 1951—S.A. 2).

The Factories Act does not provide for medical examination for fitness for employment of young persons before being admitted to employment. Inspectors have powers to require medical examination, where desirable, of persons already employed. Furthermore, the definition of "industrial undertaking" in the

Factories Act is more limited in its meaning than that in Article 1 of the Convention, in that it does not include items (a), (c) and (d).

A certificate of fitness, which may be obtained free of charge from the district surgeon, is required for entry into apprenticeship in trades which are subject to the Apprenticeship Act, and for permanent employment in government services, which include the national railways, harbours and airways service.

Under the Electrical Wiremen's and Contractors' Act, in order to become a registered electrical wireman a person must be at least 20 years old and provide evidence of being physically fit for such work.

The South African National Rehabilitation Council, on which are represented several government departments as well as the Provincial Hospital and Educational authorities, advises the Government on matters relating to rehabilitation. Vocational training for handicapped children and young people is provided by Union and provincial authorities. There are special schools for dealing with various types of physical and mental handicaps. The Department of Labour provides vocational guidance, selective placement, sheltered employment and industrial rehabilitation for young people who are handicapped, after they have reached school-leaving age, which is generally 16 years. There is a special division of the department to deal with handicapped work seekers. Government health, education and welfare services, as well as employers, employees and private welfare organisations, are represented on the Juvenile Affairs Boards, which administer the vocational guidance and employment services for young people. These facilities, however, are at present available to European children only. Only the employment services are available to coloured as well as European children.

The Government states that the advisability of medical examination is fully appreciated and that considerable progress has in practice been made. However, the Government is unable to indicate when legal compliance with the provisions of the Convention will be effected.

United Arab Republic.

Act No. 91 of 1959 (Labour Code).

This Act recognises the principle of medical certificates of fitness for young persons employed. Although such certificates are required only in certain occupations and industries specified by the competent minister, the law is so flexible that the minister can add other occupations from time to time, as circumstances allow.

The 15-year age limit has been found appropriate to the local social and climatic conditions affecting the age of adolescence.

The Government states that these two reasons are the sole difficulty which makes it necessary for the United Arab Republic to delay the ratification of this Convention.

United Kingdom.

Metalliferous Mines Regulation Act, 1872.

Quarries Act (Northern Ireland), 1927.

Road Traffic Act, 1930.

Factories Act, 1937 (*L.S.* 1937—*G.B.* 2) and Factories Act, 1948 (*L.S.* 1948—*U.K.* 6).

Young Persons (Certificates of Fitness) Rules, 1948.

Factories (Certificates of Fitness of Young Persons) Rules (Northern Ireland), 1949.

Mines and Quarries Act, 1954.

Articles 1 and 2 of the Convention. Legislation requires that young persons under 18 years be medically examined for employment in most of the undertakings enumerated in subparagraphs (a) to (c) of Article 1, paragraph 2. Goods handling at docks and wharves and certain warehouses are covered by the legislation; in general, transport of passengers and goods is not covered, but the Road Traffic Act of 1930 prohibits persons under 21 years from driving motor cars and public service vehicles, and a bus conductor must be at least 18 years old. Examinations for fitness for employment are carried out by doctors appointed under the legislation and the Certificates of Fitness Rules lay down detailed procedures for recording the results of the examinations; they are entered in the general register of factories, and in the case of mines and quarries a certificate is issued (paragraphs 2 and 4 of Article 2). The Factories Acts and Mines and Quarries Act provide for certificates to be issued subject to particular conditions or a type of work in which a young person may be employed (paragraph 3).

Article 3. Application of the provisions of Article 3 is provided for under the Factories Acts together with statutory orders: male young persons over 16 employed on shift work in certain industries or processes must be re-examined three months after entry into employment and then at six-month intervals; all young persons employed in work connected with lead compound, as defined, must be re-examined every three months; examining doctors are empowered to grant a certificate of fitness subject to re-examination before the date on which the certificate would normally expire.

Article 4. All persons employed in many dangerous or unhealthy processes, which are specified and defined in various regulations, must be medically examined at the intervals prescribed. These provisions therefore apply to all young persons where they are permitted to be employed in such processes.

Article 5. Laws and regulations require doctors' fees to be paid by the factory occupier or mine or quarry owner.

Article 6. There are a number of government services, established under different Acts, which offer guidance and training for employment of young persons in Great Britain and Northern Ireland: medical advice (School Medical Service), medical rehabilitation (National Health Service), vocational guidance (Youth Employment Service), guidance of handicapped young persons (Youth Employment Service in co-operation with the Disabled Resettlement Service of the Ministry of Labour), industrial rehabilitation of ill or disabled young persons (the Ministry's Industrial Rehabilitation Units), vocational training of disabled young persons (Government Vocational Training Scheme) (paragraphs 1 and 2). The Factories Acts and regulations specifically provide for temporary work certificates and certificates requiring special conditions of employment (paragraph 3).

The national legislation requires that the necessary registers and records should be kept available for inspection.

The administration of the Factories Acts is laid upon the Minister of Labour and National Service and their enforcement is carried out by the Factory Inspectorate. The law in relation to mines and quarries is enforced by the inspectors of mines and quarries. In Northern Ireland, the enforcement of the legislation is carried out by the Factory Inspectorate.

The Government states that law and practice largely accord with the provisions of the Convention but the scope of the legislation is not quite so wide as that of the Convention. The requirements of the Convention are taken into account, and employers' and workers' organisations are consulted.

United States.

The matter is considered to be appropriate in part for federal action and in part for state action.

Federal Action.

The only federal Regulations governing medical examination of employees, including minors, are in respect of government employees: the Civil Service Commission requires in general medical certificates, without expense to the appointee, in so far as practicable attesting to their fitness for duty.

State Action.

Thirty-five states have legislation concerning medical examination of young persons in industrial employment. Minors employed by the Government are subject to such state laws or to state civil service regulations.

Articles 1 and 2 of the Convention. A medical examination is mandatory in 26 states or territories (Alabama, Arizona, California, District of Columbia, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico, Tennessee, Vermont, Virginia, West Virginia) and optional in nine states (Maine, Michigan, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Utah, Wisconsin (mandatory in Milwaukee)) before employment certificates or permits to work may be issued for young persons. The Government states that, in general, employment certificates would be required for all the industrial undertakings mentioned in Article 1, paragraph 2, of the Convention. The young persons subject to the medical examination prior to employment are those under 16, 17 or 18 years, according to the state. In most of the states where medical examination is necessary the requirements of paragraph 2 of Article 2 are met (see under Article 5). Most states require prospective employers to specify the occupation in which they intend to employ the minor; this enables the examining physician to act along the lines suggested in paragraph 3. The relevant state laws meet the requirements of paragraph 4.

Article 3. A new examination is generally required when a young person changes his job,

but only a few states require re-examination during his continued employment. For example, some of the laws provide for re-examination when the young person's physical condition at the time of issuing the employment certificate warrants it, or when an inspecting officer requests a re-examination. The Government points out that in the United States the protection of the child from jobs with a health hazard is mainly accomplished through the prohibition of the employment of young persons in such jobs.

Article 4. Alabama is the only state which requires medical examination beyond 18 years (for miners 18 and 19 years of age in any mine, coke breaker, coke oven or quarry). Other states do not require employment certificates beyond 18 years.

Article 5. Where required, a medical examination is usually carried out free of charge by public health or public school physicians designated or appointed by a state government department (Labor or Educational Department).

Article 6. To some extent and depending upon community resources, the officers who issue employment certificates refer children in need of employment adjustment to appropriate rehabilitation services. Labour, health, educational and social services co-operate in these measures (paragraphs 1 and 2). Some of the state laws specifically provide for the action referred to in paragraph 3.

Article 7. Employers must file the employment certificates of young persons employed, although only a few states provide that the certificate should include references to the medical examination. However, reports on medical examinations are filed in the office which issues the certificates.

The Labor Department or the Education Department is usually responsible for the supervision of the employment-certificate system. The report indicates that the states constantly strive to improve their child labour standards including the employment certificate systems.

Venezuela.

Constitution of 5 April 1953.

Regulation of 30 November 1938 issued under the Labour Act.

Decree of 21 October 1947 to establish the Labour Act (L.S. 1947—Ven. 2).

Act of 30 December 1949 respecting the status of young persons implemented on 15 February 1950.

Article 1 of the Convention. See under Convention No. 59.

Article 2. Section 93 of the Young Persons Statute (Act) states that no person under the age of 18 may be admitted to employment without a certificate of physical suitability. This certificate must be issued by the medical office, if any, of the Ministry of Labour or, if there is none, by the Ministry of Health and Social Welfare. Should neither exist locally the cost of the medical examination must be borne by the employer.

Article 3. Under section 94 of the Young Persons Statute (Act), persons under the age of 18 employed in industrial or commercial establishments must be given a medical examination at least once a year to ensure that their work is not detrimental to their health or normal development.

Article 4. Section 135 of the Labour Act prohibits the employment in the occupations and industries specified in section 133 of the same Act of wage earners and salaried employees who do not possess health and vaccination certificates.

Article 5. Section 93 of the Young Persons Statute (Act) states that the medical examination must be free.

Article 6. Section 120 of the Young Persons Statute (Act) states that young persons in state establishments must be given guidance and training in accordance with their aptitudes as long as they are in the said establishments.

Article 7. Administrative practice requires employers to file labour permits or cards certifying that there is no medical objection to employment and to produce this document on request by the labour inspectors.

The relevant regulations are enforced by the Ministry of Labour and its labour inspectors. Inspectorates exist in the capital of Venezuela and also in the capitals of the states and federal territories. The Federal Government appoints the medical staff of the inspectorates. The staffs in the larger towns also include women officials to enforce the regulations dealing with women and young persons.

The Government proposes to implement the provisions of this Convention in full by incorporating them in a Bill which is at present being drafted by a Labour Legislation Revision and Reform Committee. When this is completed the Bill will be submitted to the National Congress.

Viet-Nam.

Labour Code, 1952 (L.S. 1956—V.N. 1).

Decree No. 6 of 26 July 1954.

The medical examination of children and young persons under 18 years of age for fitness for employment in industry as laid down by Article 2 of the Convention is neither provided for in the national legislation nor carried out in practice.

Under sections 234 to 241 of the Labour Code, all undertakings are required to provide a medical and health service for the workers employed. The employer is required to supply free of cost to the workers the necessary care and medicaments in case of illness or work accidents, but the medical examination of young persons before they are admitted to employment is not obligatory.

However, Decree No. 6 provides that in every undertaking normally employing more than 500 workers each worker shall be medically examined during the month in which he is admitted to employment and thereafter at least once a year.

At least for the time being no steps to bring national legislation into conformity with the provisions of the Convention are envisaged.

Yugoslavia.

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

Act of 12 December 1957 respecting employment relationships (L.S. 1957—Yug. 2).

Section 50 of the 1954 Act provides for a compulsory medical examination for persons entering employment for the first time or re-entering employment after an interval exceeding six months or transferring from one occupation to another. These prescriptions cover all workers, including young persons. The People's Republics determine how and on what conditions a person shall be employed when the initial medical examination shows that he is not fit for employment in certain types of work.

Under section 51 of the same Act the economic organisations must, in collaboration with the local agencies of the health service and in co-operation with the social insurance offices, organise regular systematic examinations of apprentices and young workers up to the age of 18 years, or 21 years if they are employed on unhealthy types of work.

Some of the People's Republics, for example Slovenia and Croatia, have set up their own regulations concerning the protection of health, fitness for employment and medical examinations. These regulations provide for compulsory examinations during employment. For certain branches of industry, and particularly those which involve strenuous work, a medical examination is compulsory once a year and, in some cases, twice a year. Apprentices and young persons under 18 years of age must submit to a medical examination at least once a year and those engaged in work that is harmful to health, four times a year.

The compulsory medical examination upon entering employment or upon re-entering employment after an interruption of more than six months or transferring from one occupation to another is also provided for in section 130 of the 1957 Act respecting employment relationships.

The cost of the initial medical examination must be borne by the workers concerned, unless they are entitled to free health protection under the provisions governing the health insurance scheme. In practice a great number of persons are exempt from paying such costs since the free health insurance scheme covers the family of the insured person and since, in some cases and subject to special conditions, the cost of the medical examination is borne by the placement office.

For the purpose of supervising observance of the legal provisions, close collaboration is established between the State, the placement offices, the employment services of the undertakings, the public health services and the welfare services.

Any infringement of the legal provisions is punishable by a fine.

Supervision of the enforcement of the legal provisions is entrusted to the Labour Inspectorate.

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	Peru
Australia	Greece	Portugal
Austria	Guatemala	El Salvador
Belgium	Haiti	Sweden
Brazil	Honduras	Switzerland
Burma	Iceland	Tunisia
Canada	India	Turkey
Ceylon	Indonesia	Union of South Africa
Chile	Iran	United Arab Republic
China	Ireland	United Kingdom
Costa Rica	Japan	United States
Denmark	Mexico	Venezuela
Dominican Republic	Morocco	Viet-Nam
Finland	Netherlands	
France	New Zealand	
Federal Republic of Germany	Norway	
	Pakistan	

The Governments of *Bulgaria* and *Poland* have stated that copies of their reports have been sent to the central councils of the trade unions in their respective countries.

The Government of *Spain* has stated that copies of its reports have been sent to the National Trade Union Organisation for communication to the national offices of the economic and social departments of the respective trade unions.

The Government of the *Federation of Malaya* has stated that copies of its reports will be communicated to the National Joint Labour Advisory Council.

The Government of *Yugoslavia* has stated that copies of its reports have been communicated to the Central Council of the Confederation of Yugoslav Trade Unions and to interested chambers and associations.

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(Continued overleaf)

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REPORT III

(PART III)

**INTERNATIONAL LABOUR
CONFERENCE**

FORTY-FOURTH SESSION

GENEVA, 1960

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, 1960

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Price : 10 cents ; 6d.

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Introduction

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

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 41st Session, held in Geneva from 29 April to 14 May 1958 and at its 42nd Session, held in Geneva from 4 to 26 June 1958.

The period of one year provided for the submission to the competent authorities of the instruments adopted at these two sessions expired on 14 May 1959 and 26 June 1959 respectively, and the period of 18 months on 14 November 1959 and 26 December 1959 respectively.

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 to 40th Sessions (1948 to 1957). 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 43rd 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 21 March to 1 April 1960, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 42nd Sessions

31st Session (1948).

- Freedom of Association and Protection of the Right to Organise Convention (No. 87).
- Employment Service Convention (No. 88).
- Night Work (Women) Convention (Revised) (No. 89).
- Night Work of Young Persons (Industry) Convention (Revised) (No. 90).
- Employment Service Recommendation (No. 83).

32nd Session (1949).

- Paid Vacations (Seafarers) Convention (Revised) (No. 91).
- Accommodation of Crews Convention (Revised) (No. 92).
- Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
- Labour Clauses (Public Contracts) Convention (No. 94).
- Protection of Wages Convention (No. 95).
- Fee-Charging Employment Agencies Convention (Revised) (No. 96).
- Migration for Employment Convention (Revised) (No. 97).
- Right to Organise and Collective Bargaining Convention (No. 98).
- Labour Clauses (Public Contracts) Recommendation (No. 84).
- Protection of Wages Recommendation (No. 85).
- Migration for Employment Recommendation (Revised) (No. 86).
- Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).

Equal Remuneration Convention (No. 100).

Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).

Equal Remuneration Recommendation (No. 90).

Collective Agreements Recommendation (No. 91).

Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

Holidays with Pay (Agriculture) Convention (No. 101).

Social Security (Minimum Standards) Convention (No. 102).

Maternity Protection Convention (Revised) (No. 103).

Holidays with Pay (Agriculture) Recommendation (No. 93).

Co-operation at the Level of the Undertaking Recommendation (No. 94).

Maternity Protection Recommendation (No. 95).

36th Session (1953).

Minimum Age (Coal Mines) Recommendation (No. 96).

Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

Holidays with Pay Recommendation (No. 98).

38th Session (1955).

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).

Vocational Rehabilitation (Disabled) Recommendation (No. 99).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

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).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).

Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).

Ships' Medicine Chests Recommendation (No. 105).

Medical Advice at Sea Recommendation (No. 106).

Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).

Social Conditions and Safety (Seafarers) Recommendation (No. 108).

Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).

Discrimination (Employment and Occupation) Convention (No. 111).

Plantations Recommendation (No. 110).

Discrimination (Employment and Occupation) Recommendation (No. 111).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 41st and 42nd Sessions (Geneva, 1958) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 40th Sessions (1948 to 1957)

Afghanistan

The Government stated in January 1960 that the Conventions and Recommendations adopted at the 40th Session were recently submitted to the competent authorities.

Albania

The Government submitted the instruments adopted at the 41st Session to the Praesidium of the People's Assembly on 22 September 1958 and the instruments adopted at the 42nd Session on 16 March 1959.

Argentina

The ratifications of certain Conventions have been registered.¹

*Belgium*²

The Government placed two communications before Parliament in November 1959 regarding the instruments adopted at the 41st and 42nd Sessions. In these communications, which contained its detailed comments, the Government stated that it would explore the possibility of ratifying Conventions Nos. 108, 109 (excluding Part II), 110 and 111; Recommendations Nos. 105, 106, 107, 108, 109, 110 and 111 were substantially applied by Belgium.

Brazil

Convention No. 111 was submitted to the National Congress for ratification in a Presidential Message dated 27 November 1959.

Bulgaria

The Government submitted the Conventions and Recommendations adopted at the 41st and 42nd Sessions to the Praesidium of the National

Assembly in November 1959. The Praesidium took note of these instruments and ordered the Conventions and Recommendations adopted at the 41st Session to be communicated to the Ministry of Transport and Communications for examination of the action required to implement them.

Byelorussia

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were placed before the Praesidium of the Supreme Soviet in May 1959 for examination.

*Canada*¹

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to Parliament in February 1959 accompanied by letters setting forth the opinion of the Minister of Justice concerning the respective legal jurisdiction of the central Government and of the provinces for these instruments. Conventions Nos. 110 and 111 and Recommendations Nos. 110 and 111 were sent in February 1959 to the Lieutenant Governors of the ten provinces of Canada for submission to the respective Provincial Governments.

Ceylon

The instruments adopted at the 41st and 42nd Sessions were laid before the two Houses of Parliament in January and February 1959. 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

The instruments adopted at the 41st Session were submitted to Congress in September-October 1959 and those adopted at the 42nd Session in June-July 1959. The Government proposed that Congress should approve Con-

¹ Ratification of Conventions Nos. 87, 105 and 107 by Argentina was registered on 18 January 1960.

² Ratification of Convention No. 102 by Belgium was registered on 26 November 1959.

¹ Ratification of Convention No. 105 by Canada was registered on 14 July 1959.

vention No. 111 as a preliminary to ratification. Ratification of Conventions Nos. 108 and 109 was not requested. There are no plantations within the meaning of Convention No. 110. Recommendations Nos. 105, 106, 109, 110 and 111 are not applied by existing legislation. On the other hand it would appear that Recommendations Nos. 107 and 108 can be accepted.

Costa Rica

In July 1959 the Government supplied a copy of a note by which it submitted the Conventions and Recommendations adopted at the 41st and 42nd Sessions to the Legislative Assembly.

Denmark

The Government stated that the instruments adopted at the 41st Session were submitted to Parliament in January 1959 and that the action to be taken on them has been discussed with the organisations concerned as well as with the maritime authorities of the other Nordic countries. As regards the instruments adopted at the 42nd Session, the Government stated that Convention No. 110 and Recommendation No. 110 were inapplicable to Denmark and that it intended to ask Parliament to ratify Convention No. 111 and Convention No. 100. It also supplied information on national law and practice with regard to the matters covered by Recommendation No. 111.

Dominican Republic

The instruments adopted at the 41st and 42nd Sessions were submitted to Congress in Presidential Messages No. 10284 dated 22 June 1959 and No. 5854 dated 9 April 1959 respectively.

Finland

The instruments adopted at the 41st Session were laid before Parliament in March 1960 together with detailed comments. According to the Government's memorandum, Convention No. 108 cannot be ratified for the time being and consultations are being held between the governments of the Nordic countries on this subject. Convention No. 109 cannot be ratified for the time being—even if the part dealing with wages is excluded—in view of the lack of adequate legislation on hours of work (which are regulated by collective agreements); the same applies to Recommendation No. 109; Recommendation No. 105 cannot yet be fully applied but measures to do so are in hand; Recommendations Nos. 106, 107 and 108 are substantially applied.

Preparations are being made to submit to Parliament the Conventions and Recommendations adopted at the 42nd Session and it is hoped to do this in March-April 1960.

Federal Republic of Germany

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to both Chambers of the Federal Parliament on 10 November 1959, together with the Government's detailed comments. The Government stated that Convention No.

108 was substantially applied but that Article 5, paragraph 2, and Article 6, paragraphs 1 and 2, called for further examination; Convention No. 109 could not be ratified, even excluding Part II on wages, owing to discrepancies between German legislation and Articles 14, 15, 17 and 20 of the Convention; Recommendations Nos. 105, 106, 107 and 108 were applied; Recommendation No. 109 could not be applied for the time being; Convention and Recommendation No. 110 had no relevance in view of the absence of plantations; the possibility of instituting procedure for ratifying Convention No. 111 was now being considered; Recommendation No. 111 was applied by virtue of the Constitution and the existing laws.

*Ghana*¹

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to the Cabinet in April-May 1959. The Cabinet decided to ratify Convention No. 108² and to accept Recommendations Nos. 105 and 106. The Cabinet will make proposals to the National Assembly regarding the legislative action to be taken on these instruments.

*Guatemala*³

Convention No. 110 was submitted to Congress in April 1959 and Convention No. 111 in March 1959 with a proposal that they should be approved. Recommendations Nos. 110 and 111 were submitted to the Minister of Labour and Social Welfare, who is competent to implement them. Draft regulations on agricultural employment almost wholly based on Recommendation No. 110 were placed before the Technical Council of the Ministry (a tripartite body). The instruments adopted at the 41st (Maritime) Session have not been placed before the legislature as the Government considers that they are inapplicable to Guatemala, where the shipping industry is still in its early stage of development.

Haiti

The Government submitted the Conventions and Recommendations adopted at the 41st and 42nd Sessions to the legislature in June 1959.

Honduras

The Government submitted the Conventions and Recommendations adopted at the 41st and 42nd Sessions to the National Congress in July 1959, together with its detailed comments. It proposed the ratification of Conventions Nos. 108 and 111 and stated that Convention No. 109 could not be ratified owing to the discrepancies between the Labour Code and this instrument, particularly as regards scope (Article 2 of the Convention). The Government also stated that it would carefully examine the possibility of ratifying Convention No. 110.

¹ Ratification of Conventions Nos. 89 and 98 by Ghana was registered on 2 July 1959.

² Ratification of Convention No. 108 by Ghana was registered on 19 February 1960.

³ Ratification of Conventions Nos. 105 and 106 by Guatemala was registered on 9 December 1959.

Iceland

The Conventions and Recommendations adopted at the 42nd Session are now being translated and will shortly be submitted to Parliament.

India

After consultation with the trade unions and the representatives of the shipowners and seafarers, the Government submitted a statement to Parliament in November 1959 on each of the Conventions and Recommendations adopted at the 41st Session, together with a detailed analysis of the relevant legislation and practice. The Government explains why it is unable to ratify Conventions Nos. 108 and 109 or to apply Recommendation No. 109; it states that the principles of Recommendations Nos. 105, 106, 107 and 108 are already fully or substantially applied in India. In January 1960 the Government stated that proposals regarding Conventions Nos. 110 and 111 and Recommendations Nos. 110 and 111 would shortly be placed before Parliament.

Indonesia

The instruments adopted at the 41st Session were submitted to the President and Parliament in August 1959.

Iran

Parliament accepted Recommendation No. 99 in October 1959 and Recommendations Nos. 100 and 102 in May 1959.

Iraq

The competent authorities are the Council of Ministers and the Sovereignty Council. Convention No. 111 was submitted to the competent authorities for ratification on 30 November 1958.¹ Recommendation No. 111 has still to be translated into Arabic and its submission has been postponed. Convention No. 110 and Recommendation No. 110 have been communicated to the Minister of Agriculture for examination prior to their submission to the competent authorities for ratification.

Ireland

The instruments adopted at the 42nd Session were submitted to the Government and Parliament in January 1959. The Government considered that Convention and Recommendation No. 110 were not applicable to Ireland and that Convention and Recommendation No. 111 could not be applied for the same reason as Convention No. 100, since they treat differences based on sex as forms of discrimination. In July 1959 the Government stated that, owing to exceptional circumstances due to a trade union dispute in the shipping industry, it had not yet been possible to hold the consultations required before the instruments adopted at the 41st Session could be submitted.

¹ Ratification of Convention No. 111 by Iraq was registered on 15 June 1959.

*Israel*¹

The Cabinet asked the Minister of Labour in November 1959 to submit to Parliament the Conventions and Recommendations adopted at the 41st and 42nd Sessions. Recommendation No. 99 was submitted to Parliament in September 1958.

Japan

The instruments adopted at the 41st and 42nd Sessions were submitted to the Diet in April 1959 together with a report containing the Government's proposals for action on each of these instruments. In this report the Government states that further consideration is required in the case of Convention No. 108, bearing in mind the attitude of the other member States; Convention No. 109 cannot be ratified for the time being in view of the existing system of fixing wages and hours of work; Recommendations Nos. 105, 106 and 107 call for further examination; Recommendation No. 108 is considered to be already applied; Recommendation No. 109 cannot be implemented immediately; Convention and Recommendation No. 110 are not applicable to Japan; the Government is sympathetic towards the general spirit of Convention and Recommendation No. 111 and intends to examine them more closely.

Liberia

The Government stated in January 1959 that the Conventions and Recommendations adopted at the 42nd Session had been submitted to the competent authorities.²

Luxembourg

The Minister of Labour, Social Security and Mines notified the Minister of Foreign Affairs in July 1958 of his intention to introduce a Bill providing for the approval of Convention No. 111 and that he would seek his opinion on the possibility of ratifying Conventions Nos. 108, 109 and 110 in a spirit of international solidarity; should ratification not seem advisable the instruments adopted by the Conference would nevertheless be submitted to the competent authorities.

Federation of Malaya

Parliament is the competent authority. The submission of the instruments adopted at the 41st and 42nd Sessions has had to be delayed.

Mexico

The instruments adopted at the 41st Session have been submitted to the Secretariat for Labour and Social Welfare, which has requested the opinion of the Secretariat for the Merchant Marine preparatory to placing the Conventions before the Senate for ratification; the Recommendations have been forwarded to the competent authority for application.

¹ Ratification of Convention No. 88 by Israel was registered on 21 August 1959.

² Ratification of Conventions Nos. 110 and 111 by Liberia was registered on 22 July 1959.

Convention No. 110 adopted at the 42nd Session has been submitted to the Senate for ratification; Convention No. 111 will be submitted to it during the session which opens on 1 September 1960; Recommendations Nos. 110 and 111 have been forwarded to the competent government agencies for application.

Morocco

The instruments adopted at the 41st and 42nd Sessions were submitted in March 1959 to the King and to the President of the Government.

New Zealand

The report of the Government delegation to the 42nd Session of the Conference, together with the texts of the instruments adopted at that session, were laid before Parliament in July 1959. The Government for its part has considered the action that should be taken on these instruments; Convention and Recommendation No. 110 have been forwarded to the Government of Western Samoa for consideration and such action as may be necessary; the Government does not propose to take any positive action as regards Convention No. 111 and Recommendation No. 111 before the publication of the report of the Committee set up to examine the operation of the principle of equal pay for men and women.

Nicaragua

The Government states that it will only submit new Conventions to the competent authority after the reform of labour legislation (which is now in hand) has been approved. This reform is designed to bring the legislation into line with the 30 Conventions ratified by Nicaragua.

Norway

The instruments adopted at the 41st and 42nd Sessions were submitted to Parliament in February and May 1959 together with the Government's detailed comments on the action to be taken. In its comments the Government stated that the possibility of ratifying Convention No. 108 would be considered after the discussions being held with the other Scandinavian countries; Convention No. 109 called for closer examination, as did Recommendation No. 109; Recommendations Nos. 105, 106, 107 and 108 were applied and accepted by Norway; Convention and Recommendation No. 110 could not be applied; the Government proposed the ratification of Convention No. 111 and Convention No. 100¹ and the approval of Recommendation No. 111. The Government's statement regarding the instruments adopted at the 41st Session was approved by Parliament on the recommendation of its Social Committee on 13 November 1959.

Pakistan

The President of Pakistan is the competent authority at present. The Government has

¹ Ratification of Conventions Nos. 100 and 111 by Norway was registered on 24 September 1959.

accepted Recommendations Nos. 98 and 103 and has decided to ratify Conventions Nos. 105, 106 and 107.¹ The Government has likewise accepted Recommendations Nos. 105, 106, 107 and 108, adopted at the 41st Session, and has stated that for the present it feels unable to ratify Conventions Nos. 108 and 109 or to accept Recommendation No. 109.

Peru

The Conventions and Recommendations adopted at the 41st Session were submitted to the National Congress on 9 July 1959.

A considerable number of Conventions additional to those mentioned by the Government's representative to the Conference Committee in 1959² have been submitted to Congress, including the following (adopted since the 31st Session): Conventions Nos. 87, 88 and 89 (31st Session), 91 to 97 (32nd Session), 103 (35th Session), 104 (36th Session), 106 (40th Session), 110 and 111 (42nd Session).

Philippines

The President of the Philippines submitted the instruments adopted at the 41st and 42nd Sessions to Congress in April 1959. The instruments adopted at the 38th and 40th Sessions were also submitted to Congress in March 1956 and March 1958 respectively.

Poland

The Council of State has laid down a new procedure for the submission of Conventions and Recommendations to the competent authorities. In the case of Conventions the Minister of Labour and Social Welfare in consultation with the Central Council of Trade Unions and the other Ministers concerned submits the text of the Convention together with a statement of his attitude to the Minister of Foreign Affairs. The latter then seeks the approval of the Council of Ministers and submits the Convention to the Council of State together with a proposal that it should either be ratified or not ratified or that a decision should be postponed. The texts of the Convention and the decision of the Council of State are then communicated to the President of the Sejm, which is the highest legislative authority and the people's supreme representation.

Recommendations are also submitted first of all to the Minister of Foreign Affairs by the Minister of Labour and Social Welfare in consultation with the Central Council of Trade Unions and the other Ministers concerned, together with a statement by the Minister of Labour and Social Welfare defining his attitude on the subject. The Minister of Foreign Affairs submits each Recommendation to the Council of Ministers proposing action to apply it or recognition that it is wholly applied or a decision that it cannot be applied. Subsequently, the Recommendation, together with the decision of the Council of Ministers, is

¹ Ratification of Conventions Nos. 105, 106 and 107 by Pakistan was registered on 15 February 1960.

² Ratification of Conventions Nos. 99, 100 and 101 by Peru was registered on 1 February 1960; and ratification of Convention No. 87 on 2 March 1960.

communicated by the Minister of Labour and Social Welfare to the President of the Sejm.

The Ministry of Labour and Social Welfare will shortly submit to the competent authorities the instruments adopted since the 31st Session which it has hitherto been found impossible to submit to them. The Government hopes to be able to report on the action taken in time for the 44th Session of the Conference.

Portugal

The ratifications of certain Conventions have been registered.¹

Rumania

The Government states that the instruments adopted at the 41st and 42nd Sessions were submitted in March 1959 to the Praesidium of the National Assembly together with specific proposals. In reply to a request by the Committee of Experts the Government states that in submitting the instruments adopted at the 40th Session to the Praesidium it indicated that the competent Ministries had been consulted regarding the possibility of ratifying Conventions Nos. 105 and 106 and that Recommendation No. 103 had been forwarded to the competent body for legislative action to be taken.

El Salvador

The instruments adopted at the 41st and 42nd Sessions together with the instruments adopted at earlier sessions which have not yet been submitted to the legislature are now being considered with a view to putting forward proposals. The delay which has occurred has been due to the shortage of government staff. The Government hopes to report soon that the submission requirements have been complied with.

Spain

The Conventions and Recommendations adopted at the 41st Session were submitted in October 1958 to the Sub-Secretariat for the Merchant Marine of the Ministry of Commerce and to the General Directorate of Labour of the Ministry of Labour; Convention No. 110 and Recommendation No. 110 were submitted to the General Directorate of Labour in the Ministry of Labour and to the General Directorate of African Possessions attached to the Prime Minister's Office; Convention No. 111 and Recommendation No. 111 were submitted to the General Directorate of Employment in the Ministry of Labour and to the General Directorate of African Possessions attached to the Prime Minister's Office.

Sweden

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to Parliament in February and March 1959 together with the Government's detailed comments on the action to be taken; in the Government's view Convention No. 108 cannot be ratified for the time being until discussions

have been completed with the other Scandinavian countries; Recommendations Nos. 105, 106 and 108 are already applied, and Recommendations Nos. 107 and 109 will be; the conditional ratification of Convention No. 109 (excluding Part II) was proposed¹; Convention and Recommendation No. 110 are not relevant; Convention and Recommendation No. 111 cannot be applied (although the Government endorses the principles they contain) because state intervention to establish equal pay for men and women would infringe the parties' freedom in the fixing of wages. The Parliament approved the Government's statement in communications dated March, April and May 1959.

Switzerland

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to the Federal Assembly on 11 December 1959 and 8 January 1960 respectively, together with the Government's detailed comments; the Government does not propose to ratify Convention No. 108 before ascertaining the attitude of the leading maritime nations and the way in which they intend to solve the problem of identity documents; Convention No. 109 cannot be ratified for the time being since the Swiss regulations (while more favourable) are framed in a quite different way; Recommendations Nos. 105 to 109 either are, or are in process of being, substantially applied. The Government proposed the ratification of Convention No. 111 and declared that Recommendation No. 111 was substantially applied except as regards migrant workers. The federal Chambers approved the Government's report on the 41st Session during the March 1960 session.

*Tunisia*²

The instruments adopted at the 42nd Session were submitted at the beginning of 1959 to the President of the Republic, who was the competent authority under the provisional Government. The Government proposed to ratify Convention No. 111³ and to accept Recommendation No. 111. Since the entry into force of the Constitution of the Tunisian Republic of 1 June 1959, legislative power lies with the National Assembly; the President of the Republic may exercise this power if delegated to him by the National Assembly and in exceptional circumstances. The President of the Republic ratifies treaties after approval by the National Assembly; this approval gives them statutory force and in the event of any discrepancy between a ratified treaty and an internal law, the treaty prevails.

Turkey

The instruments adopted at the 41st and 42nd Sessions were submitted to the Grand National Assembly in the course of the 1959 budget debate.

¹ Ratification of Convention No. 109 by Sweden was registered on 15 October 1959.

² Ratification of Convention No. 108 by Tunisia was registered on 26 October 1959.

³ Ratification of Convention No. 111 by Tunisia was registered on 14 September 1959.

¹ Ratification of Convention No. 105 by Portugal was registered on 23 November 1959; ratification of Convention No. 111 on 19 November 1959.

Ukraine

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted in May 1959 for examination by the Praesidium of the Supreme Soviet.

Union of South Africa

The instruments adopted by the Conference at the 41st and 42nd Sessions were laid on the tables of both Houses of Parliament in February 1959. Conventions Nos. 110 and 111 together with Recommendations Nos. 110 and 111 were submitted in October 1958 to the Executive Council, which did not consider it possible to ratify these Conventions.

United Arab Republic

The Government stated in November 1959 that the Conventions and Recommendations adopted at the 42nd Session had been submitted to the competent legislative authorities.

United Kingdom

The Government submitted a White Paper to Parliament in November 1959 on the Conventions and Recommendations adopted at the 41st Session. The Government proposes that Convention No. 108 should be ratified as soon as the new British seaman's card has been introduced and stocks of this card are available; it also proposes to accept Recommendations Nos. 105 to 109. The Government does not contemplate ratifying Convention No. 109 because it is at variance with existing collective agreements, particularly as regards hours of work and payment or compensation for overtime. The Conventions and Recommendations adopted at the 42nd Session were submitted to Parliament in December 1959 and a White Paper containing the Government's proposals regarding Convention and Recommendation No. 111 were placed before Parliament in June 1959. The Government states that it fully endorses the principles embodied in these instruments but that owing to the fact that they imply state intervention in the determination of terms and conditions of employment—contrary to the usual practice in the United Kingdom—ratification of the Convention or acceptance of the Recommendation would not appear to be possible.

United States

The Conventions and Recommendations adopted at the 41st Session (with the exception of Convention No. 109 and Recommendation No. 109), and at the 42nd Session were submitted to Congress in May 1959 together with documents analysing these instruments and relevant national law and practice. The Government does not propose to take any legislative action with regard to Conventions Nos. 110 and 111 and Recommendations Nos. 110 and 111 or to ratify Convention No. 108; it states that practice is on the whole in accordance with Recommendations Nos. 105, 106, 107 and 108 and that legislation is not necessary. Conventions Nos. 110 and 111 and Recommendations Nos. 110 and 111 together with Convention No. 105 were communicated to the Governors of the 49 states in July 1959.

U.S.S.R.

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted in May 1959 for examination by the Praesidium of the Supreme Soviet.

Venezuela

A special committee of ministers has been set up to examine the Conventions and Recommendations. Conventions Nos. 87, 98, 105 and 111 have been submitted to Congress for ratification.

Viet-Nam

The instruments adopted at the 41st Session were submitted to the President of the Republic together with the comments of the Department of Labour and the Department of Public Works and Communications in January 1960. The instruments adopted at the 42nd Session were submitted to the President of the Republic in February 1960.

Yugoslavia

The Conventions and Recommendations adopted at the 41st and 42nd Sessions were submitted to the competent authorities on 15 January 1960.

INTERNATIONAL LABOUR CONFERENCE

FORTY-FOURTH SESSION

GENEVA, 1960

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, 1960

Price: \$1.50; 9s.

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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 30th Session in Geneva from 21 March to 1 April 1960. The Committee has the honour to present its report to the Governing Body.

2. Since the last meeting of the Committee the Governing Body has appointed Mr. Arnold GUBINSKI (Poland) to membership of the Committee, and the Committee was glad to welcome him to its present session.

3. 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; 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; Vice-President 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; Director of the Institute of Private International Law and Comparative 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),

Public Prosecutor of the Court of Appeal of Dakar; former 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. Arnold GUBINSKI (Poland),

Doctor of Laws, Lecturer of Law at the University of Warsaw; Acting Secretary-General of the Institute

of Jurisprudence of the Polish Academy of Sciences; Chairman of the Working Party of the Codification Commission on the Legal Liability of Minors; Member of the Working Party on the Systemisation of Labour Law;

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),

Minister of the Government of India, 1939-46; Member of the Imperial War Cabinet, London, 1942-43; 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; Chairman of the International Civil Service Advisory Board, United Nations;

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.

4. All the members of the Committee attended the present session with the exception of Sir Grantley ADAMS, who was prevented from coming to Geneva owing to pressure of work in his own country. Mr. GUBINSKI was unable to come to Geneva until the final stages of the Committee's session and was unable, therefore, to participate in most of its detailed work.

5. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Baron VAN ASBECK, Mr. FORSTER and Mr. SØRENSEN acted as Reporters on questions affecting non-metropolitan territories.

6. During its opening sitting the Committee heard with interest a statement by the Director-General of the International Labour Office in which he stressed the key position held by the I.L.O.'s standard-setting work in the over-all programme of the Organisation. He recalled that the definition of policy objectives and of potentially binding obligations in terms of international Conventions and Recommendations had originally been the main preoccupation of the Organisation. With the initiation of large-scale technical assistance activities, and more recently also of a diversified educational programme, the I.L.O. had added further to the vitality of its work and had now a well-balanced range of long-term objectives. The new ventures in the operational and educational fields, far from overshadowing the more traditional standard-setting approach, relied in fact heavily on the solid basis which the Conference had developed over the years in adopting Conventions and Recommendations. The more recent activities thus constituted a practical extension of the I.L.O.'s efforts, during the past four decades, to develop a body of minimum standards of social policy. The fact that the three main approaches, operational, educational and standards-defining, were mutually dependent on each other and that one type of action thus tended to add to the effectiveness of the other two, showed that the groundwork laid in Conventions and Recommendations would continue not only to provide a foundation for all the other activities of the Organisation but would itself be strengthened by the more recent additions to the over-all programme. Among the standards, those affecting human rights were one of the I.L.O.'s most treasured achievements on which special emphasis would continue to be placed. The Director-General stated in conclusion that there was a much wider understanding in the world today of the need for economic and industrial development to be accompanied at every step by an advanced social policy. He expressed the view that the Committee was making a universally recognised contribution towards the implementation of the standards which must buttress such a policy.

II. Work of the Committee

7. The task assigned to the Committee in accordance with its terms of reference was to consider and report to the Governing Body on the following matters :

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified ;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories ;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recom-

mendations before the competent authorities for the enactment of legislation or other action ;

- (d) reports from governments under article 19 of the Constitution on five unratified Conventions selected by the Governing Body.

8. From 1 January to 31 December 1959, 73 new ratifications were registered. By the time the Committee met the total number of ratifications had risen to 1,957. The Committee was interested to note in this connection that a large proportion of the ratifications registered in recent years concern Conventions which, the Committee believes, are regarded as underwriting basic human rights and as establishing basic machinery relating to labour conditions. Thus the following table shows the number of ratifications which have been registered in respect of certain such Conventions, all of which have been adopted by the International Labour Conference since the Second World War :

Convention	Number of ratifications
No. 81: Labour Inspection, 1947.	38
No. 87: Freedom of Association and Protection of the Right to Organise, 1948	39
No. 88: Employment Service, 1948	29
No. 98: Right to Organise and Collective Bargaining, 1949	43
No. 100: Equal Remuneration, 1951	32
No. 105: Abolition of Forced Labour, 1957	31

9. The number of new declarations affecting non-metropolitan territories which were communicated during 1959 was 90. By the time the Committee met the total number of declarations without modifications and with modifications in respect of territories to which article 35 of the Constitution remains applicable stood at 1,321 and 243 respectively.

10. The total number of detailed reports and other items of information submitted by governments under the various provisions of the Constitution referred to in paragraph 7 above and coming before the Committee this year for examination was close to 3,000, as compared with some 4,800 last year. The reduction was entirely the result of the new reporting procedure on ratified Conventions which was applied this year for the first time. But for this new procedure the number would have been considerably in excess of last year's figure.

III. Reports Submitted by Governments on Ratified Conventions

(a) Supply of Annual Reports

11. The reports requested from governments which came before the Committee this year related to the period 1 July 1958 to 30 June 1959. It will be recalled that in a report to the Governing Body last year the Committee proposed that governments should be asked to supply reports on any given Convention at two-yearly intervals instead of every year as in the past, the Conventions being divided into two groups for this purpose. Exceptions were to be made to this principle in the case of reports due for the first time after the entry into force of a Convention for a given country and in cases where, because of important divergencies between the national law or practice and the Convention in question, the Committee of Experts or the Conference Committee saw fit to ask the government to supply a report in the following year even though this report would not normally have been due under the two-yearly rota. This

proposal having been approved by the Governing Body and by the Conference Committee on the Application of Conventions and Recommendations (subject to governments supplying a general report on the Conventions for which a detailed report was not requested for the year in question and subject to the procedure being reviewed again in 1961 in the light of two years' experience) the new procedure came into operation in connection with the present session of the Committee of Experts.

12. In accordance with the new reporting procedure the reports which came before the Committee this year therefore fell into the following groups :

- (a) reports on 45 Conventions on which detailed reports were requested for the period 1958-59¹;
- (b) detailed reports specially requested on the remaining 43 Conventions in force, either because a first report was due after entry into force or because important divergencies had previously been noted between national law or practice and the Convention in question ;
- (c) general reports from governments on any of the 43 Conventions which they have ratified and for which no detailed reports were requested this year. In a few cases the reports in this group were also quite detailed in character.

The Committee also had before it a number of reports on ratified Conventions which arrived too late for examination by the Committee at its previous session or by the 1959 Conference Committee.

13. The number of reports requested from governments for the period 1958-59 under the headings (a) and (b) in paragraph 12 above amounted to 995. This number compares with 1,558 reports on ratified Conventions requested from governments for the period 1957-58. The result was that the number of detailed reports on ratified Conventions coming before the Committee was appreciably less than in recent years. The Committee's task was therefore lightened and it was consequently able to devote more of its time to the essential parts of its work and particularly to the examination of first reports submitted by governments after entry into force of Conventions.

14. Up to the date of the present session of the Committee the Office had received 864 reports (i.e. 86.8 per cent. of the 995 reports requested). A list showing the reports received classified according to countries and Conventions is given in Part Two (Chapter VII, Appendix I) of this report. There is also given in Part Two (Chapter VII, Appendix II) a table showing for each year since 1933 in which the Committee has met the number and percentage of reports which were received for the meeting of the Committee and for the session of the International Labour Conference. The table also shows the number and percentage of reports which were received by the date by which the governments were requested to supply them.

15. It will be noted that the percentage of the reports supplied this year shows a substantial reduction as compared with each of the last three years. While this may be partly the result of the date of the present session being rather earlier than in some recent years, it is particularly regrettable that it should occur in the first year of the new reporting procedure.

The Committee had hoped that the percentage of reports received would have been even higher than in previous years in view of the reduced burden on governments which the new reporting procedure presumably entails.

16. For the same reason the Committee greatly regrets that this year again only about one-fifth of the reports were received by the date requested. The successful organisation of the Committee's work depends very largely on the supply by governments of the reports in good time. If four-fifths of the reports arrive late the preparations for the Committee's work are seriously impeded. When, as frequently happens, a large proportion of the reports arrive only a few weeks or days before the opening of the session of the Committee, and sometimes during the session itself, it is not possible to examine these late reports in any detail. The governments which send such late reports are therefore deprived in large measure of the assistance, which the Committee feels sure they desire to receive from it, in ensuring that their law and practice are in full conformity with the Conventions they have ratified. To avoid this, the Committee believes that it must in future defer to its next session the examination of any reports on ratified Conventions which arrive too late to enable the Committee to perform its task in a thorough manner. The Committee trusts, on the other hand, that all the detailed reports which governments have failed to supply for this year will be supplied without fail for examination at its next session.

17. Of the 73 countries which were called upon to supply reports for the present session of the Committee, 52 submitted all those requested. On the other hand, no reports at all have so far been received for the current reporting period from nine countries : Albania, Bolivia, Colombia, Cuba, Hungary, Indonesia, Liberia, Panama, Ukraine.

18. Sixty-nine first reports since ratification of the relevant Conventions were received from 25 countries. This year again, and in reinforcement of what has been said in paragraph 16 above, the Committee would emphasise the particular importance it attaches to timely receipt of first reports since ratification of the relevant Conventions. This necessity arises from the careful preparatory work which is required in connection with first reports and from the detailed examination which the Committee makes of such reports with a view to reporting in detail on the extent of conformity of law and practice with the ratified Conventions.

19. Six countries which were due to supply first reports on certain Conventions have failed to do so, i.e. Albania, Burma, Cuba, Israel, Panama and the United Arab Republic (Syria). In addition, three countries from which first reports were already overdue have again failed to supply them, i.e. Albania (Conventions Nos. 10, 11, 16, 87, 98, 100), Argentina (Conventions Nos. 90 and 98) and Bolivia (Conventions Nos. 26, 42, 96).

20. The Committee this year again had before it a certain number of comments made by employers' or workers' organisations on the manner in which certain Conventions are applied, these comments having been transmitted by the Governments concerned. Such comments were made in Austria, Italy, the Netherlands and Zanzibar. The Committee would again emphasise the importance it attaches to such observations as a means of assisting the Committee in assessing the extent of practical application.

¹ The Conventions concerned are the following: Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104.

(b) Examination of Reports by the Committee

21. In making its detailed examination of the reports submitted by governments on ratified Conventions, the Committee has continued its previous 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 were 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" were formulated by the Committee and will be sent to governments by the International Labour Office on the Committee's behalf. It is perhaps desirable to note that the communications sent in this way do not necessarily in all cases imply any doubt on the part of the Committee in regard to the extent of conformity with the ratified Convention. Some of these communications to governments consist, for example, as indicated in Part Two of this report, of acknowledgments of information previously requested by the Committee and now supplied by the governments concerned.

22. The Committee was glad to find that once again this year governments have in a number of cases taken action to eliminate divergencies to which it had drawn attention in previous observations or requests. It regrets all the more that a few countries persist in ignoring the Committee's repeated reminders to bring their law and practice into conformity with some of the Conventions they ratified many years ago. The Committee can only deplore such a situation and draw it to the attention of the Conference.

23. The Committee noted with interest that in a number of cases (six countries) governments have also supplied information, in response to Question I in the forms of report, clearly indicating the enactment of laws and regulations for the express purpose of permitting, or giving effect to, ratification.

IV. Application of Conventions in Non-Metropolitan Territories

24. In accordance with its terms of reference, the Committee was also called upon to examine information available on the action taken by member States in accordance with article 35 of the Constitution and reports on the application of Conventions in non-metropolitan territories.

Action Taken in Accordance with Article 35

25. The Committee notes with interest that, since its last session, 56 declarations regarding the application of Conventions to non-metropolitan territories have been communicated to the Director-General of the International Labour Office and registered. The new declarations bring to 1,321 the number of declarations of application or acceptance without modification registered to date in respect of territories to which article 35 is at present applicable. The corresponding number of declarations with modifications is now 243.

26. In previous years the Committee expressed the hope that, when it made its next five-yearly review of the application of Conventions in non-metropolitan

territories, all Conventions ratified up to 1955, when it made its last general review, would have been the subject of declarations pursuant to article 35 of the Constitution. The Committee is aware that—as indicated, for example, in the report prepared by the International Labour Office on the "Influence of Article 35 of the Constitution of the I.L.O. in the Application of Conventions in Non-Metropolitan Territories"—certain differences of view exist as to the "obligations" which arise under the said article 35. The Committee wishes, however, to draw the attention of member States which are responsible for non-metropolitan territories to the fact that, irrespective of the legal problems which may arise in this respect, the communication of declarations pursuant to article 35 by the States concerned has undoubted advantages for these States themselves, as a clear and readily accessible indication, on the international level, of the efforts which they have made to ensure the application in their territories of Conventions ratified by them. The Committee accordingly hopes that next year it will have the pleasure of noting that a large number of new Conventions have been the subject of declarations under article 35, irrespective of the date on which their ratification was registered and of all arguments as to whether or not such declarations must be made.

Reports Examined

27. The Committee was called upon this year to examine the reports furnished by member States :

- (a) pursuant to article 22 of the Constitution, on the application of ratified Conventions in non-metropolitan territories covered by paragraphs 1, 2 and 3 of article 35 ;
- (b) pursuant to article 36, paragraph 6, and article 22 of the Constitution, on the application of Conventions accepted on behalf of territories covered by paragraph 4 and the following paragraphs 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.

28. The Committee had before it 1,436 reports out of a total of 2,088 reports requested, the proportion of reports received thus representing 68.7 per cent. The Committee notes with regret that this percentage is lower than the 78.5 per cent. reached last year. It notes, in this connection, that, while certain States have sent reports for each of their territories in respect of all Conventions ratified by them on which detailed reports were requested this year (Australia, Denmark, Italy, Netherlands, New Zealand, Union of South Africa and the United States), the other States concerned have not this year sent all the reports requested.

Renunciation by Certain States of the Possibility of Having Recourse to the Provisions of Article 35 in Respect of Certain of Their Territories

29. The Committee notes with interest that, by adopting the report of its Committee on the Application of Conventions and Recommendations, the International Labour Conference at the 43rd Session (1959) approved the following two principles regarding the renunciation by certain States of the possibility of having recourse to the provisions of article 35 of the Constitution of the I.L.O. in respect of certain of their territories :

- (a) as a result of such a decision, all Conventions previously ratified by the State concerned must henceforth—in the absence of any provision to the contrary in the respective Conventions—be applied without modifications to the whole of its national territory, including the territories which were previously regarded as non-metropolitan territories but which are henceforth to be treated as an integral part of the national territory;
- (b) given the importance of such a decision, and in order to avoid any doubts as to the scope of the international obligations henceforth binding the State concerned, a formal written communication should in such cases be sent to the Director-General of the I.L.O.

Five-Yearly Review of the Application of Conventions in Non-Metropolitan Territories

30. The information to be supplied on the occasion of the five-yearly review is intended to enable the Committee (a) to make an assessment of the results already achieved, i.e. of the degree of application of each Convention in each territory, and (b) to ensure that, wherever a Convention has not been fully applied, the local or metropolitan authorities periodically review the situation so as to be able, as and when local conditions permit, to apply the Convention more fully.

31. The year before the last five-yearly review of the application of Conventions in non-metropolitan territories, the Committee deemed it advisable to indicate in some detail how the reports supplied by member States on that occasion should be drawn up and the type of information which they should contain. This year the Committee must take into account the new general procedure for the examination of reports adopted at its suggestion, under which detailed reports on certain Conventions will not normally be requested for the next reporting period.

32. As regards reports in respect of Conventions on which detailed reports will be requested this year, the Committee hopes that governments will, as is already done in most cases, draw up these reports as far as possible in accordance with the indications given in the report forms adopted pursuant to article 22 of the Constitution.

33. In addition, the reports should indicate—

- (a) whether the question of applying the Convention more fully has been re-examined during the last five years;
- (b) any difficulties encountered in applying the Convention more fully;
- (c) any local difficulties which make it impossible to apply the Convention, even partially.

34. The above-mentioned indications should, as far as possible, relate not only to internal measures (legislation, collective agreements or practice), but also to the possibility of accepting more extensive international obligations.

35. As regards Conventions on which detailed reports have been submitted this year and in respect of which, under the new procedure adopted by the Governing Body, only a general report will be requested next year, the latter report should contain general indications on the matters mentioned in paragraphs 33 and 34 above.

36. In all cases in which since the submission of the last detailed report on any Convention developments had taken place (such as the adoption of new legislation) which in the government's view were likely to alter the assessment which the Committee might make on the basis of the previous reports, it would obviously be desirable for the new facts to be brought to the Committee's notice, for example by a special supplementary report for 1959-60.

37. The Committee wishes to draw the special attention of governments which are responsible for non-metropolitan territories to the importance this year of sending the detailed and general reports requested to the International Labour Office *at the earliest possible date*. Only if the reports are sent in time will the Committee be able to make a thorough assessment of the situation and present a "Chart of the Application of Conventions in Non-Metropolitan Territories", as in 1955 and 1957. The Committee therefore earnestly appeals to all the governments concerned to prepare and communicate these reports so as to reach the International Labour Office by the date requested, i.e. no later than 15 October 1960. The Committee is aware of the administrative and other difficulties encountered by governments which have ratified a large number of Conventions and are responsible for the international relations of many territories. In this connection, it might perhaps be possible on the occasion of the forthcoming five-yearly review to consider preparing the reports earlier than usual, even if this may lead in certain cases to curtailing the period to which the reports relate. Thus, for the purposes of the five-yearly review, it might be agreed that the detailed reports requested for 1958-60 would, for example cover only the period from 1 July 1958 to 31 March 1960. In such cases, of course, the remaining three months not taken into account in next year's reports would have to be covered in the subsequent detailed reports requested. Furthermore, if in any case during the last three months of the normal reporting period developments took place which the government considered to be sufficiently important to modify the assessment which the Committee might make on the basis of earlier information, special supplementary reports could be sent to the I.L.O.

Reports under Article 19 of the Constitution

38. The Committee learnt with interest that the Governing Body had decided to call for reports under article 19 of the Constitution (reports on unratified Conventions and on Recommendations) for 1962 on the following instruments:

Forced Labour Convention, 1930 (No. 29);

Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35);

Forced Labour (Regulation) Recommendation, 1930 (No. 36);

Abolition of Forced Labour Convention, 1957 (No. 105).

39. Given the significance of the above-mentioned instruments and the importance which the questions of forced labour and indirect compulsion to work may still have in certain non-metropolitan territories, the Committee wishes to suggest that the reports to be requested under article 19 of the Constitution should also relate to those non-metropolitan territories of member States for which these instruments are not yet in force.

V. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

INTRODUCTION

40. The Committee has considered it appropriate this year to make a general review of the fulfilment of the obligations concerning submission to the competent authorities since 1950, when it examined for the first time information supplied on this matter by the governments of member States. The Committee therefore sets out below this general review, following the comments which are made, as in previous years, on the information which it has examined since its last session.

A. GENERAL ASSESSMENT OF THE INFORMATION EXAMINED IN 1960

41. This year the Committee examined the following information supplied by governments of member States, pursuant to article 19 of the Constitution of the I.L.O.:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the instruments adopted by the Conference at its 41st Session (April-May 1958): the Seafarers' Identity Documents Convention, 1958 (No. 108), the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), the Ships' Medicine Chests Recommendation, 1958 (No. 105), the Medical Advice at Sea Recommendation, 1958 (No. 106), the Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107), the Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108), and the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109);
- (b) information on action taken similarly to submit to the competent authorities the instruments adopted by the Conference at its 42nd Session (June 1958): the Plantations Convention, 1958 (No. 110), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Plantations Recommendation, 1958 (No. 110), and the Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111);
- (c) 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 40th Session (1957): Conventions Nos. 87 to 107 and Recommendations Nos. 83 to 104;
- (d) replies to the observations and requests for information made by the Committee of Experts in 1959.

42. The Committee sets out in Part Two of this report the individual observations which it has found necessary to make regarding the fulfilment by member States of the obligations laid down in article 19 (Chapter IX). Furthermore, as last year, requests regarding certain other points have been made by the Committee and will be sent by the International Labour Office directly to the governments concerned. A list of the States in respect of which such requests have been made will be found at the end of Chapter IX in Part Two of this report. The Committee wishes to draw the special attention of governments to the importance of appropriate replies being forthcoming to these requests. The requests are designed,

inter alia, to reduce, in accordance with the wishes expressed by the Conference Committee, the number of observations in respect of which the latter Committee each year requests governments to provide explanations. They also facilitate the work of governments. However, the practice of making such requests will prove satisfactory only if in all cases full replies are given; otherwise the Committee would only have to make new observations on the points in question. The Committee therefore earnestly appeals to the governments concerned to supply the information asked for by way of direct request.

Forty-first Session

43. The Committee notes with satisfaction that the Governments of the following 34 countries have stated that all the instruments adopted at this session of the Conference have been submitted to the competent authorities: Albania, Belgium, Bulgaria, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Ghana, Haiti, Honduras, India, Indonesia, Japan, Morocco, Norway, Pakistan, Peru, Philippines, Rumania, Spain, Sweden, Switzerland, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Kingdom, Viet-Nam, Yugoslavia. It appears from the information supplied by 30 of these Governments that this was done within the normal time limit of 12 months or the exceptional time limit of 18 months. The Governments of four countries (Finland, Switzerland, Viet-Nam, Yugoslavia) did so shortly afterwards.

44. Furthermore, the Governments of the following countries have stated that they have submitted to the competent authorities some of the instruments adopted at the 41st Session¹: Mexico (Recommendations Nos. 105, 106, 107, 108, 109), Tunisia (Convention No. 108), United States (Convention No. 108 and Recommendations Nos. 105, 106, 107 and 108).

Forty-second Session

45. The Committee is also pleased to note that the Governments of the following 36 countries have stated that they have submitted to the competent authorities the two Conventions and two Recommendations adopted by the Conference at its 42nd Session: Albania, Belgium, Bulgaria, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Dominican Republic, Federal Republic of Germany, Ghana, Guatemala, Haiti, Honduras, Ireland, Japan, Liberia, Morocco, New Zealand, Norway, Philippines, Portugal, Rumania, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Arab Republic, United Kingdom, United States, Viet-Nam, Yugoslavia. It appears from the information supplied by 33 of these Governments that this was done within the normal time limit of 12 months or the exceptional time limit of 18 months. The Governments of three countries (Switzerland, Viet-Nam, Yugoslavia) did so shortly afterwards.

46. The Committee also notes that in seven countries, according to information supplied by the Governments, some of the instruments adopted at the 42nd Session have been submitted to the competent authorities¹: Brazil (Convention No. 111), Cuba (Convention No. 110), Iraq (Convention No. 111), Israel (Convention No. 111), Mexico (Convention No. 110 and Recommendations Nos. 110 and 111), Peru (Conventions Nos. 110 and 111), Venezuela (Convention No. 111).

¹ Including ratified Conventions.

Thirty-first to Fortieth Sessions

47. Taking into account the information supplied to the Conference Committee at the 43rd Session (June 1959) and information subsequently supplied by the Governments of Afghanistan and Pakistan, it appears that since the last session of the Committee, nine further countries have been added to the list of States whose governments have stated that all the instruments adopted at the 40th Session have been submitted to the competent authorities. Furthermore, the Governments of the following countries have supplied information on the submission to the competent authorities of certain instruments adopted at earlier sessions of the Conference: Israel (Recommendation No. 99), Pakistan (37th and 39th Sessions), Peru (Conventions Nos. 87 to 89, 91 to 97, 103, 104 and 106), Venezuela (Conventions Nos. 87, 98 and 105).

B. GENERAL REVIEW OF THE DISCHARGE SINCE 1950 OF THE OBLIGATIONS CONCERNING SUBMISSION TO THE COMPETENT AUTHORITIES

48. The revised provisions of article 19 of the Constitution concerning the communication by member States of information on the action taken to submit Conventions and Recommendations to the national competent authorities came into force in April 1948, and applied for the first time to the Conventions and Recommendations adopted by the Conference at its 31st Session (June 1948). Following this constitutional amendment, the Committee was entrusted by the Governing Body with the task of examining and reporting on the information supplied by governments. Having regard to the time limit of 12 months or, in exceptional circumstances, of 18 months laid down in article 19 for the discharge of the submission obligation, the Committee for the first time considered this question in 1950. Since then this Committee and the Conference Committee have year by year tried to provide such clarification as seemed necessary of the scope of the various obligations in this respect arising under article 19. These explanations have also been the subject of the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities*, which was recently revised and amplified by the Governing Body at its 140th Session. The Committee has considered it appropriate this year to review the progress made—as well as the progress still to be made—in the application of the provisions of article 19 concerning sub-

mission to the competent authorities. It has concentrated on three main aspects concerning the application of these provisions: the growth in the number of member States which have stated that Conventions and Recommendations have been submitted to the competent authorities (general position of member States), the nature of the authorities to which Conventions and Recommendations should be submitted (nature of the competent authority), and the manner in which these authorities should be called upon to consider Conventions and Recommendations (form of submission).

General Position of Member States

49. Each year since 1950 the Committee has indicated the number of States in which, according to the information supplied by governments, the instruments adopted at *each session of the Conference* concerned had been submitted to the competent authorities.¹ Table I below shows the evolution of the figures which have appeared in this connection in the reports of the Committee since 1950.

50. The Committee notes with satisfaction that, as appears from this table, the number of States indicating that they had discharged their obligations *within the time limits* laid down in article 19 (or shortly after the expiration of these time limits, but by the time the Committee met) has increased very considerably during the period under review. Thus, whereas in 1950 the governments of 16 member States—hardly more than a quarter of the 60 States which were members of the Organisation at the 31st Session (1948)—had stated that they had submitted all the instruments adopted at that session, in 1958 the number of member States whose governments had indicated that they had submitted all the instruments adopted at the 39th Session (1956) reached 50 per cent. of all States which had been Members of the Organisation at that session, and in 1959, with respect to the submission of the instruments adopted at the 40th Session, the number fell short by only one of this same percentage. This year, with respect to the submission of the instruments adopted at the 41st and 42nd Sessions in 1958, a similar percentage has not been reached. This may be due to the fact that, exceptionally, two sessions of the Conference were held in 1958 and that these placed an abnormal burden on the governments of member States. Account needs to be taken also of the fact that, in spite of these factors, a considerable number of

¹ Since 1955 these indications have been contained in Appendix II to Chapter IX of the Committee's report.

TABLE I. NUMBER OF STATES IN WHICH, ACCORDING TO THE INFORMATION SUPPLIED BY GOVERNMENTS, ALL THE INSTRUMENTS HAD BEEN SUBMITTED TO THE COMPETENT AUTHORITIES BY THE TIME OF THE COMMITTEE OF EXPERTS' MEETINGS, 1950-60

Session	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	Number of States at each session
31st (June 1948)	16	17	24	27	31	39	40	41	42	43	44	60
32nd (June 1949)		17	22	22	26	32	35	38	40	41	41	61
33rd (June 1950)			21	25	31	33	35	39	40	41	41	63
34th (June 1951)				25	30	33	37	39	41	42	42	64
35th (June 1952)					25	33	38	39	40	41	41	66
36th (June 1953)						28	35	41	43	43	43	66
37th (June 1954)							29	37	39	39	40	69
38th (June 1955)								24	38	42	44	69
39th (June 1956)									38	49	50	76
40th (June 1957)										38	47	77
41st (April-May 1958)											34	79
42nd (June 1958)											36	79

countries have stated that at least some of the instruments adopted at these two sessions have been submitted to the competent authorities. Nevertheless the Committee urgently appeals to governments not to relax the efforts which they have made to observe ever more strictly the time limits laid down in article 19. Moreover, although fully aware of the progress which has been made, the Committee cannot but regret that after more than ten years of application of the revised provisions of article 19, approximately half the member States still do not discharge their obligations within the prescribed time limits. It hopes that it will be able to note further improvements in this respect within the next few years.

51. It also appears from table I, that governments of member States which had not discharged their obligations within the prescribed time limits have sought to discharge them *subsequent to the expiration of these time limits*, to an ever greater extent in the course of the years. Thus, as has just been noted, only 16 of the 60 States which were Members of the Organisation at its 31st Session (i.e. hardly more than a quarter) had stated by 1950 that they had submitted all the instruments adopted at that session; by 1954, this number had risen to 31 (i.e. a little more than half the States concerned) and by 1960 it had reached 44 (i.e. nearly three-quarters of the States concerned). Furthermore, member States have with increasing rapidity made good omissions in the discharge of their obligations. Thus, in 1952, two years after the expiration of the time limits for submission of the instruments adopted at the 31st Session, the number of States which had stated that submission had taken place (24) constituted only 40 per cent. of the States which were Members of the Organisation at that session. In 1959, only one year after the expiration of the time limits for submitting the instruments adopted at the 39th Session, the number of States which had indicated that submission had taken place (49) already represented 70 per cent. of the States which were Members of the Organisation at the session in question.

52. The Committee has also prepared each year since 1955 a table¹ showing the situation of each member State with regard to the submission to the

competent authorities of the instruments adopted at *all sessions of the Conference* in respect of which it was bound to take the measures provided for in article 19. Table II below shows for each year since 1955 the number of States in which, according to the information supplied by governments: (a) all the instruments concerned have been submitted; (b) some of the instruments have been submitted; and (c) none of the instruments has been submitted.

53. It appears from table II that the number of States which have indicated that they have discharged their obligations with respect to all instruments for which they were due to supply the information provided for in article 19 has grown very considerably. Whereas in 1950, as has been mentioned above, the number of these States was hardly more than a quarter of the States due to supply information, in 1955 the number of such States represented a little over a third of the member States concerned, and since 1958 it represents almost half the member States in question. It is also encouraging to note that the number of States which have submitted no instrument since the 31st Session or have supplied no information has constantly declined. In 1950 the Committee noted that there were 37 such States, representing roughly 60 per cent. of the member States in question. In 1955 the number had fallen to 13, or 19 per cent. of the member States concerned. In 1960 the number had fallen to no more than five, or less than 7 per cent. of the member States concerned. The improvement in these figures is all the more impressive having regard to the fact that the instruments which should have been submitted to the competent authorities in 1950 were those adopted at only one session of the Conference (the 31st), whereas in 1955 the instruments adopted at six sessions were concerned (the 31st to the 36th) and in 1960 the instruments adopted at 12 sessions of the Conference (the 31st to the 42nd). Even if due account is taken of the fact that States which joined or rejoined the Organisation after the 31st Session were under a formal obligation to submit only the instruments adopted at sessions during which they were Members, the progress which has been made deserves to be emphasised. However, the Committee cannot overlook that the position is still far from fully satisfactory. It cannot but regret that, after more than ten years, half the mem-

TABLE II. SITUATION IN REGARD TO THE SUBMISSION OF CONFERENCE DECISIONS TO THE COMPETENT AUTHORITIES, 1955-60

	1955	1956	1957	1958	1959	1960
Sessions of the Conference whose decisions should have been submitted to the competent authorities	31st to 36th	31st to 37th	31st to 38th	31st to 39th	31st to 40th	31st to 42nd
Number of States in which according to the information supplied by governments:						
(a) all the instruments had been submitted	24	25	22	36	31	26
(b) some of the instruments had been submitted	29	31	36	32	40	48
(c) none of the instruments had been submitted (including cases in which no information was supplied by governments)	13	13	11	8	6	5
Membership of the I.L.O. at the last session mentioned in each column . .	66	69	69	76	77	79

¹ Appendix I to Chapter IX of the Committee's report.

ber States have not fully discharged their obligations with regard to submission. Admittedly almost all the States in question have submitted to the competent authorities at least some of the instruments in respect of which they were bound to take the measures provided for in article 19. However, the Committee has persistently emphasised that, under article 19, *all* Conventions and Recommendations must be submitted to the competent authorities, one of the main features of this obligation being precisely that it applies *in all cases* irrespective of intentions with regard to ratification of Conventions or implementation of Recommendations and irrespective of the view which a government may take as to the immediate practical significance of these instruments or as to the possibilities of applying them. The Committee therefore urgently appeals to governments to discharge their obligations with regard to instruments which have not yet been submitted to the competent authorities. Finally, the Committee is bound to deplore once more that a few States still seem to take no account of the obligations in question.

Nature of the Competent Authority

54. Since 1950 the Committee has repeatedly stressed that the competent authority referred to in article 19 is the authority empowered to take the necessary measures to give effect to Conventions and Recommendations on the national level, i.e. normally the authority empowered to legislate. This authority should not be confused with the authority empowered to ratify international instruments. This distinction is made clear not only by terms of article 19 but also by its preparatory work.¹ It is moreover, confirmed by the fact that the decisions of the Conference must be submitted to the competent authority in all cases, irrespective of the government's intention as to ratification of Conventions, as well as by the fact that the obligation applies also to Recommendations, which are not open to ratification. The Committee noted during the first few years of the application of the revised provisions of article 19 that considerable uncertainty existed in this respect in practice. It has been pleased to note the gradual disappearance of such uncertainties. This year, apart from the few States in respect of which no precise information is available, the Committee has noted that in almost all member States the authorities to which Conventions and Recommendations are submitted are legislative bodies.

55. This Committee, as well as the Conference Committee, has also emphasised that Conventions and Recommendations should be submitted to the most representative legislative bodies. It is true that in certain cases, for example where the national Constitution provides for a division of competence, bodies other than the most representative legislative body may have the power to take measures to give effect to Conventions and Recommendations. The Committee is aware that, under a narrow interpretation of article 19, such bodies might be considered to be competent authorities.² However, as the Com-

mittee has repeatedly pointed out, one of the main aims of article 19 would not be achieved if this position were strictly adhered to. In effect, article 19 has a twofold objective¹: to bring Conventions and Recommendations before the legislative authority which can take the necessary measures to implement them and to bring these instruments before public opinion. In most cases these two objectives are achieved simultaneously, owing to the fact that the body empowered to legislate is also the most representative body provided for in the national Constitution (Parliament, Congress, National Assembly, etc.). Where, however, as a result of evolution in constitutional theories and practice, power to legislate has been vested in a body other than the most representative legislative body, the submission of Conventions and Recommendations only to the former would have the effect of depriving article 19 of one of its essential objects. In this connection, the Committee has noted that a certain number of governments have stated that, under their constitutional system, a body other than the legislative assembly (although in certain cases, it is an organ of the latter) is empowered, either generally or in certain cases, to take the measures provided for in article 19 in respect of Conventions and Recommendations, namely Albania, Bulgaria, Byelorussia, Czechoslovakia, Hungary, Poland, Portugal, Rumania, Spain, Ukraine, U.S.S.R., Yugoslavia. The Committee is pleased to note that in some of these countries it is now recognised that in all cases the instruments adopted by the Conference should also be submitted to the most representative legislative body. Thus, the Government of Poland² has recently stated that Conventions and Recommendations, after submission to the Council of State and the Council of Ministers respectively, with specific proposals, would in all cases be transmitted to the Chairman of the Sejm (which constitutes "the highest legislative authority and the people's supreme representation"). The Governments of Albania³ and Yugoslavia⁴ have made statements which seem to tend in the same direction. The Committee hopes that the governments of all the countries concerned will take the necessary measures to ensure that, when Conventions and Recommendations are submitted to authorities which, although competent to legislate on the matters dealt with therein, are not the legislative assemblies themselves, the instruments be also submitted in all cases to these assemblies, as the most representative legislative bodies provided for in the national Constitution.

Form of Submission

56. The Conference Committee has pointed out since 1951⁵ that, in requiring the submission of Con-

¹ See *Future Policy, Programme and Status of the International Labour Organisation*, loc. cit.

² See International Labour Conference, 44th Session (Geneva, 1960), Report III (Part III): *Summary of Information Relating to the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference* (Geneva, 1960).

³ See International Labour Conference, 42nd Session, Geneva, 1958, *Record of Proceedings*, Appendix V: "Report of the Committee on the Application of Conventions and Recommendations" (Geneva, 1958), p. 697.

⁴ See International Labour Conference, 43rd Session, Geneva, 1959, *Record of Proceedings*, Appendix VI: "Report of the Committee on the Application of Conventions and Recommendations" (Geneva, 1959), p. 707.

⁵ International Labour Conference, 34th Session, Geneva, 1951, *Record of Proceedings*, Appendix VI: "Report of the Committee on the Application of Conventions and Recommendations" (Geneva, 1952), p. 553, para. 30.

¹ See International Labour Conference, 26th Session (Montreal, 1944), Report I: *Future Policy, Programme and Status of the International Labour Organisation*, Appendix: "The Nature of the Competent Authority Contemplated by Article 19 of the Constitution of the International Labour Organisation" (Montreal, 1944), pp. 169 ff.

² Nevertheless, as the Committee pointed out in 1959, when legislative power is granted for only certain limited periods to a body other than the body normally empowered to legislate, the latter remains the "competent authority" for the purposes of article 19 of the Constitution of the I.L.O.

ventions and Recommendations to authorities within whose competence the matter lies "for the enactment of legislation or other action", the provisions of article 19 are designed to bring about a *decision* by the competent authorities. Moreover, article 19 requires Members to supply not only information on the measures taken to submit Conventions and Recommendations to the competent authorities, but also "particulars... of the action taken by them". It accordingly follows from the very terms of article 19 that the authorities in question must have been able to express a clear view as to the effect to be given to the Conventions and Recommendations. In this connection, the Committee has always emphasised that member States should not confine themselves to submitting to the legislative bodies the mere texts of Conventions and Recommendations. Furthermore, bearing in mind that one of the main aims of the procedure laid down in article 19 is also to bring the matter before public opinion, it would appear that the mere communication of the texts would not realise this objective. An effective and full submission of the matter to the bodies representing public opinion requires that the texts be accompanied by comments on the action to be taken thereon. The need for such comments therefore exists even where, as in the cases mentioned in paragraph 55 above, the representative bodies are not regarded as the deciding authority. For these various reasons, and as indicated in the *Memorandum* adopted by the Governing Body at its 140th Session, the submission of Conventions and Recommendations should always be accompanied by a *statement* or *proposals* indicating the view already taken or proposed to be taken with regard to the effect to be given to these instruments. The Committee considers that this is a necessary consequence of the before-mentioned provisions of article 19. In this connection, the *Memorandum* requests governments to supply copies of the documents by which Conventions and Recommendations have been brought before the legislative bodies, as well as the statements or proposals made with regard to the effect to be given thereto. The Committee wishes to recall that these documents constitute an integral part of the information requested of governments, by the terms of the Constitution itself, on the "measures taken" to submit all Conventions and Recommendations to the legislative bodies "for the enactment of legislation or other action".

57. The Committee is pleased to note that, since 1950, an ever-growing number of governments has supplied information on the proposals or statements made to the legislative bodies when submitting Conventions and Recommendations, together with the relevant documents. During the first few years of the application of the revised provisions of article 19, such information was received from only some ten member States. At present the governments of almost half the member States normally supply information on this matter. In many of these countries the practice followed is to submit to Parliament very full documents regarding the Conventions and Recommendations, containing a detailed analysis of their provisions and of the corresponding national legislation, together with proposals or comments on the action, whether positive or negative, which might be taken with regard to the instruments concerned; these documents are subsequently communicated to the I.L.O. This practice is followed in the following countries: Australia, Austria, Belgium, Denmark, Finland, Federal Republic of Germany, Honduras, India, Japan, Netherlands, Norway, Sweden, Switzerland, United Kingdom,

United States. The Committee hopes that the governments of all other member States will supply similar documents and will not overlook the necessity of making detailed statements when submitting Conventions and Recommendations to the legislative bodies, whether as the deciding authorities or as the most representative bodies. In this connection the Committee notes with interest that in Poland it has been decided to transmit to the Chairman of the Sejm not merely the texts of Conventions and Recommendations, but also the decisions taken by the Council of State or the Council of Ministers regarding the effect to be given thereto. The Committee also notes with interest the statement made by the Government of Yugoslavia that the decisions of the Federal Executive Council with regard to Conventions and Recommendations are communicated to the Federal People's Assembly.

58. Finally, the Committee wishes this year to draw the special attention of governments, as in the past, to the fact that article 19 of the Constitution expressly requires member States to supply, as part of the information concerning submission to the competent authorities, "particulars... of the action taken by them". The Committee notes that there is still much room for improvement in the extent to which such particulars are given. Admittedly, where Conventions and Recommendations have been submitted to the competent legislative bodies together with specific and reasoned proposals and the members of these bodies have had the possibility, if they so desired, of calling for a debate on the matter, it can be conceded that, even in the absence of a formal decision, the decision in fact consists of the tacit approval by the legislative bodies of the governments' proposals. On the other hand, the Committee hopes that in all cases in which the information or documents supplied by governments do not reveal the decisions of the competent authorities, the governments concerned will expressly supply the particulars called for by article 19 of the Constitution.

VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations

(a) Introduction

59. The Committee has considered it appropriate this year to make a general review of the progress achieved since 1950, when it examined for the first time reports supplied by governments on unratified Conventions and on Recommendations. The Committee therefore sets out this general review in section (d) below following the comments which are made, as in previous years, on the reports which it has examined at its present session.

(b) Supply of Reports

60. The reports which the governments were asked by the Governing Body to supply for this year relate to the Minimum Age (Industry) Convention, 1919 (No. 5), the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) and the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90).

61. The total number of reports requested this year on these instruments under article 19 was 264. The total number received by the time the Com-

mittee met was 189, i.e. 71.6 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.

(c) *Examination of Reports by the Committee*

62. The Committee's general conclusions, arising from the examination of the reports submitted by the governments this year on unratified Conventions, will be found in Part Three of this report. The Committee has again this year 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. As a result, the total number of countries, metropolitan and non-metropolitan, to which the survey relates is no less than 103 ; i.e. 71 States Members of the I.L.O. and 32 non-metropolitan territories.

(d) *General Review of the Situation in Regard to the Discharge, since 1950, of the Obligation concerning the Supply of Reports on Unratified Conventions and on Recommendations*

63. One of the amendments of the Constitution of the International Labour Organisation adopted by the Conference in 1946 and operative since 1948 established a new obligation for the States Members of the Organisation : the supply of reports on unratified Conventions and on Recommendations, as requested by the Governing Body. These reports first came before the Committee ten years ago. It considers therefore that a useful purpose would be served by making the following brief review of the progress achieved in that regard during these ten years.

64. Before the introduction of the new procedure there existed no system under which information could be obtained from all the governments of the member States on how their national legislation and practice had dealt with the subject matter of these instruments. In the case of Conventions the main information available was provided in the periodical reports on the working of the Conventions which the Governing Body had to place before the Conference, generally at ten-yearly intervals after the entry into force of each of these instruments. The rigidity of such a timetable for the reports on the working of Conventions made it impossible either to call for reports on questions of topical interest or to take account of the current programme of work of the International Labour Organisation. Moreover in the absence of any obligation on the part of the member States to supply information on the effect given to unratified Conventions and to Recommendations, little or no information was often available as regards certain countries. The Conference Delegation on Constitutional Questions recommended therefore in 1946 the adoption of an amendment which would establish an obligation for member States to supply reports on unratified Conventions and on Recommendations. This suggestion received the approval of the Conference.

65. Following the entry into force of these new constitutional obligations, the Governing Body was called upon to select a certain number of Conventions and Recommendations in respect of which member States were to supply reports in 1949. The Governing Body chose for each subsequent year a group of related instruments in respect of which reports were requested. Since the establishment of the new report-

ing system member States have thus been called upon to supply information on the position of their national law and practice in respect of the matters dealt with in about 60 different Conventions and Recommendations. These instruments related to such varied subjects as forced labour, freedom of association and industrial relations, labour inspection, manpower problems (employment and migration), wages (protection of wages and minimum wage-fixing machinery), equality of remuneration for men and women workers, protection of child labour, social security, industrial safety and hygiene and maritime work.

66. In the first years after this new obligation entered into force, the Committee had to note with regret that only a minority of the governments furnished reports. It is regrettable that the proportion of such reports received remains even today substantially less than that for reports on ratified Conventions. It should, therefore, again be emphasised, as has been done in successive reports of this Committee, that the two obligations are equally binding under the terms of the Constitution. Nevertheless it is possible to report substantial progress. Whereas in 1950 the number of reports on the effect given to unratified Conventions and to Recommendations received by the Office was barely 45 per cent. of the reports requested, this proportion has reached and even exceeded 70 per cent. during the past three years.

67. Substantial progress can also be noted in regard to the number of States which regularly supply all the reports requested. For the period 1950-55, 32 States only had supplied all or almost all the reports requested. The corresponding figure rose to 51 for the period 1956-60. A comparison between the number of States which during 1950-55 had never or almost never supplied the reports requested and the number of States which during the period 1956-60 have not supplied these reports or have done so only occasionally also points to a measure of progress : this number has decreased from 29 for the period 1950-55 (i.e. 44 per cent. of the States concerned) to 14 for the period 1956-60 (i.e. 18 per cent. of the States concerned). None the less the fact that 14 States have during the past five years supplied none of the reports requested (Bolivia, Ethiopia, Lebanon, Liberia, Libya, Panama, Paraguay, Rumania) or only a very small number (Albania, China, Ecuador, Iraq, Jordan, Peru) gives cause for regret. These States fail to discharge the constitutional obligations inherent in their membership of the I.L.O. Because of their failure it is impossible to obtain a full picture of the situation in all the States Members of the Organisation as regards the questions dealt with in the Conventions and Recommendations on which the Governing Body has requested reports. The Committee is, therefore, bound to address once again an urgent appeal to all the member States and particularly to the States listed above, to do all in their power to supply in good time the reports requested.

68. During the first few years in which the Committee was called upon to examine reports supplied by the member States, on unratified Conventions and on Recommendations, the Committee prepared a separate study for each of the instruments in question. Since 1954 it was felt, however, that it might be more interesting to cover in the same study the reports on the implementation of Conventions and the reports on the implementation of Recommendations whenever the instruments dealt with the same subject. The Committee took this view because the general

standards laid down in a Convention are often supplemented by more specific and more technical provisions in the corresponding Recommendation. This new procedure, which also had the advantage of avoiding excessive repetition, made it possible to obtain a more accurate over-all picture of the effect given in the various countries to Conference decisions dealing with the same subject.

69. A further step forward was made in 1956 when the Committee decided, on a suggestion made by the Governing Body and endorsed by the Conference Committee on the Application of Conventions and Recommendations, to analyse in the same study not only the reports supplied on unratified Conventions and on the corresponding Recommendations but also the reports supplied on the relevant Conventions by ratifying States.

70. This new procedure has gradually become easier to apply because the information supplied on unratified Conventions has become increasingly precise and detailed so that in some cases it has become comparable to the information supplied by ratifying States. The Committee has been particularly impressed with the quality and detail of the reports on unratified Conventions supplied by certain federal States where the questions dealt with in the Conventions concerned fall exclusively within the competence of the constituent units (states, provinces or cantons) or are appropriate for action partly by the federal authorities and partly by the authorities of the constituent units. The Committee welcomes the special effort made by these States and hopes that all the other States concerned will be able to supply equally detailed information on the effect given to unratified Conventions and to Recommendations.

71. In its comprehensive surveys the Committee has also attempted, whenever possible and appropriate, to take account increasingly of the position existing in the non-metropolitan territories for which information is available. Such information comes to hand, for example, when Conventions have been declared applicable to certain territories or accepted on their behalf or when certain member States supply article 19 reports on their territories even in the absence of a specific request by the Governing Body. In some cases the Conventions chosen for reports have dealt specifically with labour standards in non-metropolitan territories. Thus, in 1959 the Committee was able to review the situation in 160 different countries, 74 member States and 86 non-metropolitan territories.

72. The comprehensive surveys carried out during the past few years reviewed the position in an increasing number of States Members as regards such important questions as equal remuneration (1956), labour inspection (1957), minimum wage fixing machinery in industry and agriculture (1958), freedom of association and collective bargaining (most recently in 1959) and the protection of young workers in industry (1960). The Committee has been pleased to note that these surveys have, generally speaking, been favourably received by the governments and the employers and workers represented at the International Labour Conference. Several members of the Conference Committee on the Application of Conventions and Recommendations have emphasised the interest and the value which these surveys hold for them.

73. The Committee believes that when reports on unratified Conventions are sufficiently detailed the preparation of such comprehensive surveys may help

to satisfy a wish which has been often expressed : in cases where there exists substantial equivalence between the legislation and practice of a State and the provisions of a Convention, but where ratification is impossible for technical reasons of because of the division of powers between the central authorities of a federal State and the authorities of its constituent units, the government concerned should receive some recognition at the international level that its social legislation meets or even in certain respects surpasses the requirements of the international standards concerned.

74. The preparation of comprehensive surveys has also apparently helped States to clear up doubts as to the bearing of a given provision of a Convention and to obtain a more precise picture of the obligations they would undertake on ratifying the Convention. A description of the position in States bound by the Convention sometimes enables the responsible authorities of a country where the position is similar to see that no new measures need be adopted prior to ratification. In other cases such a description may demonstrate the necessity of making certain changes in the national legislation or practice.

75. There is some evidence that the Committee's surveys have helped an appreciable number of governments to ratify the Conventions concerned or to propose their ratification. The new obligations requiring member States to report on unratified Conventions thus seems to have implemented indirectly and in part at least a suggestion made in the Conference when the Constitution was amended, i.e. that States Members of the Organisation should resubmit unratified Conventions and Recommendations to their competent legislative authorities at as frequent intervals as possible.

76. In the case of employers' and workers' organisations these analytical surveys of the position in the various countries may enable them to become better acquainted with the position in neighbouring countries or in other States which have reached a comparable level of economic and social development. The surveys can thus provide guidance for these organisations in their action for better social standards, and indicate methods appropriate to national conditions. The organisations might act in particular through collective bargaining and take account not only of the international standards but also of the actual experience of other countries.

77. Reports on unratified Conventions and on Recommendations not only permit the collection of first-hand information on the position of the various countries as regards a given problem. The reports also help to determine the extent to which Conventions, even when not ratified, and Recommendations may have had an impact on the law and practice of these countries. The Committee believes that the procedure also provides the Governing Body and the Conference with precise information on the practical, juridical and other difficulties with which the competent national services have met in the implementation of certain provisions of the instruments under review. Where appropriate, account could be taken of these difficulties either when revision is contemplated or when new standards are being drafted. In certain cases the International Labour Office may also be able, on the basis of such information, to provide technical assistance in order to overcome the difficulties encountered.

* * *

78. The Committee again records its gratitude to the members of the staff of the International Labour Office for the devoted services rendered by them both in the preparation for and in the conduct of its annual meeting. The Committee's appreciation for their specialised knowledge and skill is unbounded and these qualities they have once again placed freely at the disposal of the Committee. The Committee this year accords them its special thanks for the smoothness of the arrangements they have made to bring

into operation the new reporting procedure on ratified Conventions referred to in an earlier section of this report.

Geneva, 1 April 1960.

(Signed) P. TSCHOFFEN,
Chairman.

(Signed) 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

Afghanistan. The Government merely reiterates its previous statement that the provisions of the Conventions ratified by Afghanistan have been included in the revised Labour Bill. In these circumstances the Committee can only express the hope that this Bill will be enacted in the near future and that full information will be supplied for the period 1958-60, in particular on the Protection of Wages Convention, 1949 (No. 95) on which a first report is due.

Albania. The Government assured the Conference in 1959, in reply to the Committee's observation deploring the absence of reports from this country, that measures would be taken to ensure that the next reports are communicated in time. This promise has not been fulfilled, and the Government has once again failed to supply the reports due, including 12 first reports. The Committee must draw attention to this repeated non-compliance with the constitutional obligation to report on ratified Conventions, which is all the more regrettable because the Committee has had occasion in the past to make observations with respect to several Conventions.

Argentina. The Committee notes that the first reports on the Night Work of Young Persons (Industry) (Revised) Convention, 1948 (No. 90) and on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which have been due since 1958, are still outstanding. It trusts that these reports will be supplied without fail for examination at its next session.

The Committee also regrets that the Government has omitted, in certain of its reports, to reply to the observations and direct requests made by the Committee in previous years. It trusts that future reports will provide all the information asked for so as to enable the Committee to ascertain whether full effect is given to the Conventions ratified by Argentina.

Bolivia. First reports have been due since 1956 on three Conventions ratified by Bolivia in 1954. As the Government has once again this year failed to discharge its constitutional obligation to supply these reports, the Committee can only draw the attention of the Conference to this situation, which raises serious doubts as to whether the Conventions by which Bolivia is bound are in fact implemented in this country.

The Committee urges the Government to supply detailed reports on all ratified Conventions for examination at the next session of the Committee.

Bulgaria. The Committee regrets that the Government has omitted, in certain of its reports, to reply to the observations and direct requests made by the Committee in previous years. It trusts that future reports will provide all the information asked for so

as to enable the Committee to ascertain whether full effect is given to the Conventions ratified by Bulgaria.

Burma. Twelve of the 13 detailed reports requested arrived too late to permit the Committee to examine them at its present session. This is particularly regrettable in the case of the first report on the Forced Labour Convention, 1930 (No. 29), which has been due ever since 1956. Moreover, another first report, on the Workmen's Compensation (Occupational Diseases) (Revised) Convention, 1934 (No. 42) has not yet been received.

In these circumstances the Committee must postpone examination of the reports to its next session. It trusts that future reports will be supplied by the date requested and will contain all the information asked for by the Committee in its previous observations and requests.

Cameroun. The Committee learned with interest that the Government was good enough to communicate to the International Labour Office information on the application of six Conventions which had been declared applicable to this country before it attained independence.

Colombia. The Committee had noted in 1959 that a "Bill to Adapt Labour Legislation to the International Labour Conventions Ratified by Colombia" was under examination by the two Houses of Congress. It decided therefore to postpone its examination of the whole position in the hope that enactment of this Bill would lead to the elimination of the various divergencies with ratified Conventions to which it has had occasion to point for a number of years.

The Committee is all the more disappointed that none of the reports due from this country has been supplied this year and that the Committee and the Conference are thus prevented from ascertaining what progress, if any, has been made in the implementation of the Conventions by which Colombia is bound. The Committee addresses an urgent appeal to the Government to fulfil the promises which it has repeatedly made in the past in its reports and in the Conference, most recently in 1959. The Committee trusts that the draft legislation pending before Congress will be adopted without further delay and that full reports on all ratified Conventions will be supplied for 1958-60.

Cuba. The Committee notes that none of the 30 detailed reports requested from this country has been received. This omission is especially regrettable because of the large number of reports involved, one of which is a first report, and because many observations and requests remain outstanding as regards the Conventions concerned.

The Committee urges the Government to supply detailed reports on all ratified Conventions for the period 1958-60 and to include in them all the information called for by the forms of report and in the specific observations and requests made by the Committee.

Ecuador. The Committee regrets the very cursory character of the four reports received because a first

report was due on one Convention and because the Committee had made requests regarding two other Conventions. In these circumstances the Committee trusts that detailed reports on all ratified Conventions will be made available for examination at its next session.

Haiti. The Committee regrets that only five of the 11 detailed reports requested have been received. As it has had occasion in the past to make a number of important observations and requests on some of the Conventions on which reports are missing, it urges the Government to supply detailed information on these Conventions for examination at the Committee's next session.

Hungary. The Committee notes that none of the 20 detailed reports requested from this country has been received. The Committee must therefore urge the Government to supply detailed reports on all ratified Conventions for the period 1958-60 and to include in them all the information called for by the forms of report, and in the specific observations and requests made by the Committee.

Indonesia. As the three detailed reports requested have not been received, the Committee trusts that detailed reports on all ratified Conventions will be made available for examination at its next session.

Israel. The Committee regrets that only two of the 11 detailed reports requested have been received. It trusts that detailed reports on the remaining Conventions, one of which is a first report, will be made available for examination at its next session.

As the Government has also failed to indicate whether copies of the reports have been communicated, in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation, to the representative organisations of employers and workers, the Committee hopes that future reports will, as hitherto, contain this information.

Luxembourg. As first reports on three Conventions were received after the opening of the Committee's session, the Committee was forced to postpone examination to its next session. It hopes that the Government will be able to supply all future reports by the date requested.

Nicaragua. The Committee regrets that the Government has omitted, in several of its reports, to reply to the observations and direct requests made by the Committee in previous years. It trusts that future reports will provide all the information requested, so as to enable the Committee to ascertain whether full effect is given to the Conventions ratified by Nicaragua.

As the Government has also failed to indicate whether copies of the reports have been communicated, in accordance with article 23, paragraph 2, of the Constitution, to the representative organisations of employers and workers, the Committee hopes that future reports will contain this information.

Panama. The Committee regrets that the three reports on ratified Conventions due for the first time from this country have not been received. It trusts that future reports will be supplied by the date requested.

Sudan. The Committee notes with interest that the formation of workers' and employers' organisations is under way and that copies of the reports will be

communicated to these organisations when they are established, in accordance with article 23, paragraph 2, of the Constitution.

Ukraine. As none of the detailed reports requested has been received, the Committee trusts that detailed reports on all ratified Conventions will be made available for examination at its next session.

Uruguay. The Committee notes with regret that the Government has omitted, in most of its reports, to reply to the observations and direct requests made by the Committee, often for several years running. As the Committee must therefore assume that no progress has been made to eliminate many of the long-standing and important divergencies between the national law and practice and the Conventions concerned, it is bound to draw the attention of the Conference to Uruguay's persistent lack of compliance with some of the international standards by which it is bound. As the Committee's comments, which have been repeated in Part II below, continue to be ignored, the Committee must urge the Government to put an early end to this unsatisfactory situation.

The Committee also notes the Government's statement that copies of the reports have been submitted to the tripartite commission which studies the questions dealt with in the International Labour Conference. The Committee would be glad if the Government would indicate whether copies of the reports are also communicated to the representative organisations of employers and workers, as required under article 23, paragraph 2, of the Constitution.

Venezuela. The Committee had before it, for the first time since Venezuela resumed membership of the International Labour Organisation, reports on all the Conventions by which this country is bound. The Committee wishes to thank the Government for the detailed and precise character of the information supplied.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1 : Hours of Work (Industry), 1919

Greece (ratification : 1920). The Committee notes that in a letter dated 11 February 1960 the Government indicated that the report on this Convention would be submitted at a later date since certain developments were to take place which would adapt the Greek legislation to the provisions of the Convention. However, since no additional information has been sent since then, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take the measures referred to above.¹

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Peru (ratification : 1945). The Committee notes from the Government's statements to the Conference Committee in 1959 and in its report, in reply to the Committee's previous observations, that the position as regards the application of the Convention in Peru is not entirely clear.

Thus on the one hand the Government recognised discrepancies between the legislation and the Convention, since it informed the Conference in 1959 that it was examining the possibility of establishing by decree the limitations on overtime requested by the Committee of Experts; similarly in a number of earlier reports on this Convention the Government indicated that additional hours could be worked under Articles 3, 4 and 5 of the Convention subject only to authorisation being given by the Inspection Service and to consent by the workers concerned, and that a draft Labour Code then under preparation would include provisions to ensure greater conformity with the Convention.

On the other hand, the Government now states in its latest report—on the basis of identical legislative texts—that longer working hours are permitted only in cases falling under Article 3 of the Convention (accident or *force majeure*), any extension of daily hours of work being prohibited in the following cases where the Convention authorises exceptions subject to certain safeguards: in the case of necessarily continuous processes (Article 4 of the Convention); in exceptional cases where the number of hours worked must be averaged over a number of weeks (Article 5), in the case of preparatory or supplementary work which must be carried on outside normal working hours, in the case of work which is essentially intermittent, and when establishments have to deal with exceptional cases of pressure of work (Article 6).

The Committee feels therefore that, as the prescriptions of the national legislation are liable not to be always interpreted along uniform lines, since the provisions of the Convention may not always have been clearly understood, and as it is not entirely clear how work may be organised without having recourse occasionally to overtime (for example in the case of a sugar refinery during the high season), special measures would appear necessary in order to specify in precisely what cases workers may be employed for more than 8 hours a day and 48 hours a week.

Accordingly it hopes that the Government will see its way clear to issue a decree, on the lines mentioned in the statement to the Conference in 1959. The Committee suggests that full legislative conformity with the relevant provisions of the Convention could best be assured if the decree provides specifically that the 8-hour day and 48-hour week already prescribed by law may be exceeded only in the special cases and subject to the special safeguards set out under Articles 3, 4, 5 and 6 of the Convention (see in this connection the detailed observation addressed to the Government in 1959).

Finally, the Committee recalls that the question of the application of the Convention in Peru has been pending for a considerable number of years, and it hopes that the measure suggested above will be taken without any further delay.¹

Rumania (ratification : 1921). The Committee notes from the information supplied by the Government—in regard to Article 6, paragraph 2, of the Convention—that in recent years the Council of Ministers has taken no decisions under section 57 of the Labour

Code to authorise additional overtime in certain branches. As this provision of the Code is liable, however, to give rise to infractions of the Convention, the Committee suggests that either the Government should introduce a measure limiting the number of additional hours which might be permitted in virtue of such decisions by the Council of Ministers or that it should repeal the last paragraph of section 57 of the Labour Code, which provides for this additional overtime.

Since the Government has not replied to the following comment made by the Committee in 1959, the Committee hopes that the necessary information will be provided :

The Committee takes note of the information that the payment of overtime is covered 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 payment 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.

Spain (ratification : 1929). The Committee notes with interest the Government's statement in response to observations since 1957 that it does not believe any differences to exist between the national legislation and the Convention, but that it will give due consideration to any comments by the Committee of Experts showing concrete discrepancies between the national and international standards. The Committee deems it necessary, in these circumstances, to review the discrepancies which it has noted between the legislative texts available to it and the terms of the Convention. These comments are based chiefly on the texts of Acts, decrees, etc., since, on the one hand, these prescribe minimum standards which must be respected in the labour regulations issued under the Act of 16 October 1942, and since, on the other hand, these labour regulations are not all available to the Committee and are in any case too numerous to be examined individually. Some of the discrepancies noted are as follows :

1. Section 4, second paragraph, of the Act of 9 September 1931 authorises overtime "if the necessary employees are not available", thus permitting without qualification exceptions for a large variety of reasons not provided for in the Convention. This clause is therefore contrary to the Convention.

2. Section 1 of the Act of 1 July 1931 fixes the maximum statutory daily hours of work for all types of wage-earning and salaried employees and agents. There is reason to believe, however, that the Act does not apply to workers employed on piece rates or where minimum standards of production are prescribed, as may be deduced from the labour regulations concerning bakeries, which permit the extension of working hours if a specified minimum output has not been completed, and from a court decision rendered on 17 August 1933 on the basis of the Act of 1931. Such provisions, which are tantamount to excluding from the hours of work provisions workers who are employed on piece rates, are contrary to the Convention.

3. The scope of the Act of 1931 is also weakened by the fact that certain provisions adopted prior to 1931 and providing for different standards have not been formally repealed. Thus, for example, section 2 of the Royal Decree of 3 April 1919, which authorises

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

practically unlimited working hours, was reproduced in a bakery handbook printed in 1953 and included in recent compilations of Spanish labour law.

4. Since the Basic Act of 1931 does not prescribe the maximum number of hours which may be worked per week, the application of the 48-hour week prescribed by the Convention depends on the Act of 13 July 1940 concerning weekly rest; section 7 of this Act provides that compensatory weekly rest may be suspended, and although the Government stated in 1958 that no such suspension was in effect, the existence of such a provision is, in the circumstances, clearly contrary to the Convention.

5. The position regarding Article 4 of the Convention (necessarily continuous processes) is not clear, as the Government had indicated that the maximum of 56 working hours prescribed by the Convention is respected but had not indicated in virtue of what text. The Committee is therefore not in a position to ascertain whether the 56-hour limit prescribed by the Convention is respected and whether it is worked only in processes defined in Article 4 of the Convention.

6. In this connection, reference should also be made to section 49 of the Act of 1931, which authorises a 60-hour week (subject to increased wage rates) in certain branches of the metallurgical industry where processes cannot be interrupted. In reply to an observation by the Committee of Experts asking that the hours in question be reduced to 56 in conformity with Article 4, the Government stated that this extension of working hours was considered as overtime and hence permitted only in exceptional circumstances. However, section 49 is not in compliance with the Convention, since it does not specify that the extension of working hours is to be permitted only in exceptional cases of pressure of work, as required under Article 6 (1) (b) of the Convention, and since it merely fixes the total number of additional hours permitted per week so that a worker might be required to work a 60-hour week throughout the year.

7. In reply to an observation by the Committee, the Government indicated that the Railway Labour Regulations have repealed section 97 of the Act of 1931. It may be recalled in this connection that section 97 (a) of this Act provides for overtime in railways and workshops without specifying that this overtime shall be permitted only in exceptional cases of pressure of work, as required by Article 6 (1) (b) of the Convention; section 97 (b) of the Act provides for the compulsory extension of working hours in certain cases, whereas Article 6 (2) of the Convention provides that overtime must be preceded by consultation with the employers' and workers' organisations concerned; and the only limit in section 97 (b) of the Act regarding the number of additional hours is that the "working day shall not exceed 14 consecutive hours and shall not reach this limit on more than two consecutive days or on more than ten days per month", whereas the Convention provides that the total number of additional hours permitted shall be fixed. Although labour regulations may have been issued which ensure more favourable conditions (their text has, however, not as yet been communicated to the I.L.O.), section 97 of the Act of 1931 remains on the statute books, although contrary to the Convention.

8. Similarly, as regards section 101 of the Act of 1931, which authorises a 72-hour week in road transport, the Government has indicated, in reply to an observation by the Committee, that this provision is no longer valid, since the relevant labour regulations

provided for an 8-hour day. As indicated in the previous paragraph, the Committee considers that in spite of the issue of these labour regulations—which have not been communicated to the I.L.O.—it is necessary to amend section 101, which remains on the statute books, although contrary to the Convention.

9. In reply to an observation by the Committee, the Government has stated that the working of overtime provided for under section 11 of the Act of 1931 in occupations accessory to the principal industry of a factory or undertaking, is permitted only in cases of emergency. However, this is not specified in section 11. Moreover, section 11 provides for 240 additional hours per annum and it would seem that this number is in addition to the maximum of 120 per annum (or 240 in cases of special necessity) prescribed in section 4 of the Act. Consequently, section 11 of the Act is contrary to the Convention.

10. The Government has referred, in reply to the observation by the Committee, to section 6 of an Order of 11 April 1953 which provides for the issue of individual receipts of wages—including wages for overtime—copies of which are to be kept by the undertaking. This provision, however, is not such as to ensure compliance with Article 8, paragraph (1) (c), of the Convention, which requires employers to keep records of all additional hours worked in pursuance of Articles 3 and 6 of the Convention. As such records enable workers to claim extra pay for overtime and enable also a distinction to be made between extra hours due to accidents, etc., and overtime as such, satisfactory application of the Convention would appear difficult in their absence.

11. Finally, the Committee points to the example of two hours' overtime daily having been worked (case of workers in Northern Spain mentioned in the 1959 observation). This extension of working hours would not appear to be permitted under any provision of the legislation; therefore, even if such abuses no longer occur, according to the Government's statement, the fact that they are possible shows that the legislation regarding maximum hours of work should be revised.

The Committee welcomes the Government's statement that account will be taken of its observations in the revision of the national labour legislation. It trusts that the various points raised above will assist the Government in taking appropriate action to abolish the discrepancies noted, and hopes that, to this effect, it will be possible to adopt a comprehensive text with a scope covering all the undertakings listed in Article 1 of the Convention, prescribing both an 8-hour working day and a 48-hour working week, permitting only those exceptions authorised by the Convention, and providing for all the safeguards required by the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Greece, Rumania, Venezuela*.

Convention No. 2: Unemployment, 1919

Bulgaria (ratification: 1922). The report does not reply to the requests made on several occasions in recent years, regarding the number of applications for employment received, the number of vacancies

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

notified, and the number of persons placed in employment by employment agencies. The Committee cannot but repeat its request that the Government supply this information, in accordance with Article 1 of the Convention and the report form.

Chile (ratification : 1933). The Committee notes with regret that the Bill submitted to the National Congress in August 1958, by which the Convention was to be fully applied, has not yet been adopted. It expresses the hope that the Bill in question will shortly be enacted.

Uruguay (ratification : 1933). The Committee has taken note of the legislative texts attached to the report for 1958-59. It notes that a Bill relating to the setting up of employment agencies was to be submitted by the Executive to the General Assembly in virtue of section 24 of the Act of 23 October 1958 within 120 days of the date of this Act. However, since no information has been supplied regarding the measures taken under this section, the Committee can only refer to its previous observations and urge that the application of the provisions of the Convention concerning the setting up of an employment service should finally be ensured, both by legislation and in practice.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Finland, Iceland, Ireland, Nicaragua, Rumania, Sudan, Venezuela*.

Convention No. 3 : Maternity Protection, 1919

A request regarding certain points is being addressed directly to *Venezuela*.

Convention No. 4 : Night Work (Women), 1919

Albania (ratification : 1932). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Bulgaria (ratification : 1922). The Committee notes from the statement made by a Government representative to the Conference Committee in 1959 that the prohibition of night work for all women is being considered. At this prohibition only covers at present expectant and nursing mothers, the Committee can only express the hope once again that the necessary measures with a view to giving effect to the Convention will be taken without delay.¹

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Chile (ratification : 1931). Chilean legislation is not in conformity with the Convention, as the prohibition of night work contained in Part II, section 48 of the Labour Code of 1931 applies only to wage earners defined in section 2, paragraph 3, of the Code as manual workers, while Article 3 of the Convention relates to all women employed in industrial undertakings, whether they are engaged on manual work or not. The first observation on this point was made by the Committee of Experts over 20 years ago.

As legislation giving full effect to the provisions of the Convention is apparently still pending before Congress the Committee once again urges the Government to do all in its power so that the relevant legislation will be adopted in the very near future.

Czechoslovakia (ratification : 1950). See under Convention No. 89.

Nicaragua (ratification : 1934). The Committee notes that a draft Bill designed to prohibit the employment of women at night in industrial undertakings has been prepared and is ready for submission to Parliament.

The Committee can only express the hope once again that legislation giving effect to the provisions of the Convention will be adopted without further delay.¹

Peru (ratification : 1945). In observations made since 1950 the Committee had noted that the extension of the hours of work of women to ten in each day (on not more than 60 days of the year) permitted under section 10 of Act No. 2851 of 1918 may involve a reduction of their night rest to a period less than the ten hours prescribed by Article 6 of the Convention as a limit to which the night period may be reduced (*only* in seasonal undertakings and under exceptional circumstances). The Committee notes from the Government's reply that the question of bringing the legislation into conformity with the Convention on this point is still being studied and hopes that the necessary measures in this direction will be taken in the very near future.

Spain (ratification : 1932). The Committee takes due note of the Government's statement that it intends to issue instructions limiting the application of section 9 (2) of the decree of 15 August 1927 to the cases specified in Article 4 of the Convention (*force majeure* and where the work has to do with perishable materials). The Committee trusts that these measures which will ensure full application of the provisions of the Convention in all textile undertakings will be taken in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Burma, Czechoslovakia, Morocco, Tunisia*.

Information supplied by *Argentina* in answer to a direct request has been noted by the Committee.

Convention No. 5 : Minimum Age (Industry), 1919

Haiti (ratification : 1955). The Committee notes that, although the minimum age for admission to industrial employment fixed by law is 12 years, instead of 14 years as required by the Convention, in practice it is rare to find children of under 14 years

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

employed in industry, owing to the size of unemployment in the country and the impossibility of entering into apprenticeship before the age of 14.

The Committee also notes that the Government is considering presenting to Parliament, during the session which opens in April 1960, a Bill to raise the minimum age for admission to industrial employment from 12 to 14 years.

The Committee hopes that this amendment will come into force in the near future.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Haiti, Venezuela.*

Convention No. 6 : Night Work of Young Persons (Industry), 1919

Albania (ratification : 1932). The report for 1958-59 not having been received, the Committee can only repeat its previous observation which was as follows :

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 observations and trusts that full application of the Convention will be ensured in the near future both in the legislation and in practice.

The Committee hopes that the Government will not fail to take the measures referred to above.

Bulgaria (ratification : 1922). The Committee notes with satisfaction that a circular issued on 26 May 1959 by the Directorate for the Protection of Labour contains a definition of "exceptional circumstances" under which young persons may be authorised to do night work (section 112 of the Labour Code as amended) which is in conformity with that given in Article 4 of the Convention (emergencies which could not have been controlled or foreseen, which are not of a periodical character and which interfere with the normal working of the undertaking).

Denmark (ratification : 1923). The Committee regrets to note that the Government has failed to indicate whether any steps have been taken to extend the prohibition of night work for young persons to building and construction work which at present is not covered by the relevant provisions of the Act of 11 June 1954.

Referring to the Government's expressed intention as started in its reports for 1955-56 and for 1956-57

and to the Committee's previous observations and requests on this point, the Committee reiterates the hope that the necessary measures will soon be taken.

France (ratification : 1925). The Government states, in reply to the observation of 1959, that as, to comply with the provisions of the Convention, it must consider the making of bread in bakeries, even in "handicraft" undertakings, to be industrial work, it is unnecessary to amend the existing legislation since the prohibition of night work for women and young persons applies to all factories, workshops, mines and their dependencies (section 21 of Book II of the Labour Code) and the night period is between 10 p.m. and 5 a.m. (section 22 thereof).

The Committee takes due note of this statement and hopes that the Government will take appropriate steps to bring to the notice of all concerned (workers, employers and the labour inspectorate) that all bakeries are covered by the provisions of sections 21 and 22 of Book II of the Code. In particular it would appear to be necessary to revoke the circular of 4 July 1894 (to which reference was made in the report for 1956-57) informing the labour inspectorate that under an opinion given by the Council of State small-scale food industries, including bakeries, were not industrial in character and therefore not covered by the provisions of the above sections 21 and 22.

Hungary (ratification : 1928). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Nicaragua (ratification : 1934). The Committee must note once again that legislation prohibiting night work of young persons has not been adopted as yet. The Convention continues thus not to be applied 26 years after its ratification. The Committee urges the Government to take the necessary measures at an early date with a view to giving effect to the Convention.¹

Rumania (ratification : 1921). The Government's report does not indicate any progress in removing the discrepancies between the legislation and the Convention as regards section 50 of the Labour Code (which defines "night" as an 8-hour period only) and as regards section 85 (exceptions from the night work prohibition). The Committee must therefore reiterate the observations made since 1957 and express the hope once again that the necessary steps to amend the legislation, which had been initiated in 1958, will be completed shortly.

Spain (ratification : 1932). The Committee had observed in 1957, 1958 and 1959 that the existing legislation prohibits the employment at night only of young persons under 16 years of age whereas under Article 2 of the Convention the age limit is 18 years, and fixes the length of night rest at 10 hours instead of at least 11 hours as provided for in Article 3 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

As the Government has again signified its intention to amend the relevant legislation the Committee urges once more that the necessary measures will be taken without delay to achieve conformity with the above-mentioned important provisions of the Convention ratified 28 years ago.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, Chile, France, Republic of Guinea, Ireland, Rumania, Spain, Tunisia, Venezuela, Viet-Nam.*

Convention No. 7 : Minimum Age (Sea), 1920

China (ratification : 1936). The Committee notes with interest that at present and until the amended text of the Merchant Marine Act is promulgated, the provisions of Conventions Nos. 7, 15 and 16 are applied by section 7 of the Measures regarding the supervision of seamen issued by the Ministry of Communications on 16 June 1952. The text of these Measures, which has been communicated for the first time and which goes beyond the provisions of the Convention, provides, *inter alia*, that only persons over 18 years of age may be engaged as seamen.

Nicaragua (ratification : 1934). The Committee regrets to note that, in spite of the repeated promises made by the Government and its declaration that a Bill would contain the necessary provisions, this year again the necessary measures have not been adopted specifically to prohibit work on vessels by persons under 14 years of age, as required by the Convention. The Committee recalls that this Convention was ratified 26 years ago.

The Committee insists once again that the necessary measures to bring the legislation into conformity with the Convention be taken.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Venezuela*.

Convention No. 9 : Placing of Seamen, 1920

Nicaragua (ratification : 1934). The Committee notes with regret that, according to the information communicated by the Government, the Bill by which effect was to be given to the provisions of the Convention has not yet been submitted to Parliament. Consequently, it insists once again that measures should finally be taken to ensure the application of this instrument which was ratified 26 years ago.¹

Convention No. 10 : Minimum Age (Agriculture), 1921

Netherlands (ratification : 1956). The Committee is pleased to note that an Act of 10 December 1958 has repealed sections 13 and 14 of the Compulsory Education Act, thus eliminating the minor discrepancy which previously existed between national legislation and the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Byelorussia, Nicaragua, Norway, U.S.S.R.*

Information supplied by the following States in answer to direct requests has been noted by the Committee : *Federal Republic of Germany, Spain.*

Convention No. 11 : Right of Association (Agriculture), 1921

Chile (ratification : 1925). The Committee notes with regret that the Bill to revise the Labour Code, destined to give agricultural workers the same rights of association and combination as industrial workers, has made no progress despite the many assurances given by the Government over a number of years.

The Committee therefore feels obliged to indicate in detail, as it did in 1955, 1956 and 1957, the main discrepancies existing between the national legislation and the Convention.

(1) Whereas, according to section 366 of the Labour Code, trade unions of industrial workers may set up two types of unions—works unions or occupational trade unions—agricultural workers, under section 426 of the same Code, may constitute trade unions only within the limits of the agricultural undertaking. As a result of the difference established by the legislation in this respect, agricultural workers, not having the right enjoyed by industrial workers to set up occupational trade unions, are deprived of—(a) the right to set up trade unions extending beyond an agricultural undertaking; (b) the right to set up federations and confederations.

(2) Comparison between the legislative provisions applicable to trade unions of industrial workers having chosen the form of the works union and the regulations applicable to trade unions of agricultural workers also reveals differences in treatment, some of which have the effect of limiting considerably the right to combine of agricultural workers. Thus with respect to the administration of their funds, the trade unions of agricultural workers are subject to stricter rules than those of industrial workers. Further, under section 470 (section 53 of Act No. 8811), unions of agricultural workers may not present statements of claims "during the sowing and harvesting periods, which are fixed in each zone by regulations, the duration of each being at least 60 days. Claims may not be presented more than once a year." As the Committee has already emphasised, and especially in 1952, such a restriction, which has no equivalence in the legislation relating to industrial workers—who apparently may present claims at any time (section 505)—leads in practice to a denial to agricultural workers of any right to organise effectively, particularly in the case of seasonal or casual workers who, in agriculture, often present a considerable proportion of the workers employed.

(3) The provisions of section 433 of the Labour Code result in fact in prohibiting seasonal or casual workers from setting up trade unions. By virtue of this section, workers who wish to form a union must have more than one year's continuous service on the same estate and must represent at least 40 per cent. of the workers on that estate. A provision of this nature is even likely to result in prohibiting all possibility of setting up a union, in particular on estates which employ a large proportion of seasonal or casual workers.

The Committee observes that the Chilean legislation has, for a number of years, shown important discrepancies with the Convention, involving a serious violation of its provisions. The Committee trusts that the Government will without further delay fulfil the international obligations which it undertook on ratifying the Convention and that it will, at the 44th Session of the Conference, indicate the progress made to bring its legislation into conformity with the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Peru, Venezuela.*

Convention No. 12 : Workmen's Compensation (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States : *Argentina, Brazil, El Salvador.*

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Convention No. 13 : White Lead (Painting), 1921

Mexico (ratification : 1938). The Committee thanks the Government for the statistics of cases of lead poisoning transmitted with its report. The Committee notes that in reply to the request of 1959 the Government states once again that article 133 of the Constitution of Mexico gives force of law to the Convention and that it is unnecessary to issue regulations concerning substances which are not used in Mexico.

The Committee is bound to reiterate that in the absence of more precise regulations article 133 of the Constitution is not sufficient to give effect to Article 2, paragraph 2, and Article 5 of the Convention. However, as according to the Government white lead is never used in any of its forms in paint in Mexico, the Committee hopes that if the Government considers it unnecessary to adopt the regulations required under the above-mentioned provisions, it would be good enough to give statutory effect to the factual situation to which it refers by the adoption of a general prohibition of the use of white lead in all painting, without exception.

Nicaragua (ratification : 1934). In a direct request addressed to the Government in 1959 the Committee had noted that regulations on the use of white lead in painting could not be issued before the adoption of a Bill by Parliament, and had requested the Government to take the necessary measures with a view to the adoption of this Bill. No reply to this request having been received, the Committee trusts that the Government will be able to indicate to the Conference which measures it has at last been able to take to apply the Convention, which was ratified by Nicaragua in 1934.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Republic of Guinea, Hungary, Italy, Poland, Rumania, Tunisia, Uruguay, Venezuela.*

Information supplied by the following States in answer to direct requests has been noted by the Committee : *Norway, Viet-Nam.*

Convention No. 14 : Weekly Rest (Industry), 1921

A request regarding certain points is being addressed directly to *Venezuela.*

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

China (ratification : 1936). See under Convention No. 7.

Nicaragua (ratification : 1934). The Committee regrets to note that, in spite of the Government's repeated statements that it intended to propose the amendment of the legislation, this year again no progress has been made towards the application of the Convention. The Committee insists once again that the necessary provisions be adopted to prohibit work on vessels by persons under 18 years as trimmers and stokers and to create an obligation for captains to keep a register of persons under 18 years employed on vessels, as required by the Convention, which was ratified 26 years ago.¹

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¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

In addition, requests regarding certain other points are being addressed directly to the following States : *Morocco, New Zealand.*

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Brazil (ratification : 1936). The Committee notes with interest that, by Order No. 178 of 1 October 1959, the Minister of Labour set up a special committee to draft a decree providing for the application of the provisions of this Convention, and that the committee has already commenced work. The Committee trusts that the said decree will come into force at an early date, and that it will require the annual renewal of the medical examination of persons under 18 years employed in maritime work.

China (ratification : 1936). See under Convention No. 7.

Nicaragua (ratification : 1934). The Committee regrets to note that, in spite of repeated promises made by the Government that the Ministry of Social Welfare would issue regulations to give effect to the Convention, the latter is still not applied, as there exist no provisions making the employment of persons under 18 years on vessels subject to the production of a medical certificate (Article 2 of the Convention) and requiring the renewal of the medical examination at intervals of not more than one year (Article 3).

The Committee insists once again that the necessary legislation be adopted to give effect to the Convention, which was ratified 26 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, Ceylon, Ghana, Poland.*

Information supplied by *Rumania* in answer to a direct request has been noted by the Committee.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Chile (ratification : 1931). The Committee regrets to note that the Bill intended to bring the national legislation into harmony with Article 5 of the Convention (periodical payments in cases of permanent incapacity or death) has not yet been adopted. According to information supplied by the Government already in 1955, this Bill would amend the text of section 276 of the Labour Code to read as follows : "In the event of permanent partial incapacity the injured worker shall be entitled to periodical payments for life which shall be determined according to the percentage assigned to the incapacity in question in relation to his annual wages and shall be paid to him monthly."

The Committee emphasises once more that the above-mentioned Bill should be adopted without further delay in order to give full effect to the Convention, and it would be glad if the Government would indicate in its next report the progress made in this connection.

Haiti (ratification : 1955). The report for 1958-59 not having been received, the Committee can only repeat its previous observation which was as follows :

[the Committee] notes, however, that the position as regards the application of the Convention remains unchanged

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

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 in exceptional circumstances the 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.

The Committee trusts that the Government will not fail to take the necessary measures referred to above.¹

Mexico (ratification: 1934). The Committee notes that the last paragraph of section 74 of the Social Insurance Act provides for the payment of supplementary benefits to persons in receipt of an invalidity pension who need the constant help of another person.

New Zealand (ratification: 1938). The Committee has taken note of the detailed information supplied by the Government in reply to the observation of 1959. It finds, however, that this information brings to light no new fact that would allow it to ascertain whether the national legislation fully applies the Convention.

In these circumstances the Committee must reiterate its earlier observations and draw the Government's attention in particular to the following points:

Article 5 of the Convention. According to the Government's statements the application of this provision of the Convention is ensured by section 14 of the Workmen's Compensation Act, 1956, and the grant of invalidity benefits under the Social Security Act, 1938, affords protection which is only additional to that provided for in the Convention. The Committee considers, however, that the above-mentioned section of the Act of 1956, which provides that benefits in the form of a pension shall not be paid for more than six years, cannot be in conformity with the Convention, since the Convention authorises no limit on the duration of invalidity benefits so long as the invalidity in question continues.

Article 9. According to the information contained in the report, workers injured in occupational accidents receive free medical and pharmaceutical benefits and free hospital care under the general social security scheme and it is only if they are attended by a physician in private practice that they may be called upon to share in the cost of this care. This information was noted with interest by the Committee.

The Government adds that the obligation with regard to residence within the country is imposed not only by the Social Security Act but also by the Workmen's Compensation Act. The Committee points

out in this connection that the national legislation is not in conformity with the Convention in this respect, since the Convention lays down no condition concerning residence or any qualifying period for the grant of the necessary medical and pharmaceutical benefits in the event of occupational accidents.

Article 10. According to the information supplied by the Government, workers injured in an occupational accident are entitled to the free maintenance of artificial limbs and surgical appliances for a period of three years. According to the same information, once that period has elapsed they must pay a share, though a very small share, of the cost of the renewal of such appliances. The Committee points out in this connection that the limitations laid down in the national legislation, both as regards the period during which the injured worker is entitled to have such appliances maintained and as regards the cost of such maintenance, cannot be regarded as being fully in conformity with the Convention, which lays down no such limitations either for the maintenance or for the renewal of these appliances.

The Committee must urge the Government to take the necessary steps to bring its national legislation into full conformity with the Convention on the above-mentioned points, particularly since ratification dates back to 1938.

Nicaragua (ratification: 1934). The Committee noted with interest that the Social Insurance Institute had decided to pay compensation in respect of occupational accidents and that the amendments to the Social Security Act would take account of the observations made in previous years. The Committee notes, however, that according to the Government's statement the Social Security Act will continue to exclude from coverage workers over the age of 60 and workers in the service of employers having fewer than five persons permanently in their employ (sections 64 and 95 of the Act). Since such exceptions are not provided for under Article 2 of the Convention, the Committee requests the Government to take the necessary action to extend to the above-mentioned workers protection in respect of occupational accidents.

The Committee also expresses the hope that the Social Security Bill, which is to bring the national legislation into conformity with Articles 5, 7, 10 and 11 of the Convention, will be adopted in the near future and that the Government will not fail to state in its next report what progress has been made in this connection.

United Kingdom (ratification: 1949). The Government states, in reply to the observations concerning the application of Articles 9 and 10 of the Convention, that measures to eliminate the existing discrepancies are not contemplated at present, since the Committee of Social Security Experts at its meeting in 1959 recommended that this Convention be revised.

The Committee considers that the possibility of the revision of this Convention (which cannot be considered as certain since it depends exclusively on the decisions of the International Labour Conference) does not affect the obligations arising out of the ratification of this instrument. In these circumstances, the Committee cannot but draw once again the attention of the Government, as it had done since 1957, to the need for the taking of appropriate measures to give effect to Articles 9 and 10 of the Convention, which do not permit any part of the cost of medical or surgical aid, etc., or of the supply and renewal of artificial limbs and surgical appliances to be borne by persons who have suffered employment injuries.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Uruguay (ratification : 1933). The Committee regrets to note that the Bill intended to bring national legislation into conformity with Article 11 of the Convention (safeguards against the risk of insolvency of the employer or insurer) has not yet been adopted. As this discrepancy had already been pointed out several years ago, the Committee can only urge the Government to take at last the necessary steps with a view to adoption of the new legislation.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Burma, Greece, Haiti, Federation of Malaya, Portugal, Sweden, Tunisia*.

Information supplied by *New Zealand* in answer to a direct request has been noted by the Committee.

**Convention No. 18 : Workmen's Compensation
(Occupational Diseases), 1925**

France (ratification : 1931). See under Convention No. 42.

Yugoslavia (ratification : 1927). The Committee took note of the new law on invalidity insurance of 10 December 1958, and noted with satisfaction that certain of the observations made in 1958 have been taken into account in the completion of the list of occupational diseases.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Belgium, Bulgaria, Ceylon, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Republic of Guinea, Italy, Luxembourg, Morocco, Nicaragua, Norway, Poland, Switzerland, Yugoslavia*.

Information supplied by *Spain* in answer to a direct request has been noted by the Committee.

**Convention No. 19 : Equality of Treatment
(Accident Compensation), 1925**

Austria (ratification : 1928). With regard to the observations made in 1959, the Committee takes note with interest of the statement made by the Government in its report, indicating that the accident insurance institutions are in future to grant to the nationals of States having ratified the Convention the benefits prescribed for Austrian citizens by means of international conventions or Austrian reciprocity ordinances concluded or promulgated in virtue of section 89, subsection 3 (1), of the Social Insurance Act of 1955.

Haiti (ratification : 1955). See under Convention No. 17.

Italy (ratification : 1928). The Committee notes with interest the Government's decision to issue instructions to the workmen's accident insurance agency to grant to nationals of States having ratified the Convention the benefits received by Italian workers in virtue of the bilateral agreements concluded by Italy. The Committee also notes that if the implementation of certain provisions of bilateral agreements would require the consent of other contractual parties or an agreement with a third State, Italy would attempt to make arrangements with the States concerned.

Luxembourg (ratification : 1928). The Committee notes with interest from the information contained

in the Government's report that the supplementary benefits provided for under section 100 (5) of the Code of Social Insurances will be granted as of 1 January 1960 to nationals of all countries having ratified Convention No. 19.

Spain (ratification : 1929). The Committee notes the information supplied by the Government to the Conference Committee in 1959 concerning the exceptions to the principle of equality of treatment arising under section 11 of the regulations of 22 June 1956 in respect of the dependants of foreign workers who are nationals of countries having ratified the Convention if these dependants transfer their residence to a country which has not ratified the Convention. According to the Government these exceptions apply only in exceptional cases, because of the wide geographical area covered by the network of international obligations resulting from the ratification of Convention No. 19 and from the special agreements concluded by Spain. As there exists, nevertheless, a conflict between the legislation and Article 1 of the Convention, the Committee is glad to note that the Government envisages making the necessary amendments to this legislation with a view to eliminating the conflict in question, and it expresses the hope that these amendments will soon come into force.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Bolivia, Brazil, Burma, China, Czechoslovakia, France, Ghana, Indonesia, Italy, Luxembourg, Federation of Malaya, Nicaragua, Sudan, United Arab Republic (Egypt), Uruguay*.

Information supplied by the following States in answer to direct requests has been noted by the Committee : *Argentina, Tunisia*.

Convention No. 20 : Night Work (Bakeries), 1925

Bulgaria (ratification : 1929). The Committee notes from the Government's report that a draft ordinance is being prepared by which night work in bakeries is to be prohibited. As this question has been pending since 1955 the Committee hopes that there will be no further delay in issuing an ordinance which will ensure full conformity with Articles 1 to 4 of the Convention.

Convention No. 22 : Seamen's Articles of Agreement, 1926

Argentina (ratification : 1950). The Committee notes with regret that the Government's report fails to supply the information requested last year concerning the work of the national committee, already referred to by the Government in its statement to the Conference Committee in 1957, which is examining the question of bringing national legislation into harmony with Conventions Nos. 8, 22, 23 and 32. The Committee trusts that the work of the committee in question will be completed in the near future and that the Government will soon be in a position to forward copies of the relevant legislation.¹

Belgium (ratification : 1927). The Committee notes that the Bill which would amend the Act of 1928 in order to ensure full legislative conformity with Article 9 of the Convention has been approved by the Council of Ministers and transmitted for advice to the Council of State prior to submission to Parliament.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

The Committee reiterates the hope that this amending legislation will soon be enacted.

Bulgaria (ratification : 1929). The Committee thanks the Government for supplying a copy of Order No. 1460 of 24 October 1958, which gives effect to Article 9, paragraph 2, of the Convention (notice to be given in writing).

China (ratification : 1936). As the Government's report contains no new information, the Committee can only repeat its observation of last year, which was as follows :

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 the 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.¹

Federal Republic of Germany (ratification : 1930). The Committee notes the Government's reply to the observation of 1959 : section 63 (3) of the Seamen's Act of 1957, under which an agreement for an indefinite period is extended beyond the expiration of the period of notice specified in the agreement until the ship reaches a port in the Federal Republic of Germany (but by a period of six months at the most), is, in the Government's view, not contrary to Article 9 of the Convention, since on the one hand paragraph 3 of this Article permits national legislation to "determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement", and on the other hand section 63 (3) of the Act ensures a wider protection of the interests of seamen than that envisaged by the Convention, in that it prevents cases arising in which seamen might be obliged to make requests for repatriation when the agreement is terminated in a foreign port.

As regards the Government's first point, the Committee has already had occasion to point out in observations made since 1957 to another country that the presence of a vessel in a foreign port can in no way be considered as constituting an "exceptional circumstance"; on the contrary, the Convention provides specifically that "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads...".

With respect to the Government's second point, the Committee has already stated in observations made in 1956 and 1957 with regard to yet another country, which since modified its legislation to put it into conformity with the Convention, that while the fact of a seaman's being assured that his agreement can only be terminated in a home port might under certain circumstances constitute an advantage to him, such legislation is, on the whole, less advantageous to the seaman, in that it does not grant him the right, to which he is entitled under the Convention, to terminate a contract concluded for an indefinite period in any port where the vessel loads or unloads.

The Committee would be grateful, therefore, if the Government would see its way clear to take the necessary steps in order to ensure full conformity with Article 9, paragraph 1, of the Convention, as had been the case before the adoption of the Seamen's Act, 1957.

Mexico (ratification : 1934). As the Government has not supplied any information in reply to that part of the observation made in 1959 relating to paragraph 1 of Article 9 of the Convention (notice of at least 24 hours to be given in the case of termination of an agreement for an indefinite period), the Committee can only reiterate its hope, already expressed in 1959, that the Government will find it possible to bring its legislation fully in conformity with the Convention on this point.

The Committee notes moreover with regret that in reply to the observation made in 1959 the Government repeats the view, already expressed in preceding reports, that the presence of a vessel in a foreign port constitutes, under section 146 of the Labour Act, an exceptional circumstance in which notice even when duly given shall not terminate an agreement concluded for an indefinite period (paragraph 3 of Article 9 of the Convention). The Committee is therefore bound to reiterate its observation of 1957 that it is unable to accept this opinion : the presence of a vessel in a foreign port can in no way be considered as constituting an "exceptional circumstance"; on the contrary, the Convention provides clearly that "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads...".

The Committee trusts that the Government will see its way clear to reconsider the position and to take the necessary steps in order to leave both seafarers and shipowners the freedom of action guaranteed by Article 9, paragraph 1, of the Convention.

Nicaragua (ratification : 1934). As the Government's report does not contain any new information the Committee can only refer to the observations made in previous years and insist once again that the Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3, 4, 5, 6, 9, 13 and 14) not hitherto applied in Nicaragua.¹

Uruguay (ratification : 1933). As the Government's report once again supplies no new information, the Committee can only note with regret that its observations appear to be totally ignored and, as in previous years, insist that the Government take the necessary steps to give full effect to Articles 3 (paragraph 2), 8 and 13 of the Convention, which was ratified 27 years ago.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, India, Mexico, Morocco, New Zealand, Pakistan, Spain, Venezuela, Yugoslavia*.

Information supplied by the *Federal Republic of Germany* in answer to a direct request has been noted by the Committee.

Convention No. 23 : Repatriation of Seamen, 1926

Argentina (ratification : 1950). See under Convention No. 22.¹

Nicaragua (ratification : 1934). As the Government's report does not contain any new information the Committee can only refer to the observations made in previous years and insist once again that the

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Government take the necessary steps for the enactment of the draft legislation referred to since 1958 which is to give effect, *inter alia*, to the various provisions of the Convention (Articles 3 (paragraphs 2, 3 and 4), 4 and 5, not at present applied in Nicaragua).¹

Uruguay (ratification : 1933). As the Government's report once again supplies no new information, the Committee can only note with regret that its observations appear to be totally ignored and, as in previous years, insist that the Government take the necessary steps to give full effect to Articles 3, 4 and 5 of the Convention, which was ratified 27 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, China*.

**Convention No. 24 : Sickness Insurance
(Industry), 1927**

Haiti (ratification : 1955). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take measures and supply the information referred to above.¹

Uruguay (ratification : 1933). The Committee took note of the legislative provisions enacted to grant sickness benefits to several new categories of workers. It notes, however, that the great majority of workers covered by the Convention are not protected, and that no information has been supplied concerning the general Bill on sickness insurance referred to for several years and which, according to information supplied in 1959, had been submitted to Parliament.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

The Committee therefore once again urges the Government to take the necessary measures with a view to the enactment of this Bill, and finally to apply in full this Convention, which was ratified more than 25 years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Austria, Bulgaria, Chile, Colombia, Czechoslovakia, France, Haiti, Hungary, Nicaragua, Peru, Rumania, Spain, United Kingdom, Uruguay*.

**Convention No. 25 : Sickness Insurance
(Agriculture), 1927**

Haiti (ratification : 1955). See under Convention No. 24.

Uruguay (ratification : 1933). See under Convention No. 24.¹

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In addition, requests regarding certain other points and acknowledgments of replies to previous requests are being addressed directly to the following States : *Austria, Bulgaria, Chile, Czechoslovakia, Haiti, Nicaragua, Spain*.

**Convention No. 26 : Minimum Wage-Fixing
Machinery, 1928**

Requests regarding certain points are being addressed directly to the following States : *Argentina, Brazil, Sudan, Venezuela*.

**Convention No. 27 : Marking of Weight
(Packages Transported by Vessels), 1929**

A request regarding certain points is being addressed directly to *Venezuela*.

Convention No. 29 : Forced Labour, 1930

Bulgaria (ratification : 1932). The Committee notes with regret that, for the third consecutive year, the Government's report does not give any information on several points raised in direct requests. It urges the Government to send precise and detailed replies to these various questions in its next report.²

Czechoslovakia (ratification: 1957). The Committee notes the Government's first report with interest. It is making a direct request to the Government on a number of points. Given the importance of some of these questions to the application of the Convention, the Committee would be glad if the Government would supply detailed information thereon in a report for 1959-60.²

Greece (ratification : 1952). The Committee notes the information furnished by the Government to the Conference Committee of 1959. It noted that according to the Government, although the armed forces may be called upon to do work which is not of a purely military character, this does not constitute forced or compulsory labour, but merely a method of training and acquiring experience which may subsequently be useful in work of a purely military character. It appears to the Committee that the work required from the armed forces is far too general in character to be regarded, even indirectly, as of a "purely military character". The Committee there-

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

² The Government is asked to report in detail for the 1959-60 period.

fore observes that the Presidential Order of 14-27 March 1928 and Order No. 290/57 of the Council of Ministers, and the work undertaken by the armed forces under these provisions, are contrary to Article 2, paragraph 2 (a), of the Convention, according to which only work of a "purely military character" is not considered as forced labour. The Committee must therefore once more urge the Government to take appropriate measures in order to bring the legislation and existing practice into conformity with the Convention.

Concerning the repeal of sections 66 and 67 of the Royal Decree of 7 April 1937, which provides that prisoners may be hired out to private persons, the Committee trusts that the measures envisaged to that effect will be taken at an early date.¹

Hungary (ratification : 1956). The Committee notes with interest the Government's first report, which arrived too late for examination by the Committee in 1959. The Committee is making a direct request to the Government on a number of points. Given the importance of some of these questions to the application of the Convention, the Committee would be glad if the Government would supply detailed information thereon in a report for 1959-60.²

Liberia (ratification : 1931). The Committee regrets to note once more that, although the Convention was ratified 29 years ago and the Government thereby bound itself to abolish forced labour in all its forms "within the shortest possible period", the provisions in force still provide for various kinds of forced labour, namely

- forced labour for the benefit of private individuals, etc., which, in accordance with Article 4 of the Convention, should have been abolished *immediately* ;
- forced labour for public works, although, in accordance with Article 10, this type of work should long ago have been "abolished progressively" ;
- forced labour for portage of officials and private travellers to whom, according to the regulations, the necessary porters must be "promptly supplied", although this type of work should have been abolished "within the shortest possible period" (Article 18), i.e. already a number of years ago.

These legal provisions, which are directly contrary to the Government's international obligations, are all the more serious, as

- the regulations take into account neither the state of health nor the age of the persons liable to this work ;
- several of the safeguards specifically laid down by the Convention as prerequisites to the use of forced labour "as an exceptional measure" and "during the transitional period" are not provided for by any legislative provisions ;
- finally, persons under forced labour have no possibility of effective remedies against abuse, as, in spite of the provisions of the Convention, the legislation does not provide any penal sanctions for the illegal exaction of forced or compulsory labour.

The Committee has noted the information supplied by a Government representative to the Conference,

as well as the assurances once again given by him. It regrets, however, that the Government has not supplied a report this year.

It notes that the Government, referring to the insufficiency of means of communication, recognises that compulsory portage continues to be imposed, notwithstanding that the relevant regulations do not provide any of the principal safeguards prescribed by the Convention for this type of work.

With respect to work for the benefit of private individuals or for public works, the Government states that the legal provisions authorising these forms of forced labour are no longer used. However, the Committee finds, once more, that the Government continues to keep these provisions in force, and it may be wondered why they have not yet been repealed if in fact, they no longer have any practical significance.

Referring in particular to the provisions of Articles 1, 4, 10, 11, 12, 18 and 25 of the Convention and to the provisions of sections 34 and 35 of the amended legislation of 1949, and of section 1416 (4) of the Revised Statutes, Volume II, of the Republic of Liberia, as amended by the Act of 20 January 1932, the Committee urges the Government to put an end to this clear violation of the Convention and to take the necessary measures without delay—

- (a) to provide, in accordance with Article 25 of the Convention, effective penal sanctions for the illegal exaction of forced labour ;
- (b) to repeal expressly the legal provisions providing for forced labour for public works or for the benefit of private persons ;
- (c) to adopt complete and precise regulations concerning portage, as required by Articles 23 and 24 of the Convention, including provisions laying down the various safeguards provided for by the various Articles of the Convention, particularly Articles 11, 12 and 18.¹

Rumania (ratification : 1957). The Committee notes the Government's first report with interest. It is making a direct request to the Government on a number of points. Given the importance of some of these questions to the application of the Convention, the Committee would be glad if the Government would supply detailed information thereon in a report for 1959-60.²

Sweden (ratification : 1931). The Committee regrets to note from the Government's report that the committee appointed by the Government in 1953 to revise the functioning of bodies capable by administrative decision of depriving an individual of his freedom has not yet completed its task. The Committee draws the attention of the Government to the fact that this committee was established almost seven years ago. It trusts that this work will be completed without further delay and that the Government will be able to supply in its next report information on the repeal of the provisions of the law of 1885 which are in conflict with Article 2, paragraph 2 (c), of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Brazil, Bulgaria, Byelorussia, Czechoslovakia, Domi-*

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

² The Government is asked to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

² The Government is asked to report in detail for the 1959-60 period.

nican Republic, Ecuador, Federal Republic of Germany, Ghana, Republic of Guinea, Honduras, Hungary, India, Iran, Israel, Liberia, Morocco, Nicaragua, Pakistan, Portugal, Rumania, Sudan, Ukraine, United Arab Republic (Egypt), U.S.S.R., Venezuela, Viet-Nam.

Information supplied by *Denmark* in answer to a direct request has been noted by the Committee.

**Convention No. 30 : Hours of Work
(Commerce and Offices), 1930**

Spain (ratification : 1932). The Committee takes note of the Government's reply, made in the Conference Committee, to the observation of 1959. It finds, however, that the position with regard to the application of the Convention continues to give rise to serious doubts.

Thus there are certain cases where the implementation of the Convention is ensured through regulations which have not been communicated to the I.L.O. (e.g. as regards postal, telephone and telegraph workers, who are covered by the basic Act of 9 September 1931). In other cases either provisions giving effect to certain clauses of the Convention are inserted in labour regulations—of which only a small proportion are available in the Office—or there are no such provisions : e.g. maximum number of days in the year on which extra work is permitted for the purpose of making up time lost (Article 5, paragraph 1 (a)) ; notifications of interruptions of work (Article 5, paragraph 2) ; clear definition of permanent and temporary exceptions authorised (Article 7, paragraphs 1 and 2) ; maximum number of additional hours permitted in the day in the case of temporary or permanent exceptions, and maximum additional hours permitted in the year in the case of temporary exceptions (Article 7, paragraph 3). In yet other cases certain provisions of the basic Act of 1931 which are contrary to the Convention seem to have been suspended by labour regulations but without having been repealed (e.g. section 103 of the Act, which authorises overtime not provided for in the Convention).

Accordingly, the Committee finds that it is not possible for it to form a considered opinion as to the degree of application of the Convention. It refers to the observation made under Convention No. 1 and expresses the hope that in revising the labour legislation the Government will take measures to ensure that the new labour law includes provisions by which the full application of the Convention may be guaranteed, it being understood that more favourable conditions may always be prescribed in the labour regulations applying to various branches of commerce and offices.¹

**Convention No. 32 : Protection against Accidents
(Dockers) (Revised), 1932**

China (ratification : 1935). The Committee notes from a statement made by the Government to the Conference in 1959 that the revision of labour legislation was being considered and that the discrepancies noted by the Committee would soon be removed. However, the report for 1958-59 not having been received, the Committee can only repeat the observation made in 1958 and 1959, 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), and paragraph 3 ;
Article 8, paragraph 1 ;
Article 9, paragraph 2, subparagraphs (1), (3) and (4) ;
Article 11, paragraph 4 ;
Article 13, paragraph 2 ;
Article 17, paragraph 3 ;
- (b) that only partial effect seems to be given to the following provisions of the Convention :
Article 5, paragraph 2, subparagraph (a) ;
Article 9, paragraphs 1 and 5 ;
Article 11, paragraph 3 ;
Article 12 ;
Article 13, paragraph 1 ;
Article 15 (the legislation does not apply to ships belonging to public authorities ; this exception is not permitted by the Convention) ;
Article 17, paragraphs 1 and 2.

The Committee trusts that, more than 20 years having passed since the Convention was ratified, the Government will make a serious effort to ensure its application.¹

Italy (ratification : 1933). It appears from the information supplied by the Government to the Conference and in its report that—

- (1) there exists a series of laws and regulations which, in the Government's view, give effect to the Convention ;
- (2) in ten of the principal ports certain safety regulations have recently been approved, which, according to the Government, have been drawn up in conformity with the Convention, but " subject to the necessary adjustments " ;
- (3) the autonomous port authorities of Genoa, Naples and Venice have undertaken a complete revision of the local safety regulations in order to bring them into conformity with the Convention ;
- (4) the other ports of lesser commercial importance have been asked by means of Circular No. 34/003 of 19 January 1959 to adopt as far as possible local regulations in conformity with the Convention ;
- (5) the Government is drawing up new general safety regulations for workers in the ports.

The Committee notes that—

- (a) the legislation at present in force only covers the provisions of the Convention of a general character ; for instance, the legislation has no provision giving effect to the detailed requirements set out in Article 5, paragraphs 2 to 6, of the Convention ;
- (b) the accidents prevention regulations issued in the ports cited by the Government do not, on many points, give effect to the provisions of the Convention ; for instance, the regulations of the Port of Messina, which recently came into force (1 February 1958), do not provide, *inter alia*, for detailed safety measures applicable to the means of access on board (Article 3 of the Convention) ; in so far as these regulations provide for certain measures, they do not conform to the requirements of the Convention (under regulation 12 a gangway must be 50 centimetres wide instead of

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

55 centimetres as required by Article 3 of the Convention);

- (c) the most important Italian ports such as Genoa, Naples, and Venice are not at present subject to all the safeguards concerning the protection of dockworkers laid down in the Convention;
- (d) the application of the Convention is uncertain in the ports considered by the Government as of less importance.

The Committee can therefore only urge that the Government take all necessary measures to ensure the complete application of the Convention in all Italian ports without delay.

It hopes that the draft general regulations can be adopted without delay and that the Government will not fail to supply in its next report the detailed information directly requested.

Mexico (ratification : 1934). The Committee notes the statement by a Government representative to the Conference Committee in 1959 that a Bill to give effect to the Convention had been presented to the legislature in the autumn of 1959. The Committee regrets to note that no report has been received for 1958-59. It can accordingly only repeat its previous observations, which were as follows :

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.

The Committee trusts that the Government will not fail to take the measures mentioned above.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *France, Italy, Mexico*.

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932

Austria (ratification : 1936). The Committee notes the declaration made by a Government representative at the Conference Committee who, after having enumerated the difficulties encountered by the draft in 1957, destined to bring Act No. 146 into conformity with the Convention, stated that the Government will continue the necessary efforts to eliminate the discrepancy.

The Committee noted also the information in the Government's report, according to which a new draft Bill has been prepared which, once approved by the competent authorities, will be submitted to the Legislature. But, as the Government indicates, this draft does not yet fulfil completely the requirements of the Convention.

The Committee regrets that, although the question has been considered for a number of years, the draft Bill prepared for the Government is not yet in accordance with the Convention. The Committee, while at

the same time requesting the Government to send a copy of this draft, can only insist once more that the Government take the necessary measures to ensure the complete application of the Convention.¹

Spain (ratification : 1934). The Committee notes the Government's statement to the Conference Committee that, under section 12 of the Act of 17 July 1945, "compulsory education shall also entail appropriate measures of protection ... and children of school age shall not engage in any activity other than their primary education", education being compulsory between 6 and 12 years. The Committee also notes that the recent provisions setting up a National Security Fund for Domestic Service set a minimum age of 14 years for admission to the Fund.

The Committee considers that the Act of 17 July 1945 ensures the application of the Convention only in respect of children under 12 years of age. As regards the minimum age of 14 years for admission to the National Security Fund for Domestic Service, while this represents a step towards the application of the Convention, it does not in itself ensure such application. The Committee therefore still considers it necessary that domestic work by children between 12 and 14 years, which is excluded from the provisions of the Employment Contracts Act, be prohibited or regulated, in accordance with the provisions of Articles 2 and 3 of the Convention.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Spain*.

Convention No. 34 : Fee-Charging Employment Agencies, 1933

Chile (ratification : 1935). The Committee of Experts notes with regret that the legislation intended to give full effect to the Convention has not yet been adopted, and continues to hope that the necessary action will be taken without delay.

Spain (ratification : 1935). The Committee notes with interest, from the Government's reply to its observation of 1957 and its direct request of 1959, regarding the placement of domestic servants, that section 2 of Decree No. 1254 of 9 July 1959 declares placement a public and free service and section 3 thereof prohibits the existence of private placement agencies of any kind.

* * *

In addition, a request regarding certain other points is being addressed directly to *Mexico*.

Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933

Peru (ratification : 1945). The Committee noted from the statement of a Government representative at the Conference Committee in 1959 that the revision of the insurance legislation—announced several years ago—will take into account the observations made by the Committee. The Committee notes, however, with regret that this year's report does not supply information on the measures taken or contemplated to eliminate the following discrepancies existing between national legislation and the Convention as regards the scope of compulsory insurance :

- (a) although a legislative decree of 1948 provides for the compulsory insurance of all salaried

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

employees, salaried employees in private undertakings are not yet effectively covered by old-age insurance, while the Convention provides that compulsory insurance shall apply both to manual and non-manual workers (Article 2, paragraph 1, of the Convention);

- (b) compulsory old-age insurance in Peru covers only persons employed in industrial and commercial undertakings, while the Convention provides that the personnel of the liberal professions must also be covered by insurance (Article 2, paragraph 1, of the Convention);
- (c) old-age insurance of domestic servants is merely voluntary, while the Convention provides that insurance shall be compulsory for this category of workers (Article 2, paragraph 1, of the Convention).

Moreover, as regards the establishment of the special tribunals provided for by the Convention for disputes concerning benefits, the Government's report merely indicates that the committee set up to study the revision of the insurance legislation will examine the measures to be taken to this effect.

The Committee urges the Government to take the necessary measures with a view to finally bringing the national legislation into harmony with the Convention on the above-mentioned points.¹

**Convention No. 37: Invalidity Insurance
(Industry, etc.), 1933**

Peru (ratification: 1945). See under Convention No. 35 concerning the scope of insurance and the right of appeal of insured persons.¹

**Convention No. 39: Survivors' Insurance
(Industry, etc.), 1933**

Peru (ratification: 1945). The Committee noted from the statement of a Government representative at the Conference Committee in 1959 that the revision of the insurance legislation—announced several years ago—will take into account the observations made by the Committee. The Committee notes with regret, however, that this year's report merely states that the committee set up to study the revision of the legislation will examine the possibility of taking the measures in question. The Committee therefore urgently appeals to the Government to take the necessary measures to replace the present system, which provides for a capital payment, by a system which provides for the payment of a pension to the widow and children of the deceased insured, in conformity with Article 6 of the Convention.

The Committee also refers to the observations made under Convention No. 35 concerning the scope of insurance as well as the establishment of special tribunals for disputes concerning benefits.¹

**Convention No. 41: Night Work (Women)
(Revised), 1934**

Ceylon (ratification: 1950). The Committee takes due note of the Government's statement in its report that steps are being taken to amend the Employment of Women, Young Persons and Children Act of 1956 with a view to bringing it into conformity with the provisions of the Convention, and trusts that this amendment will be adopted at an early date.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Greece (ratification: 1936). The Committee notes that this Convention was automatically denounced with the ratification of Convention No. 89.

Hungary (ratification: 1936). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Peru (ratification: 1945). See under Convention No. 4.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, Morocco, United Arab Republic (Egypt), Venezuela*.

**Convention No. 42: Workmen's Compensation
(Occupational Diseases) (Revised), 1934**

France (ratification: 1948). The Committee regrets to note that in spite of its repeated observations and requests the Government has not yet taken steps to bring the national legislation fully into harmony with the Convention. The points on which divergencies exist are mentioned in a further direct request to the Government.

The Committee hopes that the necessary action will be taken without delay and urges the Government to state in its next report what progress has been made.

Mexico (ratification: 1937). The Committee regrets to note that, in spite of the repeated promises by the Government, no measures have yet been taken to amend the provisions of the Federal Labour Law, so as to bring this into full conformity with the Convention. The points on which divergencies exist are mentioned in a further direct request to the Government.

The Committee trusts that the necessary action will be taken without delay and urges the Government to state in its next report what progress has been made.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Greece, Haiti, Iraq, Italy, Mexico, Morocco, New Zealand, Norway, Poland, Sweden, Union of South Africa, United Kingdom, Uruguay*.

Convention No. 43: Sheet-Glass Works, 1934

Czechoslovakia (ratification: 1938). The Committee takes note of the Government's statement that Conventions Nos. 43 and 49 are once again fully applied in practice and that full legislative conformity is ensured by Act No. 126 of 1938, by which the Conventions were declared to be applicable in Czechoslovakia.

In this connection the Committee recalls that according to repeated statements made by the Government Act No. 126 was not applied for some 20 years after its promulgation, because of labour shortage, and that according to another statement by the Government (1956) "hours of work in glass works were covered by the general labour legislation". Consequently the Committee would be glad to know in virtue of what parliamentary or governmental decision Act No. 126 was declared to be applicable once again.

The Committee notes that a detailed report on the application of Conventions Nos. 43 and 49 has not been received since 1948, when the Government explained that the Conventions could not be applied in the existing conditions. It would be glad therefore if the Government would draw up its next report in full conformity with the report form and send all the information requested therein.

Finally, the Committee would like to know whether the legislation is in conformity with the Convention and whether, in the Government's opinion, the legislation is fully applied in practice.¹

Convention No. 44 : Unemployment Provision, 1934

Requests regarding certain points are being addressed directly to the following States : *Bulgaria, Czechoslovakia, France, Norway.*

Convention No. 45 : Underground Work (Women), 1935

Bulgaria (ratification : 1949). The Committee notes with satisfaction that Chapter I of the schedule to the Order of 3 July 1959 of the Central Council of Trade Unions and the Minister of Public Health and Social Welfare respecting the protection of women workers prohibits underground work by women in mines subject to exceptions identical to those provided for in Article 3 of the Convention, and that thus national legislation has been brought into conformity with the Convention.

China (ratification : 1936). The Committee notes that, as a result of certain measures taken by the Ministry of the Interior, the number of women employed in mines has been considerably reduced.

The Committee must however repeat its observations that national legislation does not give effect to the provisions of the Convention :

First, the Mines Act 1950, which according to the report is still in force, refers only to mines which employ simultaneously 50 or more workers, whereas the Convention applies to all mines regardless of the number of workers employed.

Secondly, regulation 187 of the Regulations for the Security of Mines provides that women may, with special permission, undertake light work connected with transport in mines, whereas the Convention does not authorise any such exceptions to the prohibition of underground work by women. It is not clear whether these regulations, which according to the report apply to all mines, are still in force.

The Committee trusts that the Government will not fail to take the necessary measures to bring national legislation into conformity with the Convention by prohibiting all forms of underground work by women in mines not falling within the exceptions permitted by Article 3 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Hungary (ratification : 1938). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.¹

Yugoslavia (ratification : 1952). The Committee notes that no change has been made in national legislation and practice and that no exceptions have been authorised under section 76 of the Act respecting employment relationships.

The Committee wishes to stress that this section, which permits the competent labour inspectorate to lift the prohibition on the employment of women underground in mines in cases where mechanisation, automation, etc., or personal protection equipment can provide an effective safeguard against industrial poisons or dusts, provides for more and wider exceptions than those authorised by Article 3 of the Convention. Moreover, as according to the Government no use has been made of section 76 of the above-mentioned Act, it would appear to the Committee that there should exist no practical difficulties in the way of bringing the legislation into conformity with the Convention on this point.

The Committee also notes that its observations have been brought to the notice of the competent authorities. It trusts that these authorities will take the above considerations into account and will find it possible to bring national legislation into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Australia, Austria, Bulgaria, Ceylon, Chile, Dominican Republic, Finland, Federal Republic of Germany, Greece, India, New Zealand, Pakistan, Peru, Poland, Switzerland, Tunisia, Turkey, United Arab Republic (Egypt), Uruguay, Venezuela.*

Information supplied by the following States in answer to direct requests has been noted by the Committee : *China, Federation of Malaya.*

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification : 1937). In the absence of a report from the Government, the Committee has noted the statement made by a Government representative at the Conference, that the maintenance of migrants' pension rights was ensured by virtue of the bilateral agreements concluded with Czechoslovakia, Poland and Yugoslavia, and that, should the question of the transfer of pension rights arise in relation to other countries which had ratified the Convention, appropriate measures would be taken in conformity with the Convention. The Committee accordingly hopes that the Government will not fail to adopt the necessary laws and regulations to provide for this eventuality. In this connection, the Committee wishes to point out once more that the ratification of the Convention obliges each member State to have legislation giving effect to its provisions, which must be applicable even in the absence of bilateral agreements with other ratifying States.¹

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Spain (ratification : 1937). With reference to the observation made in 1959 indicating that the Convention should be made applicable to all nationals of States having ratified the Convention without it being necessary to conclude bilateral agreements to this effect, the Committee notes from the information supplied by the Government to the Conference Committee in 1959 that the possibility of adopting appropriate general measures is at present being considered. The Committee hopes that the full application of the Convention will soon be guaranteed by the national legislation, and that the Government will indicate the progress made in this connection.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands, Yugoslavia*.

**Convention No. 49 : Reduction of Hours of Work
(Glass-Bottle Works), 1935**

Czechoslovakia (ratification : 1938). See under Convention No. 43.¹

Convention No. 52 : Holidays with Pay, 1936

Bulgaria (ratification : 1949). The Committee takes note with interest of the Government's statement that consideration is being given to the possibility of amending sections 11 and 12 of the Ordinance of 8 March 1958, whereby, *inter alia*, holidays may be postponed in the event of urgent production or service requirements or if the wage or salary earner so requests for any valid reason. The Committee hopes that the amendment in question will shortly be approved so as to ensure that workers should in all cases enjoy the prescribed minimum annual holiday.

Burma (ratification : 1954). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Byelorussia (ratification : 1957). The Committee takes note with interest of the detailed first report supplied by the Government on this Convention (report for 1957-58 which was received too late to be examined by the Committee at its 1959 Session).

It notes that under sections 91, 116 and 120 of the Labour Code provision is made for the replacement of holidays by compensation in cash or for the postponement of holidays. 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.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Czechoslovakia (ratification : 1950). The Committee recalls that in 1955 it first drew the attention of the Government to the need to ensure that workers on holidays should receive the cash equivalent of remuneration in kind (Article 3 of the Convention). The Government having indicated in reply that the question was to be reconsidered in connection with new holiday regulations, the Committee asked in 1957, 1958 and 1959 to be informed of the steps taken. As no information has been supplied on this matter in spite of these requests, the Committee once again asks the Government to indicate what measures are being taken to ensure that full effect is given to Article 3 of the Convention and that workers on holidays receive the cash equivalent of all remuneration in kind (i.e. including the cash equivalent of lodging, lighting and heating these items being excluded from holiday pay under the present system).

Finland (ratification : 1949). The Committee notes from the Government's reply to its observations since 1952 that active measures have been taken with regard to the modification of the legislation respecting holidays with pay, and that consideration will be given to the Committee's comments in a Bill which is being prepared. It hopes that this Bill will shortly be enacted and will ensure the full application of the Convention.

France (ratification : 1939). The Committee notes the Government's reply to previous observations regarding the suspension of annual holidays authorised under section 54 (m) of Book II of the Labour Code. In its reply the Government expresses the view that the replacement of holidays by compensation in cash, when ordered by a government for reasons of national importance (as opposed to an agreement between employer and worker providing for the replacement of holidays), is not contrary to the Convention. The Government concludes with the statement that section 54 (m), by which the Minister of Labour may suspend annual paid holidays in certain undertakings, is not contrary to the Convention.

The Committee is bound to point out that there is nothing either in the spirit or in the letter of the Convention authorising exceptions by governmental decision or otherwise and that a clause such as section 54 (m) of Book II of the Labour Code, which authorises the Minister of Labour to suspend annual holidays without any restriction, is contrary to the Convention. Consequently, the Committee considers that section 54 (m) should be modified so as to ensure that at least the minimum holiday periods prescribed by the Convention may not in any case be suspended or replaced by compensation in cash. In view of the fact that the Government has indicated on several occasions that recourse is never had to this provision in practice, and that it stated in 1958 that this provision could be repealed, the Committee hopes that there will be no difficulty in bringing the legislation into conformity with the Convention.

Greece (ratification : 1952). The Committee notes with interest that a legislative decree which is to be promulgated is to repeal section 5, paragraph 3, of Act No. 539 of 1945, permitting certain exceptions in the granting of holidays with pay, and that a more complete application of the Convention is thus to be ensured. It hopes that the text of the said legislative decree will be attached to the Government's next report.

Italy (ratification : 1952). The Committee notes that an Act was adopted on 14 July 1959 authorising the Government to extend the applicability of collec-

tive agreements to all workers in the particular categories concerned. It notes that, once the relevant decrees extending collective agreements have been issued, this will remove two of the more important obstacles to conformity between the Convention and the Italian legislation and practice, i.e. the fact that collective agreements have not been legally binding on all the workers in the industry or occupation concerned, and the fact that there has been no system of sanctions, as required by Article 8 of the Convention.

The Committee finds, however, that no change appears to have been made in the situation as regards the remaining obstacles, i.e.—

- (a) the fact that collective agreements do not all necessarily contain clauses ensuring conformity with the standards laid down in the Convention (e.g. the national collective agreement of 18 April 1958 concerning food manufacturing industries seems to have no provision corresponding to Article 2 (3) (b) of the Convention concerning the exclusion from holidays of interruptions of attendance at work due to sickness, Article 2 (4), which provides either that the holiday shall be taken in one continuous period or that, if divided, at least six working days thereof shall be taken in one part, and Article 4, which provides that any agreement to relinquish the holiday shall be void);
- (b) the fact that not all the categories of workers covered by the Convention appear to come within the scope of existing collective agreements, even if these are extended (for example, this would seem to be the position as regards persons employed in insurance agencies, telegraphic and express messengers, many of the employees working in private nursing homes);
- (c) the fact that employers are not required to keep a record of holidays in the form described in Article 7 of the Convention;
- (d) the fact that those salaried employees who are not covered by a collective agreement and whose right to holidays is established solely by Act No. 562 of 18 March 1926 do not enjoy all the benefits prescribed by the Convention (e.g. young persons are entitled to ten days' holiday instead of the 12 working days laid down in Article 2 (2) of the Convention, the manner in which holiday remuneration should be calculated is not specified although this is required by Article 3, no provision is made regarding the right to compensation instead of holidays due in case of dismissal as prescribed by Article 6).

The Committee notes, therefore, with regret that the adoption of Act No. 741 of 14 July 1959 is not sufficient to ensure full conformity with the Convention and points out that steps must consequently be taken to remove the obstacles listed above under points (a) to (d) and to ensure that the minimum requirements of the Convention are applied to all persons employed in the undertakings listed in Article 1 of the Convention. The Committee hopes that the Government's next report will show what measures have been taken to this effect and will contain full information on any relevant decree issued under Act No. 741.

Ukraine (ratification : 1956). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

U.S.S.R. (ratification : 1956). In reply to the observation made in 1959 regarding the replacement of holidays by compensation in cash (which is contrary to the Convention), the Government refers to section 4 of the Labour Code which provides that any agreement which is less favourable than the provisions of the Code shall be null and void. The Committee points out that it is the Code itself which authorises compensation to be paid to workers when the undertaking does not grant ordinary leave (sections 91 and 116) and that consequently, section 4 of the Labour Code would not appear to be applicable in this case. The Committee also notes the Government's statement that under the Regulations of 30 April 1930 holidays may be replaced by compensation only in exceptional cases. According to these Regulations holidays may however be replaced by compensation in cash in a number of cases (rules 23 to 27) : if the administration refuses to grant leave because the absence of the worker would have an unfavourable effect on the working of the undertaking; if the administration failed to establish the priority in which the leave is to be granted; and if the holiday can no longer be postponed (i.e. if it has been twice postponed). The legislation thus permits a number of exceptions in the granting of annual holidays with pay; however, since the Government states that in practice there are very few cases in which the worker relinquishes his holiday and compensation in cash is given, the Committee hopes that it will have no difficulty in adopting the necessary legislation to ensure that the prescribed minimum annual holiday may not in any case be replaced by compensation in cash.

United Arab Republic (Egypt) (ratification : 1954). The Committee takes note of the Labour Code of 5 April 1959 which contains new provisions regarding holidays with pay and is pleased to find that the scope of the legislation with regard to which it had previously made comments has been extended to cover certain categories of small undertakings which were formerly excluded.

Uruguay (ratification : 1954). The Committee recalls that it has already drawn the Government's attention in previous years to the discrepancy between the Convention and section 10 of the Act of 17 December 1945, in virtue of which holidays can be replaced by compensation in cash in certain cases. It notes that the Act of 23 December 1958, which modifies the Act of 1945, maintains this exemption. The Committee is therefore bound to point out once again 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 the minimum holiday may not be relinquished or forgone in any circumstances. It hopes that the Government will take urgent steps to eliminate this continued discrepancy between the national legislation and the Convention.

Viet-Nam (ratification : 1953). The Committee notes with satisfaction that the Decree of 5 November 1958 excludes public holidays and sick leave from

annual holidays, thus ensuring conformity with Article 2, paragraph 3 (b), of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Burma, Byelorussia, Cuba, Dominican Republic, Greece, Hungary, Mexico, Morocco, Tunisia, Ukraine, United Arab Republic (Egypt), U.S.S.R., Uruguay, Yugoslavia.*

**Convention No. 53 : Officers' Competency
Certificates, 1936**

Bulgaria (ratification : 1949). The Committee notes with interest that new regulations designed to give effect to the Convention have been drafted, and hopes that they will soon enter into force.

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Information supplied by the following States in answer to direct requests has been noted by the Committee : *Argentina, Belgium.*

**Convention No. 55 : Shipowners' Liability
(Sick and Injured Seamen), 1936**

A request regarding certain points is being addressed directly to *Italy*.

Convention No. 56 : Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States : *Belgium, Bulgaria.*

**Convention No. 58 : Minimum Age Sea
(Revised), 1936**

Belgium (ratification : 1938). The Committee notes that the Bill which is to bring the Act of 5 July 1928 into conformity with the Convention, by raising the minimum age for maritime employment from 14 to 15 years, was approved by the Council of Ministers on 26 June 1959 and has been submitted to the Council of State prior to its presentation to Parliament.

The Committee hopes that the Bill will be adopted without further delay.¹

Uruguay (ratification : 1954). The Committee regrets to note that the Government's report contains no new information, and can therefore only refer to the observations made in 1959, which were as follows:

... 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 establishment 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.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

The Committee can only once again urge the Government to take the necessary measures to give effect to Conventions Nos. 58, 59 and 60, which were ratified in 1954.¹

**Convention No. 59 : Minimum Age (Industry)
(Revised), 1937**

China (ratification : 1940). The Committee notes with interest the promise made by a Government representative at the Conference Committee in 1959, according to which an amendment to the social legislation is being studied in order to eliminate all existing discrepancies. This promise has been repeated in the Government's report, in which it is stated that into this amendment an additional provision will be inserted which will satisfy the requirements of Article 8 (3) of the Convention.

The Committee trusts that the Government will not fail to take the necessary measures to raise the age of admission of children to underground work in mines fixed by Chinese law at 14 years, to 15 years, and extend it, according to the provision of Article 8 (3) of the Convention, to the entire class of mineworkers.¹

Italy (ratification : 1952). The Committee notes the statement made by a Government representative to the Conference Committee, and repeated in the Government's report, that a Bill to raise the minimum age for admission to employment from 14 to 15 years, in accordance with the Convention, had been drafted by the Ministry of Labour and would be submitted to Parliament shortly. The Committee trusts that this Bill will be adopted as soon as possible, thus bringing national legislation into conformity with the Convention.¹

Uruguay (ratification : 1954). See under Convention No. 58.¹

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In addition, a request regarding certain other points is being addressed directly to *Byelorussia*.

Information supplied by *China* in answer to a direct request has been noted by the Committee.

**Convention No. 60 : Minimum Age
(Non-Industrial Employment) (Revised), 1937**

Italy (ratification : 1952). See under Convention No. 59.¹

New Zealand (ratification : 1947). The Committee notes the Government's statement in its report that it agrees that, with regard to the various matters mentioned by the Committee in its previous reports, national legislation is not in full conformity with the terms of the Convention.

The Government adds that in practice there are no abuses, but that the remedying of the points of disparity would involve fairly complex legislative amendments, which are not considered opportune at present. The Government is therefore considering the desirability of denouncing the Convention until it is able to bring its legislation more closely into line with the Convention.

The Committee can only take due note of the position adopted by the Government. It would not presume to doubt the Government's affirmation that in practice there are no abuses. Nevertheless, it regrets that the Government appears to prefer denouncing the Convention—which was ratified already 13 years ago

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

—to bringing the legislation into conformity with its provisions, although the amendment of the legislation should not encounter any substantial difficulties, since the Government has itself stated that in practice no abuses occur.

Uruguay (ratification : 1954). See under Convention No. 58.¹

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In addition, a request regarding certain other points is being addressed directly to *Byelorussia*.

Convention No. 62 : Safety Provisions (Building), 1937

France (ratification : 1950). The Committee notes with interest from the Government's report that, as the preparation of amendments to the decree of 9 August 1925 has not yet been completed, the Minister of Labour, by a circular dated 5 May 1959, has requested divisional inspectors and departmental directors to ensure that building undertakings observe the provisions of the Convention as regards the safety of their workers. While noting the efforts made by the Government to find a satisfactory solution for the application of the Convention, the Committee observes that the above circular would not be able to apply the Convention in the manner required by Articles 1 and 3. Consequently, the Committee trusts that the new legislation, which has been under consideration for a number of years, will be adopted without further delay, so as to ensure the application of the following provisions of the Convention : Article 7, paragraphs 1, 2, 3 (c) and 5-8 ; Article 8, paragraphs 1 (a) and (b) ; Article 9, paragraph 2 ; Article 10, paragraphs 1 and 5 ; Article 13, paragraph 2 ; Article 16, paragraph 1.

Uruguay (ratification : 1954). The Committee notes that a decree was issued on 17 February 1959 which contains new provisions regarding the thickness of ropes to be used on scaffolding ; it finds however that this new measure does not affect the points on which discrepancies between the national legislation and the provisions of the Convention were noted in previous years.

In this connection the Committee recalls that the Government stated in its report for 1956-57 that new legislation, which was on the point of completion, would ensure the application of 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. It regrets to have to note once again that these provisions of the Convention are still unapplied and it urges the Government to make every effort to ensure that the necessary legislative text is enacted without further delay.¹

Convention No. 63 : Statistics of Wages and Hours of Work, 1938

Burma (ratification : 1955). The Committee regrets to note that no report has been supplied this year, and that statistics of wages and hours of work which, according to the report for 1957-58, were to be compiled yearly as from September 1958 and published in the *Burma Labour Gazette*, have not yet been so published. The Committee also notes the Government's statement at the Conference in 1959 that it would like to arrive at a solution regarding Part IV of the Convention in consultation with the Office.

The Committee hopes that the Government will find it possible to undertake at an early date the regular compilation and publication of the statistics provided for in the Convention.¹

Cuba (ratification : 1954). The Committee notes the Government's statement to the Conference Committee in 1959 in reply to the observation of the same year that, because of the efforts which had to be made to re-establish the country's basic structure, the statistics provided for in the Convention had not been compiled.

The Committee regrets to note that no report on the Convention has been supplied this year. It trusts that the Government will be able at an early date to provide for the compilation and publication of statistics of wages and hours of work in accordance with the Convention which was ratified six years ago.¹

Czechoslovakia (ratification : 1950). The Committee notes with interest the information supplied in the Government's report, and particularly the indications which have for the first time been given as to the publication of statistics of wages and working hours.

Part II of the Convention. The Committee notes that the statistics of hours actually worked do not appear to cover workers in building and construction, as required by Article 5, paragraph 1, of the Convention, nor give separate figures for each of the principal industries, as required by Article 5, paragraph 3.

Part III. The Committee observes that statistics of time rates of wages and of normal hours of work in mining and manufacturing, in accordance with Part III of the Convention, have not been compiled.

The Committee trusts that appropriate measures will be taken to permit the compilation of the above-mentioned statistics, and that these will be published within the time limits mentioned in Article 1 and duly communicated to the I.L.O.

Finland (ratification : 1947). With reference to its earlier observations and requests, the Committee notes with interest that statistics of hours actually worked in mining are now published quarterly, and that similar statistics for the construction industry were to be published as from the third quarter of 1959 (Article 5 of the Convention).

France (ratification : 1951). The Committee notes the Government's statement, in reply to the observations made in 1959, that it is still studying measures to implement Article 15 of the Convention in respect of industries other than metallurgy. As observations have been made on this point ever since the Government's first report on the Convention was examined in 1954, the Committee urges that the necessary measures be taken at an early date.

Mexico (ratification : 1942). Part II of the Convention. The Committee notes that the report, unlike earlier reports, does not indicate whether and where statistics of average earnings and of hours actually worked have been published, and that the most recent published statistics, in the Mexican Statistical Year Book for 1957, relate to 1956. It once more expresses the hope that measures will be taken to ensure the publication of the relevant statistics within the time limits laid down in Article 1 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Part III. The Committee observes that, in contrast to earlier years, statistics of normal hours of work have not been supplied. Moreover, the Government states that the statistics of time rates of wages and of normal hours of work have not been published. The Committee trusts that measures will be taken to ensure the compilation of the various statistics provided for in Part III of the Convention, and that these statistics will be published within the time limits laid down in Article 1.

Part IV. The Committee notes that, while certain particulars of minimum rates in agriculture are given in the report, statistics of wages and hours of work in agriculture, as provided for in this Part of the Convention, have not been compiled. It trusts that appropriate measures to make possible the compilation of such statistics will be taken.

Netherlands (ratification : 1940). The Committee notes that the Netherlands Catholic Miners' Union has repeated its earlier observations suggesting that statistics of wages and hours worked in the mining industry were not published as required by the Convention. The Committee considers, however, that appropriate statistics regarding wages and hours of work are contained in the annual reports of the Inspector-General of Mines and in the monthly bulletin of the Central Statistical Office (*Sociale maandstatistiek*).

Sweden (ratification : 1939). The Committee notes that, in reply to its observations regarding the absence of statistics of hours actually worked in building and construction, the Government states that the Board of Trade has prepared a preliminary draft programme for statistics of production in the building industry. The Committee assumes that provision is made in this programme for the compilation and publication of statistics of hours actually worked in the building and construction industry, in accordance with Articles 1 and 5 of the Convention.

As the Committee has had occasion to make observations regarding the above matter ever since 1950, and as the Government stated already in 1956 that the Board of Trade had submitted to the Government proposals on statistics in the building and construction industry, the Committee urges the Government to provide for the compilation and publication of the statistics in question without further delay.¹

Uruguay (ratification : 1954). The Committee notes that, while index numbers showing the movement of earnings between 1952 and 1957 have been published, on the basis of figures supplied by the Central Family Allowances Fund, the Government states that the available data do not make possible the compilation of statistics of average earnings, in accordance with Part II of the Convention. Nor is effect given to the requirements of Part II regarding statistics of hours actually worked, to Part III, or to Part IV.

The Committee urges that measures be taken at a very early date to give effect to the Convention, which was ratified six years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Chile, Czechoslovakia, Mexico, United Arab Republic (Egypt)*.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Convention No. 68 : Food and Catering (Ships' Crews), 1946

Requests regarding certain points are being addressed directly to the following States : *Argentina, Netherlands*.

Convention No. 69 : Certification of Ships' Cooks, 1946

Belgium (ratification : 1951). The Committee notes with satisfaction that the Royal Order of 21 May 1958 gives effect to the provisions of the Convention.

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In addition, a request regarding certain other points is being addressed directly to *Poland*.

Convention No. 73 : Medical Examination (Seafarers), 1946

Argentina (ratification : 1955). The Committee notes with regret that for the second time the Government has failed to reply to the questions addressed to it in direct requests in 1958 and 1959 ; it hopes that the Government will supply, in its next report, the information requested, which is enumerated in a new direct request.

Finland (ratification : 1956). The Committee notes with interest, from the information supplied in response to the request of 1959, that on 20 March 1959 a new paragraph was added to section 13 of Decree No. 157-52 of 4 April 1952, to ensure that the permissions granted to sea captains to continue their activities are in all cases subject to an appropriate medical examination (Article 3 of the Convention).

Italy (ratification : 1952). As the report does not contain any new information the Committee can only express the hope that the Bill drafted with a view to giving effect to the provisions of Articles 4 and 5 of the Convention will be adopted in the near future.

Uruguay (ratification : 1954). In the absence of new information in the report for the period 1958-59, the Committee can only refer to its previous observations and insist once again that there should be no further delay in the adoption of the measures under consideration by which effect is to be given to the Convention.¹

Convention No. 74 : Certification of Able Seamen, 1946

Belgium (ratification : 1951). See under Convention No. 69.

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In addition requests regarding certain other points are being addressed directly to the following States : *Poland, Portugal*.

Convention No. 77 : Medical Examination of Young Persons (Industry), 1946

France (ratification : 1951). The Committee takes note with interest of the ordinance of 6 January 1959 concerning industrial medicine in mines, open-cast mines and quarries, which is designed to give effect to the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

It notes that, as regards open-cast mines where workers are compulsorily covered by the special social security scheme applicable in mines, the ordinance in question merely defines in very general terms the work to be carried out by medical services and indicates that the organisation and working of these services are to be dealt with by decrees; the Committee hopes therefore that the decrees in question will be adopted in the near future in order to ensure the full application of the Convention to this category of undertakings.

Italy (ratification : 1952). The Committee noted the Government's statement that the Bill prepared to complete and modify the national legislation so as to bring it into conformity with the provisions of the Convention is now ready to be submitted to Parliament.

The Committee hopes that this Bill which, as indicated by the Government, takes into account the observations previously made by the Committee, will be adopted in the near future and will give effect to all the provisions of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Byelorussia, France, Guatemala, Haiti, Hungary, Iraq, Israel, Poland, Ukraine, U.S.S.R., Uruguay.*

**Convention No. 78 : Medical Examination
of Young Persons (Non-Industrial Occupations), 1946**

Bulgaria (ratification : 1949). The Committee notes with satisfaction from the information supplied in answer to its request of 1959 that the order of 7 October 1958 concerning the medical examination of wage earners and salaried employees was amended on 26 January 1960 to require preliminary and annual medical examinations in respect of children and young persons engaged, either on their own account or on account of their parents, in itinerant trading or in any other occupation not of an industrial, agricultural or maritime character.

France (ratification : 1951). The Committee notes that, according to the report, no measures have been taken to apply the provisions of the Convention to young persons employed in domestic service. It trusts that the Government will not fail to amend its legislation to this purpose, as it had promised to do at the Conference in 1958.

Concerning the measures to permit identification of children and young persons who are engaged in work in public streets (Article 7, paragraph 2 (a), of the Convention), the Committee draws the Government's attention to the fact that even if parents employing their children in itinerant trading are, as the report indicates, subject to the Act of 11 October 1946 relating to industrial medical services, this does not constitute a guarantee for these children according to Article 7, paragraph 2 (a), of the Convention : in effect the said Act and its decree of promulgation of 27 November 1952 only oblige the employer to keep the medical inspection certificate provided for in paragraph 1 of the same Article, and does not require measures of identification. The Committee hopes that steps will be taken to eliminate this discrepancy at an early date.

The Committee would also be glad to be kept informed by the Government as to the measures envisaged to apply the guarantees provided for by the Convention to young workers working on their own

account and thus not covered by the present regulations on medical services.

Italy (ratification : 1952). See under Convention No. 77.

Poland (ratification : 1947). With reference to its earlier observations, the Committee notes with satisfaction that the Government, by order of 28 September 1958, has included domestic work in the list of occupations prohibited for young persons.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Byelorussia, Cuba, Guatemala, Haiti, Hungary, Israel, Poland, Ukraine, U.S.S.R., Uruguay.*

**Convention No. 79 : Night Work of Young Persons
(Non-Industrial Occupations), 1946**

Argentina (ratification : 1955). The Government's report does not indicate any progress made in preparing draft legislation to ensure conformity with the provisions of the Convention, in particular with Articles 2 and 3 requiring the prohibition of night work to cover a period of at least 14 consecutive hours in the case of children under 14 years of age and at least of 12 consecutive hours in the case of children between 14 and 18 years of age. The Committee hopes that the necessary measures to this effect will be taken in the near future.

Bulgaria (ratification : 1949). The Committee notes with regret that the Government does not reply to its observations of 1958 and 1959 as regards the possibility for young persons of starting work in summer at 5 a.m. (section 5 of the ordinance of 5 March 1958). The Committee must therefore reiterate the hope that the legislation will be brought into full conformity with Article 3, paragraph 1, of the Convention, which provides that young persons may in no case start work before 6 o'clock in the morning.

Israel (ratification : 1953). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

The Committee . . . 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 from the statement made by a Government representative to the Conference Committee in 1959 and from the report that the Minister of Labour has completed the preparation of a Bill designed, *inter alia*, to give effect to the provisions of the Convention. The Committee expresses the hope that the Bill will be adopted in the very near future so as to introduce finally in the legislation specific provisions prohibiting night work of young persons in non-industrial undertakings.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Bulgaria, Byelorussia, Cuba, Dominican Republic, Guatemala, Ukraine, U.S.S.R.*

Convention No. 81 : Labour Inspection, 1947

Argentina (ratification : 1955). The Committee notes with regret that the Government's report does not supply the additional information requested in

1958 and 1959. It can therefore only repeat its direct request of 1959, as follows :

The Committee takes note with interest from the information supplied in response to the request of 1958 that information on the activities of the local inspection services has been requested from the provincial governments and will be submitted shortly.

As regards the labour inspectorate in the Federal Capital, the Committee notes that only some of the particulars requested have been supplied and ventures therefore to refer once again to the following points :

Article 7 of the Convention. It is noted that there exist no formal arrangements for the training of labour inspectors.

Article 12. Are labour inspectors empowered under Acts Nos. 8999 and 11944 to enter workplaces liable to inspection outside working hours (paragraph 1 (a)) ? What legislative provisions empower inspectors to carry out the examinations, tests or inquiries specified in paragraph 1 (c) of this Article ?

Article 13. Under what legislative provisions are labour inspectors empowered to take the steps provided for in this Article ?

Article 14. What legislative provisions require industrial accidents and cases of occupational disease to be notified to the labour inspectorate ?

Articles 20 and 21. Please supply the most recent annual general report on the work of the inspection services.

The Committee trusts that the Government will spare no effort to give effect to this important Convention which was ratified five years ago.

Bulgaria (ratification : 1949). Article 6 of the Convention. The Committee regrets to note that the Government's report once again fails to supply the information requested in 1958 and 1959 on the status and conditions of service of labour inspectors employed by, or under the supervision and control of, the Central Committee of Trade Unions or district, city and local committees of trade unions. The Committee trusts that this information will be supplied shortly because the appointment, election and dismissal of labour inspectors as well as their status and other conditions of service may affect their stability of employment and their independence of changes of government and of improper external influences.

Articles 20 and 21. The Committee also notes with regret that despite the promise made by a Government representative to the Conference Committee in 1959 that the next report would contain information on the effect given to the provisions of these Articles of the Convention, no annual general report on the working of the inspection service has been received by the International Labour Office. As the Convention was ratified 11 years ago and as despite repeated promises to this effect no inspection report has ever been available to the Committee during this period, it can only emphasise once again the particular importance of Article 20 of the Convention, which aims at making available to the public in a published form each year information of the kind mentioned in clauses (a) to (g) of Article 21.¹

Ceylon (ratification : 1956). The Committee thanks the Government for the information supplied in response to its request of 1959. It notes with interest that the question of including provision in the legislation or regulations, requiring labour officers to treat the source of any complaint as absolutely confidential

(Article 15 (c) of the Convention), is under consideration, and hopes that it will be possible to adopt such a provision.

The Committee also notes that statistics of occupational diseases will be included in future Administration Reports of the Commissioner of Labour, as required by Article 21 (g) of the Convention.

France (ratification : 1950). The Committee regrets to note that once again the annual general inspection report required under Article 20 of the Convention has not been published. As the only general inspection report published since the ratification of the Convention by France 10 years ago related to the period 1955-56 and did not include the statistics of occupational diseases required under Article 21 (g), the Committee cannot but express its concern over this repeated failure to give effect to the important obligations laid down in Articles 20 and 21 of the Convention.

The Committee earnestly hopes that the Government will soon find it possible to ensure the timely annual publication of this document, in the absence of which the results of the work of the inspection service remain unavailable to both the general public and the other Members which have ratified the Convention.¹

Greece (ratification : 1955). The Committee thanks the Government for the detailed information supplied in response to its request of 1959. It notes that draft legislation has been prepared which, when enacted, would supplement the existing labour inspection laws with respect to the powers of labour inspectors (Article 12, paragraph 1 (c), and Article 13 of the Convention), the compulsory notification of occupational diseases (Article 14) and the publication of annual reports of the Inspector-General of Labour (Articles 20 and 21).

The Committee hopes that these legislative provisions will be adopted shortly and trusts that a copy of the most recent annual report submitted by the Inspector-General of Labour in accordance with section 7 of Legislative Decree No. 2954 of 1954 will be transmitted to the International Labour Office at an early date.

Guatemala (ratification : 1952). The Committee noted with interest from the written information supplied to the Conference Committee by the Government, in reply to its observation of 1959, that the Inspectorate-General of Labour intended to publish its annual report in the near future. As this annual report has not yet been received and the Government's report for 1958-59 does not refer to any plans for publishing it, the Committee must emphasise the particular importance of Article 20 of the Convention which aims at making available in a published form each year information of the kind mentioned in clauses (a) to (g) of Article 21.

As the Government's report does not mention any progress made in the adoption of regulations referred to by the Government in previous years, requiring industrial accidents and cases of occupational disease to be notified to the labour inspectorate, the Committee can only hope that effect will be given to Article 14 of the Convention in the near future.

The Government's reply to the observation made in 1959 also gives rise to the following comments :

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Article 12. The Committee notes that there exist no specific legislative provisions empowering inspectors to take or remove for purposes of analysis samples of materials and substances used or handled in industrial workplaces (paragraph 1 (c) (iv)). As section 281 (b) and (c) of the Labour Code, mentioned by the Government, merely refers to the powers of inspectors to inspect various documents relating to employment relationships and to examine hygiene and safety conditions in workplaces, the Committee urges the Government to take the necessary steps to give full effect to this provision of the Convention.

Article 15. Paragraph (i) of section 281 of the Labour Code fails to give effect to clauses (a) and (c) of Article 15 which require the existence of legislative provisions specifically prohibiting inspectors from having any interest in the undertakings under their supervision and from revealing the source of any complaint bringing to their notice a defect or breach of legal provisions. The Committee trusts that the Government will give due consideration to adopting legislation giving full effect to these provisions of the Convention.

Haiti (ratification : 1952). Article 14 of the Convention. The Committee notes the statement made by a Government representative to the Conference Committee, in reply to the observation made in 1959, that the Social Insurance Institute of Haiti transmits to the labour inspection service all data relating to industrial accidents and occupational diseases. However, the Committee regrets to note that, despite the promise made by a Government representative in the Conference Committee in 1958, no steps appear to have been taken to adopt formal legislation requiring industrial accidents and occupational diseases to be notified to the labour inspectorate. The Committee trusts that the Government will take measures to give full effect to the above-mentioned provision of the Convention in the near future.

Article 21. The Committee notes with interest the Annual Report on Labour Inspection for 1957-58 transmitted with the Government's report for 1958-59. It would be glad if future issues of the Annual Report would deal with all the subjects mentioned in section 16 of the Act of 9 September 1947 (which section is in full conformity with Article 21 of the Convention) and would, in particular, include information on the laws and regulations relevant to the work of the inspection service and on the staff of the labour inspection service, and statistics of workplaces liable to inspection and the number of workers employed therein, and of occupational diseases (clauses (a), (b), (c) and (g) of Article 21).

Pakistan (ratification : 1953). The Committee took note with interest of the list of the inspecting staff of West Pakistan and of certain extracts from the proposed Factories Bill and Mines (Amendment) Bill supplied by the Government. It notes from the information given in previous reports that these two Bills include provisions to give full effect to Articles 12, 14 and 15 of the Convention, and trusts that they will be enacted at an early date.

The Committee also took note of the annual reports of the working of the Payment of Wages Act (covering the years 1955 and 1956), the Hours of Employment Regulations on the North Western and Eastern Bengal Railway (covering the periods 1956-57 and 1957-58) and the Dock Labourers Act (covering the year 1958). It regrets to note, however, that despite statements made by the Government in previous years

that action has been initiated to ensure timely publication of annual inspection reports (Article 20 of the Convention) containing all the particulars laid down in Article 21 of the Convention, no annual reports have so far been published on the working of certain other labour laws (Employment of Children's Act; Sind Shops and Establishments Act; Mines Maternity Benefit Act; Provincial Shops and Establishments and Maternity Benefit Laws), and that the last reports on the working of the Mines Act and the Factories Act received in the International Labour Office cover, respectively, the periods 1947-48 and 1954. The Committee once again urges the Government to take the necessary steps to ensure the compilation and publication of such reports in accordance with Articles 20 and 21 of the Convention.

Finally, the Committee is glad to learn from the Government's written statement to the Conference Committee in 1959 and from its report for 1958-59 that the observations of last year with regard to technical assistance in the field of labour inspection to facilitate the full implementation of the Convention have been noted for consideration by the Government.¹

Turkey (ratification : 1951). The Committee notes that the annual general inspection reports covering the years 1957 and 1958 will be published and transmitted to the International Labour Office in the near future, and that they will include statistics of the violations and penalties imposed, as provided for in Article 21 (e) of the Convention. The Committee trusts that publication will be possible at an early date, since Article 20, paragraph 2, of the Convention provides that the annual inspection reports shall be published within 12 months after the end of the year to which they relate.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Brazil, Cuba, Dominican Republic, Federal Republic of Germany, Republic of Guinea, Haiti, India, Iraq, Israel, Italy, Japan, Tunisia, United Arab Republic (Egypt), Yugoslavia.*

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947

Federation of Malaya. In 1959 the Committee indicated in a direct request that there would be considerable interest in the supply of information on the effect given to this Convention which the Government, in its letter applying for membership of the I.L.O., had indicated it would continue to implement, pending formal ratification of the Labour Inspection Convention, 1947 (No. 81).

The Committee wishes to thank the Government for the report which it was good enough to supply in response to the above request. The Committee notes with particular interest that the Government again refers in its report to the possible ratification of Convention No. 81.

* * *

In addition, a request regarding certain other points is being addressed directly to *Ghana*, which declared in its letter applying for membership of the I.L.O. that it would continue to apply the provisions of this Convention pending formal ratification of the Labour Inspection Convention, 1947 (No. 81).

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

**Convention No. 87 : Freedom of Association
and Protection of the Right to Organise, 1948**

Byelorussia (ratification : 1956). The Committee has learned with interest from a communication by the Government that new labour legislation, which will contain a number of new provisions, is in course of preparation. It expresses the hope that, in connection with such preparation, the Government will be good enough to take account of the different points mentioned in detail in the direct request addressed to it this year, to which, the Committee trusts, the Government will give a detailed reply in its next report.

Cuba (ratification : 1952). The Committee notes with regret that the Government has not furnished a report for the period 1958-59. It also notes with regret that the statement of the Government representative to the Conference Committee in 1959 has introduced no new factors. Consequently, the Committee can only repeat the observation made by the Committee in 1959, which was as follows :

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 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"¹; (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".

The Committee trusts that the Government will fulfil the international obligations that it undertook on ratifying the Convention and that it will not fail to bring its legislation into conformity with the Convention without further delay.¹

Guatemala (ratification : 1952). The Committee notes the information furnished by the Government according to which draft legislation amending the Labour Code has been submitted to Congress. Referring to its observations made in 1957, 1958 and 1959, the Committee has had to note that, since ratification in 1952, the Convention has been applied only in part in Guatemala. Therefore, the Committee trusts that the Government will not fail to discharge the international obligations it undertook on ratifying the Convention and that the draft legislation to amend the Labour Code will soon result in the national legislation's being brought into conformity with the Convention on the different points set out in detail in the Committee's three previous reports. It would be grateful if the Government would provide information on the progress made in this connection.

Pakistan (ratification : 1951). The Committee notes with regret that the Bill destined to bring the legislation into conformity with Article 2 of the Convention has not yet been passed. Referring to its observation made for a number of years, the Committee trusts that the Bill, which has been under consideration already for a number of years, will be adopted without delay and that this will permit all workers "without distinction whatsoever", and in particular public servants, to establish and join freely organisations of their own choosing.

Poland (ratification : 1957). The Committee notes with interest the information furnished by the Government to the Conference and in its last report.

¹ I.L.O. : International Labour Conference, 31st Session, San Francisco, 1948 : *Record of Proceedings* (Geneva, 1950), p. 476.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

1. The Committee notes that, according to the statement made by the Government representative at the Conference, the Act of 1 July 1949 does not in his view prescribe any "previous authorisation" within the meaning of Article 2 of the Convention, but merely provides for "the registration of trade unions by the Central Council of Trade Unions"; that "trade unions are registered . . . merely for the sake of order", registration enabling trade unions to acquire legal personality, and that, according to the Government, the Convention does not prohibit such registration. The Government adds that "the fact that trade unions are registered by the Central Council of Trade Unions . . . emphasises even more the independence of the Polish trade union movement vis-à-vis the administrative authorities". Finally, the Government declares that, under the Act, the Central Council of Trade Unions cannot refuse to register a trade union; thus, in the Government's view, such registration is simply an administrative measure.

2. The Committee notes that in fact no provision in the Act of 1 July 1949 expressly authorises the Central Council of Trade Unions to refuse to register a trade union, but that, as shown below, certain substantive conditions are imposed as a condition of registration of a trade union. It follows that in fact the Central Council of Trade Unions has the power to refuse registration in certain cases. The Committee further notes that there is no provision in the Act which could be invoked by a new trade union if registration were refused by the Central Council of Trade Unions—on the ground, for example, that the new trade union might wish to retain its independence vis-à-vis any other trade union organisation, and, in particular, the "Federation of Trade Unions", or on the ground that another trade union in the branch of industry concerned already existed. Furthermore, having regard to the fact that the Act does not provide for any right of judicial appeal, it may be questioned whether any appeal at all against refusal of registration would be possible. It would also appear that, where registration of a trade union is refused, its status as a trade union might be questioned, juridically, because it did not belong to the "Federation of Trade Unions" (section 3 of the Act), the exclusive right of which to represent the trade union movement is recognised in the Act (section 5).

3. In these circumstances the Committee observes that, under the Act of 1 July 1949, every trade union must necessarily be registered by a body (section 9) designated by name in the Act as one of the "supreme authorities" of the "Federation of Trade Unions" (section 6), upon which the Act confers legal personality (section 5 (2)) and a monopoly of representation of the trade union movement (section 5 (1)). Further, the body responsible for effecting registration, the "Central Council of Trade Unions", is endowed under the Act with the power of conferring legal personality on the trade unions which it registers (section 9). Finally, according to section 3 of the Act, only the Federation and its affiliated trade unions may, in their constitutions, lay down the functions, objects and sphere of action of the trade unions.

4. Having regard to the foregoing, it would seem that the rules followed by the "Central Council of Trade Unions" with respect to the registration of trade unions have, both in fact and in law, the force of regulations governing the application of the Act of 1 July 1949. These rules are prescribed by the constitution and rules of the "Federation of Trade Unions", expressly referred to by the Government

in its reports as being one of the "legislative" texts giving effect to the Convention. The said constitution and rules require trade unions to conform thereto and to the directives of the organs of the Federation (sections 8 (d), 21 (e) and 23); in other words, every new union must compulsorily be affiliated to this Federation and any new union which did not wish to adhere to the Federation would be refused registration and would not, therefore, have any legal existence as a trade union.

5. Whatever legal force is attributed to the constitution and rules of the "Federation of Trade Unions", it is clear that, by virtue of the Act, no trade union can exist as such unless it is registered by a body on which the Act confers various powers while leaving it entirely free to grant or refuse the application for registration. Further, the fact that this body is one of the supreme authorities of the existing trade unions places it in a position in which it is both judge and party. Thus, it can, and in fact does, impose certain conditions of substance on new trade unions. The provisions of the Act of 1 July 1949 referred to earlier, by prescribing a formality of a substantial nature which is indispensable to trade unions to enable them to exist as such and "to further and defend the interests" of their members, must therefore be considered to constitute "previous authorisation" within the meaning of Article 2 of the Convention.

6. These provisions could also be regarded as constituting an "interference" by the State which is incompatible with Article 3 of the Convention, because their effect is to prohibit a trade union organisation from drawing up its constitution and rules, organising its administration and activities and formulating its programme "in freedom", because every trade union is placed compulsorily, by the Act, under the control of a trade union federation designated by name and to which it must necessarily adhere.

7. In any event, it would also appear that the "freedom of choice" of the founders with respect to the organisation that they might wish to establish is restricted by the aforesaid provisions of the Act of 1 July 1949. According to Article 2 of the Convention, workers shall have the right to establish organisations "of their own choosing", and, in particular, should they so desire, a new organisation independent of all existing organisations. This in fact, is prohibited by the various provisions of the Act of 1 July 1949 referred to earlier and, especially, by section 5, which provides that "the body centrally representing the trade union movement in Poland shall be the Federation of Trade Unions".

8. Nor are the provisions in question in conformity with the provisions of Articles 5 and 6 of the Convention, according to which workers' organisations shall have the right to establish federations and confederations "of their own choosing".

9. With respect to the question of "freedom of choice", the Government makes reference to the recent establishment of a number of trade unions. The Committee observes that all the trade unions concerned are affiliated to the "Federation of Trade Unions". In these circumstances and having regard to the terms of the legislation in force it does not appear to the Committee that the establishment of these new unions can be regarded as giving an illustration of the "free choice" of the workers. It may well be that, in fact, the trade unions in question really wished to adhere to the "Federation of Trade

Unions". It should, however, be pointed out that unless they were willing to forgo existence, no other decision was open to them under the law. It is obvious therefore that they were not left the "free choice" guaranteed by the Convention.

10. The Government has also stated, in this connection, that "the consolidation of the Polish trade union movement . . . is not a monopoly instituted by legislation The workers themselves took the decision to centralise the trade union movement It was only some five years later, when the consolidated trade union movement had become strongly established in Poland, that the Act of 1949 legally recognised that the Federation of Trade Unions in Poland was to be considered as the central representation of the trade union movement." With regard to this question, however, the Committee has noted, as the Government representative at the Conference emphasised, that it was only the Act of 1949 which repealed certain provisions previously in force and, in particular, provisions which "rendered the activity of trade unions subject to the supervision of the administrative authorities". The Committee therefore expresses the hope that the Government will, if it considers that the aforementioned provisions of the Act of 1 July 1949 have not had and cannot have any influence on the situation in fact of the trade union movement, repeal or amend sections 3, 5, 6, 7, 8, 9 and 10 of the Act, in such a manner that no provision in the legislation in force can, in particular, let it be thought that the workers do not have the right "without previous authorisation" to establish "organisations of their own choosing" and that their organisations cannot establish federations and confederations "of their own choosing".

Ukraine (ratification : 1956). The Committee has observed with regret that the Government has not forwarded its report this year. It understands, however, that new labour legislation is in course of preparation. It expresses the hope that, in connection with such preparation, the Government will be good enough to take account of the different points mentioned in detail in the direct request addressed to it this year, to which, it trusts, the Government will give a detailed reply in its next report.

U.S.S.R. (ratification : 1956). The Committee has learned with interest from a government communication that a legislative draft relating to the "principles of labour legislation" is under discussion. It understands that, if this draft is adopted, the labour codes of all Republics of the Union will have to be revised. It expresses the hope that, in the course of the revision, the Government will take all necessary measures to take account of the different points mentioned in the direct request addressed to the Government by the Committee this year, to which, it hopes, the Government will be good enough to reply in detail in its next report.

United Arab Republic (Egypt) (ratification : 1957). The Committee has taken note with interest of the Government's first report. It observes, however, that the legislation in force diverges from the provisions of the Convention in the following respects :

(1) Section 162 of the Labour Code annexed to Law No. 91 of 5 April 1959 provides that "not more than one general trade union may be formed for the persons employed in any given occupation, trade or craft in the same region". This provision does not appear to be compatible with Article 2 of the Convention, according to which workers shall have the

right "to establish . . . organisations of their own choosing without previous authorisation".

(2) Section 169 of the said Code provides that local unions or unions in establishments (referred to in the Code as trade union committees) may be set up only by the general trade unions established in accordance with the preceding sections. This provision is not compatible with Article 2 of the Convention, which provides that workers shall have the right "to establish . . . organisations of their own choosing without previous authorisation".

(3) The penultimate paragraph of section 165 of the Code provides that when the rules are deposited with the competent administrative authority by the representative of the trade union he shall be in possession of a document furnished by the "trade union federation". According to section 183 of the Code there can be only one trade union federation for the region; further, section 6 of Law No. 91 entrusts to the "General Federation of Labour" the function attributed to the trade union federation by section 165 of the Code. Finally, section 166 prescribes the same formalities in the event of any amendments to the rules of a trade union. The combined effect of the different provisions is to give to a single federation designated by name in legislation a veritable right of veto, which enables it to oppose the establishment of new trade unions. This type of delegation of powers prescribed by law in favour of an organisation, therefore, results in the establishment in fact of "previous authorisation", contrary to Article 2 of the Convention. Further, this provision does not appear to respect the right of "free choice" by the founders of an organisation, who, according to the terms of the Convention, shall have the right, if they so desire, to establish a new organisation independent of any organisation already in existence.

(4) The right of "free choice" of the founders and members of trade union organisations is also restricted by the provisions of sections 6 and 7 of Law No. 91, which require all the existing trade unions to merge in the general trade unions or be dissolved. Further, it would appear that the transfer to the Ministry of Social Affairs and Labour of the assets of the dissolved trade unions, with a view, *inter alia*, to "the formation of new trade unions", is calculated to open the way to interference by the Government which also might restrict the "free choice" of the founders of any organisation.

(5) According to the last paragraph of section 170 of the Labour Code "a worker who is finally dismissed from an establishment shall not continue to be a member" of the trade union of the establishment (referred to in the Code as the trade union committee). This provision appears to be incompatible with Article 3 of the Convention, according to which workers' organisations shall have the right "to elect their representatives in full freedom". Further, the prohibition laid down in section 163, according to which "no worker may continue to be a member of a trade union more than two years after the date of his ceasing to be employed" has also the effect of restricting the choice of leaders, whereas under Article 3 of the Convention the trade union shall have the right to "elect" its representatives "in full freedom".

(6) According to section 177 of the Labour Code "notice of every general meeting of a general trade union shall be sent by registered letter to the administrative authority concerned at least seven days before the date fixed for the meeting". This provi-

sion, which may interfere with trade union activities, does not appear to be compatible with Article 3 of the Convention, which provides that trade unions shall freely have the right "to organise... their activities" and that "the public authorities shall refrain from any interference which would restrict this right".

(7) Section 174 of the Labour Code provides that "no trade union shall... concern itself with political... questions". As the Committee has already had occasion to point out several times, such a provision of general scope, the application of which could entail many abuses, does not appear to be compatible with Article 3 of the Convention, according to which organisations shall have the right freely "to formulate their programmes" without any "interference" by the "public authorities". It would 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, in accordance with the resolution adopted by the International Labour Conference at its 35th Session (Geneva, 1952), should be "the economic and social advancement" of their members.

(8) According to section 183 "it shall be unlawful to form more than one federation in either Region or more than one general federation in the United Arab Republic". This provision does not appear to be compatible with Articles 5 and 6 of the Convention, which apply Articles 2 and 3 of the Convention to the establishment of federations and confederations and affiliation thereto. In fact, by virtue of these various provisions of the Convention, trade union organisations should be able to establish and join federations or confederations "of their own choosing without previous authorisation".

(9) Finally, as under section 184 the regional federations and the general federation have the same obligations as general trade unions, it would appear that the different provisions mentioned above with respect to primary organisations contain similar discrepancies in relation to the corresponding provisions of the Convention in the case of federations and confederations.

The Committee expresses the hope that the Government will be able to take appropriate measures to repeal or amend the provisions in question with a view to bringing the legislation into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Byelorussia, Hungary, Poland, Ukraine, U.S.S.R., United Arab Republic (Egypt)*.

Convention No. 88 : Employment Service, 1948

Australia (ratification : 1949). Articles 4 and 5 of the Convention. The Government indicates in response to the Committee's request of 1959 that during the period under review the representatives of the Australian Confederation of Trade Unions continued to be absent from the Ministry of Labour Advisory Council, the national advisory committee in which representatives of employers and workers are able to co-operate "in the organisation and operation of the employment service and in the development of employment service policy", as laid down in the above Articles of the Convention. The Committee is glad

to note, however, that the Government does not regard the withdrawal of the A.C.T.U. representatives from the Ministry of Labour Advisory Council as final and irrevocable and that it has worked continuously to secure participation of the worker's representatives in the work of the Council.

The Committee expresses the hope that all those called upon to participate in the work of the Council will find it possible to co-operate in its operation so that full effect can be given to Articles 4 and 5 of the Convention.

Brazil (ratification : 1957). The Committee notes that according to the information contained in the first report no concerted effort has yet been made to organise placement, owing in particular to financial difficulties. The Committee hopes that with the help of technical assistance if necessary, or by other means, it will be possible gradually to create an employment service in conformity with the provisions of the Convention, and that in its future reports the Government will be in a position to indicate the progress achieved in this respect.

The Government has indicated that under the Constitution of Brazil the ratification of an international Convention gives such an instrument the force of municipal law amending *ipso facto* any earlier contrary provisions, and the Committee wishes to emphasise that the existence of such a principle cannot be regarded in this case as sufficient to ensure the implementation of the Convention, the essential purpose of which is to promote the establishment and operation in ratifying countries of an administrative apparatus with detailed duties defined in the various Articles of the instrument.

To facilitate the achievement of this purpose the Committee has listed in a direct request the points on which national action could be based with a view to giving effect to the provisions of the Convention as rapidly and as completely as possible.

Cuba (ratification : 1952). The report for 1958-59 not having been received the Committee can only repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will not fail to take the measures referred to above.¹

Dominican Republic (ratification : 1953). The Committee notes with regret that no action has been taken to establish the advisory committees provided for in Articles 4 and 5 of the Convention, and that the Government merely states that it has taken note of the Committee's observations in that respect. The Committee hopes that suitable measures will be taken shortly to rectify the situation.

Guatemala (ratification : 1952). As the report contains no new information, the Committee must refer once again to the observation which it made in 1959. It recalls that following the adoption of the decree of 23 December 1957, the Government had indicated, in its report for 1957-58, that it was

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

considering the setting up of a network of regional and local offices and of joint advisory committees, and ensuring, with the assistance of the I.L.O., the training of a competent staff.

The Committee, having been informed that no request for technical assistance in this field has since been made by the Government, notes with regret that no progress has been made towards adoption of these measures, which are necessary to give effect to Articles 3, 4 and 9 of the Convention. The Committee hopes that it will be possible to organise an employment service in full conformity with the Convention in the near future.

Italy (ratification : 1952). The Committee notes with regret that the report contains no information regarding any progress made with a view to adopting measures ensuring equal representation in the joint advisory committees which are called upon to collaborate with the employment services (Articles 4 and 5 of the Convention). It hopes that the negotiations which, according to the Government's statement to the Conference Committee in 1959, had been entered into in this connection by employers' and workers' organisations will lead to the elimination of the difficulties encountered since 1955, so as to ensure full application of the above Articles of the Convention.

Philippines (ratification : 1953). The Committee thanks the Government for the information supplied in reply to the request made in 1959. The Committee notes, however, that the report does not refer to the observation made in 1959 with regard to regional employment offices, and it must therefore reiterate the hope that the Government will shortly take the necessary measures to ensure the setting up of such offices and their being financed on a permanent basis.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Brazil, Bulgaria, Czechoslovakia, Greece, Iraq, United Arab Republic (Egypt)*.

Convention No. 89 : Night Work (Women) (Revised), 1948

Czechoslovakia (ratification : 1950). The Committee notes with interest that the Ordinance of 12 June 1959 amends section 3 of the Ordinance No. 19 of 1951 with a view to bringing it into conformity with Article 5, paragraph 1, of the Convention (suspension of the prohibition of night work for women when in case of serious emergency the national interest demands it).

The Committee hopes that the remaining discrepancy between the legislation and the Convention to which the Committee has pointed since 1955 (the absence of an express provision for a nightly rest of at least 11 consecutive hours as laid down in Article 2) will be removed in the near future.

France (ratification : 1953). See under Convention No. 6.

Netherlands (ratification : 1954). In 1957 the Committee observed that under section 83 (6) of the Labour Act, 1919, employment at night may be allowed "if justified by the circumstances" whereas the exception authorised by Article 4 (a) of the Convention is strictly limited to cases of *force majeure* when in any undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a recurring character. In its report for 1956-57 the Government recognised that the

above-mentioned provision of the Act was broader than the corresponding provision of the Convention but stated that in practice its application was restricted, and referred to the interpretation given to this section of the Act by the Court of Appeal which held, in one case, that it applied only to circumstances in which, in the opinion of the judge, an exception was justified and, in another, that it related to circumstances calling for immediate action. The report for 1958-59 cites the Government's statement made at the time of the adoption of the Labour Act, in which it was pointed out, *inter alia*, that cases could arise in each undertaking when compliance with the provisions of the proposed legislation would be contrary to the public interest and that it might not always be possible to classify these cases as *force majeure*.

The Committee takes due note of the explanations and information supplied by the Government which confirm that section 83 (6) of the Labour Act, 1919, is not in full conformity with the provision of Article 4 (a) of the Convention, since the exceptions authorised by this section of the Act are not limited to cases of *force majeure*, "when in an undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a recurring character". The Committee hopes that the necessary measures will be taken to limit the circumstances in which exceptions may be authorised, to those specified in Article 4 (a) of the Convention.

Pakistan (ratification : 1951). The Committee notes from the Government's report that the Bill to amend the Mines Act, section 46 (1) of which gives the Central Government general powers to grant exemptions from the provisions of the Act, is still under consideration. The Committee reiterates the hope that the necessary measures will be taken in the near future to bring legislation into full conformity with Article 5 of the Convention, which authorises the suspension of the prohibition of night work only when in cases of serious emergency the national interest demands it.

Philippines (ratification : 1955). The Committee notes with regret that the Bill designed to bring the Women and Child Labour Law (Act No. 679) into conformity with the provisions of Article 2 (a night rest period of at least 11 consecutive hours) and Article 5, paragraph 1, of the Convention (consultation with employers' and workers' organisations before suspension of the night work prohibition) has not yet been considered by Congress. The Committee shares the hope expressed by the Government representative in the Conference Committee in 1959 that the Bill in question will be passed in the course of 1960.

Rumania (ratification : 1957). The Committee notes with regret that the report fails to indicate any progress following the observation of 1959, in bringing existing legislation into conformity with the Convention as regards the definition of the term "night" (section 50 of the Labour Code defines it as a period of eight hours instead of 11 hours as required by Article 2 of the Convention). The Committee must therefore reiterate the hope that the necessary measures will be taken in the near future.

Union of South Africa (ratification : 1950). The Committee notes from the Government's reply to the direct request of 1959 that no legal provisions exist regulating night work above ground by women in mines and in building. The Government states that such provisions are considered to be unnecessary as

in practice night work is either not performed by women employed in these activities, or, where performed sporadically, would appear to fall under exceptions authorised by Article 8 and/or Article 4 of the Convention. The Committee wishes to point out in this connection that night work by women in mines and in building would fall under exceptions authorised in Article 4 only in cases of *force majeure*, and under exceptions authorised by Article 8 only in the case of women employed in health and welfare services on non-manual work, since Article 8 (a) exempting from the provisions of the Convention women holding responsible positions of a managerial or technical character is not applicable in the case of women who, according to the Government, are employed in mines and in building as clerks, typists, telephone operators, etc.

The Committee hopes therefore that the Government will see its way clear to including in the legislation an appropriate prohibition of night work for women employed in mines and in building and that the measures thus giving full effect to Article 1 of the Convention will be taken in the near future.

Uruguay (ratification : 1954). The Committee regrets to note that the Government's report for the third year running contains no new information and must therefore reiterate its observations of 1957, 1958 and 1959, when it noted that no legislation exists in Uruguay to give effect to the Convention. The Committee considers this situation all the more deplorable because prior to the ratification of Convention No. 89, Uruguay had been bound for 22 years by the ratified Convention No. 4 without giving effect to its provisions.¹

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In addition, requests regarding certain other points and acknowledgments of replies to previous requests, are being addressed directly to the following States : *Austria, Czechoslovakia, Dominican Republic, France, Guatemala, Ireland, New Zealand, Rumania, Tunisia, Union of South Africa.*

Information supplied by *Yugoslavia* in answer to a direct request has been noted by the Committee.

**Convention No. 90 : Night Work of Young Persons
(Industry) (Revised), 1948**

Czechoslovakia (ratification : 1950). The Committee notes from the Government's reply to the observation of 1959 that—

- (a) although young persons employed in industry do in actual practice enjoy a night rest of at least 12 hours (Articles 2 and 3 of the Convention) this is still not expressly provided for in the existing legislation ;
- (b) young persons under 16 years of age cannot be employed at night in bakeries, since the exception for apprentices is authorised under section 2, paragraph 5, of Act No. 177 of 1946 only during the last semester of their course which lasts three years, the school-leaving age being 14 years. The Committee notes, however, that apprentices over 16 but under 18 years of age may start work in bakeries from 3 a.m. whereas under the Convention (Article 3, paragraph 4) they may not start work before 4 a.m.

The Committee trusts that the legislation will be brought into conformity with the Convention on the above two points without further delay.

The Committee finds moreover that the Government has not indicated, in response to the Committee's direct request of 1959 what legislative provisions prohibit night work for male workers between 16 and 18 years of age. Since the legislation available to the Committee and repeatedly referred to by the Government (Act No. 91 of 1918, section 9, paragraph 1) does not contain such a prohibition, the Committee urges the Government to supply the requested information or, if no such provisions exist, to take the necessary measures with a view to giving full effect to the Convention.¹

Haiti (ratification : 1957). The Committee notes from the Government's first report that there exists no general prohibition of the employment of young persons at night in industrial undertakings, as required by the Convention but that night work is prohibited only in respect of apprentices and children employed in domestic service (the latter falling outside the scope of the Convention).

The Committee takes note of the Government's statement that a draft Labour Code containing provisions which would be in conformity with the Convention is being studied and expresses the hope that the necessary legislation will be adopted at an early date.

Italy (ratification : 1952). The Committee notes from the Government's report that in drafting a Bill, the preparation of which is stated to have been completed, regard was had to the observations made by the Committee concerning the numerous discrepancies between the existing legislation and the provisions of the Convention. The Committee hopes that the amending legislation will be adopted in the very near future.

Netherlands (ratification : 1954). As the possible exceptions authorised by section 83 (6) of the Labour Act, 1919, do not appear to be in full conformity with Article 4 (2) of the Convention (exceptions in cases of emergencies which could not have been controlled or foreseen), the Committee refers to its observation under Convention No. 89.

Pakistan (ratification : 1951). Referring to the observation made in 1959, the Committee notes that the draft Bill designed to bring the Factories Act into conformity with the Convention as regards the age limit up to which the prohibition of night work applies, the period of night rest and the keeping of registers, has taken final shape. It hopes that the proposed legislation will be enacted in the near future.

The Committee further notes with interest that a provision for a rest period of at least 13 consecutive hours between two working periods has been added to rule 8 of the Employment of Children Rules, 1955, in accordance with Article 3, paragraph 3, of the Convention. The Committee hopes that these Rules, as well as the Consolidated Mines Rules, 1952, will also be brought into conformity with Article 3, paragraph 2, of the Convention (authorising exceptions only in industries or occupations which are required to be carried on continuously and after consultation with the employers' and workers' organisations), and the Mines Rules also with paragraph 3 of this Article (a rest period of at least 13 consecutive hours).

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Philippines (ratification : 1953). The Committee notes with regret that no progress has been made in adopting the amendment to section 5 (b) of Act No. 679 mentioned by the Government since 1957; this section fixed a rest period of 13 hours, presumably during the day, for children *employed at night*, whereas Article 2 of the Convention provides for a night period of 12 hours during which work of young persons is *prohibited*. The Committee can only reiterate the hope that the amending Bill which was submitted to Congress in January 1958 will be adopted at an early date.

Uruguay (ratification : 1954). As the Government's report again does not contain any new information the Committee must reiterate its observation of 1959 that it is unable to make any general assessment of the effect given to the Convention because no detailed report has been supplied since the Convention was ratified. In 1959 the Committee also drew the Government's attention to a discrepancy between section 1 of the Decree of 28 May 1954 (by virtue of which the period during which night work of young persons was prohibited was 11 hours) and Article 2, paragraph 1, of the Convention (defining "night" as a period of at least 12 consecutive hours).

The Committee urges the Government to supply in its next report all the information required by the report form and to indicate the progress made in bringing the legislation into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Byelorussia, Dominican Republic, Guatemala, Mexico, Netherlands, Norway, Ukraine, U.S.S.R. Yugoslavia.*

**Convention No. 92 : Accommodation of Crews
(Revised), 1949**

Brazil (ratification : 1954). The Committee notes with interest the coming into force on 2 June 1959 of the Regulations for crew accommodation in the merchant marine, which give substantial effect to the provisions of the Convention.

Cuba (ratification : 1952). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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 of 24 May 1956 renders the Directorate-General 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.

The Committee trusts that the Government will not fail to take the measures referred to above.¹

Poland (ratification : 1954). As the Government's report does not contain any information on the progress made in adopting legislation to give effect to the Convention (to which the Government has referred in previous reports), the Committee can only once again urge the Government to enact and bring into force without further delay legislation to implement a Convention ratified six years ago.

Portugal (ratification : 1952). The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee urges that the Government take the measures referred to above.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Brazil, Netherlands.*

Convention No. 94 : Labour Clauses (Public Contracts), 1949

Austria (ratification : 1951). The Committee notes with regret that the discussions on the draft provisions for the application of this Convention have still not led to a solution. As the Convention was ratified as long ago as 1951, and the provisions in question have been under consideration since 1955, the Committee trusts that the necessary measures to ensure the full application of the Convention will be adopted without further delay.¹

Belgium (ratification : 1952). In 1957 the Committee requested the Government to consider the further amendment of the specifications for public contracts, to require the observance in respect of workers engaged on the execution of such contracts of the provisions of legislation and collective agreements concerning wages, hours of work and other conditions of work, in accordance with Article 2 of the Convention. The Committee regrets to note that, although this matter has been under consideration by various authorities for two years, no decision has as yet been taken. It trusts that the specifications for public contracts will be suitably amended at an early date.

Bulgaria (ratification : 1955). The Committee notes the Government's statement, in reply to the direct request made in 1959, that, as the Labour Code and the provisions issued thereunder apply to all wage earners and salaried employees without exception, all workers enjoy the conditions provided for in the Convention, and that the insertion of special clauses in contracts of employment is therefore unnecessary.

The Committee wishes to draw the Government's attention to the fact that the Convention provides not for the regulation of conditions of workers employed by a public authority, but for measures to ensure certain minimum standards to workers employed by undertakings which conclude contracts *with* a public authority for public works or the supply of goods or services (see the detailed enumeration in Article 1, paragraph 1 (c)).

Moreover, as the Committee pointed out in its general observations on this Convention in 1956 and 1957, the fact that labour legislation applies without distinction to all workers does not free a government from the obligation of inserting appropriate clauses, in accordance with Article 2 of the Convention, in

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

public contracts covered by the definition contained in Article 1, paragraph 1.

The Committee hopes that the Government will take appropriate measures (whether by legislation or administrative instructions, etc.) to provide for the insertion of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, in public contracts, and will also give effect to the provisions of the Convention concerning its scope (Article 1), the consultation of organisations on the terms of the clauses (Article 2, paragraph 3), measures to inform undertakings tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

Cuba (ratification : 1952). The Government informed the Conference Committee in 1958, in answer to the observations made that year, that a decree to give effect to the Convention was to be submitted to the Council of Ministers. In the report supplied last year no further reference was made to this decree, and, in the absence of any report this year, the Committee is not aware of any further measures to give effect to the Convention.

The Committee trusts that measures to apply the Convention will be taken shortly, as the legislation previously mentioned (particularly Order No. 73 of 1956, which relates to conditions of work of persons employed by public authorities and not to labour clauses in contracts by public authorities with independent contractors) does not implement its provisions.

Denmark (ratification : 1955). The Committee regrets to note that the Government has not yet completed its consideration of measures to apply the Convention. As the Convention was ratified in 1955, but no labour clauses are as yet inserted in public contracts in accordance with its provisions, the Committee trusts that the necessary measures will be adopted without further delay.

Finland (ratification : 1951). The Committee regrets to note that the committee set up two years ago to advise on the measures necessary to give full effect to the Convention has not yet concluded its deliberations. As the Convention was ratified in 1951 and the Committee has had occasion to make observations concerning its application for a number of years, it trusts that measures to ensure the full implementation of the Convention will be taken at a very early date.

Philippines (ratification : 1953). The Committee notes with interest that standard labour clauses for insertion in all public contracts are being drafted. It trusts that, in this connection, account will be taken of the various detailed requirements of the Convention, particularly as regards the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the terms of the clauses (Article 2, paragraphs 1 and 2), the consultation of employers' and workers' organisations (Article 2, paragraph 3) and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

Recalling that the Convention was ratified in 1953, the Committee hopes that the above-mentioned measures will become operative at an early date.

Uruguay (ratification : 1954). The Committee notes that the Government has not replied to the observations made in 1959, in which it stated :

... 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 trusts that the Government will without further delay supply the above-mentioned information.¹

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In addition, requests regarding certain other points are being addressed directly to the following States : *Guatemala, Israel, Morocco, United Arab Republic (Syria)*.

Convention No. 95 : Protection of Wages, 1949

Poland (ratification : 1954). The Committee regrets to note that no report on the application of this Convention has been supplied, and that therefore no information is forthcoming in reply to the direct request originally made in 1957 and repeated in 1958 and 1959 (concerning the application of Article 4, paragraphs 1 and 2, Article 6, Article 8, paragraph 2, and Article 9 of the Convention) and the further request made in 1958 and repeated in 1959 (concerning the application of Article 8 and Article 13, paragraphs 1 and 2).

The Committee trusts that the Government will provide a report replying in detail to the requests made in 1957, 1958 and 1959 for examination by the Committee at its next session.

Uruguay (ratification : 1954). The Committee regrets to note that the Government has merely reproduced the information supplied in 1957, and has not replied to the detailed requests made by the Committee in 1958 and 1959, concerning the application of Articles 2, 4, 5, 6, 8, 10, 12, 13 and 15 of the Convention. The Committee trusts that the Government will not fail to furnish the further particulars which the Committee is now requesting for the third time.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Brazil, Bulgaria, Ecuador, Greece, Guatemala, Republic of Guinea, Hungary, Philippines, Poland, United Kingdom, United Arab Republic (Syria), Uruguay*.

Information supplied by *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949

France (ratification : 1953). The Committee notes from the Government's report that employment agencies conducted with a view to profit (the number of which was 132) have been authorised to continue their activities until 24 May 1960. The Committee would be glad if the Government would indicate whether this date is to be considered as a time limit for the abolition of these agencies, in accordance with Article 3, paragraph 1, of the Convention.

Netherlands (ratification : 1952). The Committee notes from the Government's reply to the direct request of 1959 that a sizeable number of persons is placed abroad by the existing fee-charging employment agencies. Since there are no regulations regard-

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

ing such operations the Committee expresses the hope that the necessary measures in this connection will be taken by the Government to ensure conformity with Article 6 (c) of the Convention.

Pakistan (ratification : 1952). The Committee noted with interest, from the Government's reply, in the Conference Committee in 1959, that legislation to abolish fee-charging employment agencies was under active consideration. As the report provides, however, no indication on the progress made in this connection, the Committee expresses the hope that the Government will fulfil in the near future its obligation, since 1952, to abolish fee-charging employment agencies conducted with a view to profit (Part II of the Convention).

Turkey (ratification : 1952). The Committee notes that the Bill to regulate the activities of persons acting as intermediaries in agriculture, which was submitted to the Grand National Assembly in 1958 has not yet been enacted. The Committee can only express the hope once again that this Bill will be passed without further delay.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Brazil, Federal Republic of Germany, Guatemala, Japan*.

Information supplied by *Sweden* in answer to a direct request has been noted by the Committee.

**Convention No. 97 : Migration for Employment
(Revised), 1949**

France (ratification : 1954). With reference to the observation made in 1959, the Committee notes with interest the statement of a Government representative to the Conference Committee in 1959 that ratified Conventions take precedence over national legislation and that the payment to foreigners of the maternity allowance provided for in the Social Security Code depended on measures of publicity which would be taken to bring the Convention to the notice of the persons concerned. The Committee hopes that the Government will indicate the measures which have in fact been taken to this end and the instructions which have been issued to the social security agencies to ensure that, in conformity with Article 6 of the Convention, the above-mentioned allowance is effectively granted to all concerned, regardless of the child's nationality.¹

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Information supplied by *France* in answer to a direct request has been noted by the Committee.

**Convention No. 98 : Right to Organise and Collective
Bargaining, 1949**

Guatemala (ratification : 1952). Concerning workers employed in public undertakings (other than public officials) see under Convention No. 87.

Japan (ratification : 1953). The Committee has taken note with interest of the information given verbally by the Government at the Conference and of the detailed report forwarded by the Government. According to the Government, section 4 (3) of the

Public Corporation and National Enterprise Labour Relations Law, which provides that officers of trade unions must be persons employed in the undertaking in which the union operates, leaves no room for interference by managements in union affairs. It states, in this connection, that workers in the undertakings in question can be dismissed only on one of the grounds specified in the Law and that there exist various remedial procedures. The Government states that, consequently, no arbitrary dismissal is possible and, in particular, no dismissal with the intention of interfering in trade union affairs.

It appears to the Committee that certain of the grounds for dismissal are expressed in somewhat general terms and might permit of abuse ; further, as the Committee pointed out in its General Remarks in 1959, in such cases "it may often be difficult, if not impossible, for a worker to furnish proof" of the real reason for his dismissal ; moreover—except in cases in which the lodging of an appeal suspends the dismissal and makes the reinstatement of the worker possible—the mere fact of the dismissal (which may subsequently be found to be arbitrary) has the result that the law prohibits him from carrying on his activities as a trade union officer, since he is no longer employed in the undertaking. Such a provision, therefore, makes it possible for the managements of undertakings to paralyse or at least hinder the activities of a trade union by obliging it to choose new officers.

The Committee must observe that 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, which is drafted in similar terms, thus run counter to Article 2 of the Convention, according to 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". As the Government, according to the report, intends to repeal section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law, the Committee expresses the hope that this repeal will be effected as soon as possible and that section 5 (3) of the Local Public Enterprise Labour Relations Law will also be repealed.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Brazil, Guatemala, Hungary, United Arab Republic*.

**Convention No. 99 : Minimum Wage Fixing Machinery
(Agriculture), 1951**

A request regarding certain points is being addressed directly to *Brazil*.

Convention No. 100 : Equal Remuneration, 1951

Ecuador (ratification : 1957). The Committee notes that the Government's first report on this Convention is limited to a statement that its provisions are incorporated in the national Constitution and Labour Code. The Committee hopes that the Government will in its next report provide detailed information on the application of the Convention, in law and practice, in accordance with the report form adopted by the Governing Body pursuant to article 22 of the Constitution of the I.L.O.

Italy (ratification : 1956). The Committee has examined with interest the information supplied by

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

the Government in answer to the observations and direct request made in 1959, as well as the comments made in this connection by the central employers' and workers' organisations.

The Committee notes the Government's statement that where possible (in the public sector) it is seeking to ensure the application of the principle of equal remuneration for men and women workers for work of equal value, but that, in so far as in the private sector wages are determined by collective bargaining, it considers its obligations to be confined to promoting the application of this principle. The Committee also observes that, to this end, the Government has communicated the Committee's comments to the organisations concerned so that due account may be taken of them in collective negotiations. As, according to the information supplied in the report, there exist certain differences of view between employers' and workers' organisations as to the correct application of the principle of equal remuneration and as to the compatibility with it of certain existing provisions, the Committee deems it appropriate to put forward the following considerations:

1. The Committee notes that the general practice in collective agreements for industries where both men and women are employed is to provide four wage categories for male workers but only three wage categories for women workers. It appears to the Committee that the implementation of the principle of equal remuneration for men and women workers for work of equal value would be facilitated by a uniform system of wage categories for men and women workers.

2. The Committee observed in 1959 that the separate wage categories for men and women in the collective agreements which it had examined—and which resulted in the payment of lower rates to women workers—appeared in a number of cases to refer to the same type of work. It notes the comments made by the central employers' organisations in this connection that, even where work is referred to in the same terms in collective agreements, men and women in fact perform such work under different conditions and in a different manner. The Committee observes, however, that this system of separate wage categories for men and women is employed even in collective agreements which lay down general principles for job classification setting equivalent standards for men and women or which describe detailed operations, such as work on particular looms or machines, which could hardly be performed in different ways according to the worker's sex—see, for example the agreement in the soap and fats industry of 7 October 1958, clause 4, the agreement in the confectionery industry of 5 October 1955, renewed on 27 October 1957, with an appended agreement governing job classifications in the Northern Provinces, and the agreement in the knitted goods and stocking industry of 24 March 1957, page 78. In this connection the Committee notes with interest a decision of a Rome court (*Pretura*) of 31 January 1959 in which it was stated, with reference to the equal remuneration provisions contained in article 37 of the Italian Constitution, that "the principle must be firmly maintained that differences in wage tables which do not correspond to a difference in the job description of women workers are contrary to article 37 of the Constitution".

3. Quite apart from the above question of job classification, the Committee notes that the wage tables for manual workers in current collective agreements almost invariably prescribe lower wage rates for the most highly skilled women workers than

for the lowest category of male worker. By way of illustration, reference may be made to the agreement in the soap and fats industry of 7 October 1958, under which the basic wage of an adult woman worker in the first category (that is, according to the job classifications contained in the agreement, a woman who carries out work or processes of special precision or complexity calling for specific technical and practical qualifications, acquired through an appropriate apprenticeship) in the most highly paid wage zone is 142.30 lire per hour, whereas the rate for a casual male unskilled labourer is 149.40 lire. Such differences in rates of remuneration can hardly be considered as due to a difference in the value of the work to be performed.

4. The General Confederation of Italian Industry, in its observations on the application of the Convention, has provided a list of protective legislation for women which, in its view, affects the value of women's work and explains existing wage differentials between men and women, referring to such factors as the prohibition for women to work underground, in arduous, unhealthy or dangerous occupations, at night or in split shifts, and special provisions on hours of work and rest. It would seem to the Committee that, while work of the kind prohibited to women may attract higher remuneration (and in fact in most collective agreements in Italy special percentage increases in wage rates appear to be laid down for such work), the prohibitions and limitations in question do not justify the payment of different rates to men and women workers engaged on work of equal value to which both sexes have access.

5. With regard to the further reference by the said Confederation to maternity protection provisions as one of the factors explaining the existing wage differentials, the Committee wishes to point out that, under the Maternity Protection Convention, 1919 (No. 3), which Italy has ratified, maternity benefits are payable out of public funds or under a system of insurance (i.e. not by the employer), and that the occasional absence of certain women workers on maternity leave does not affect the value of work to be performed (i.e. the rate for the job). In this connection, the Committee notes with interest the views expressed by the Rome *Pretura* in its judgment of 31 January 1959, with reference to the equal remuneration provisions in the Italian Constitution, that "the application of the constitutional provision, based on equivalence of work, cannot be excluded by considerations linked directly to functions characteristic of female workers as women: their particular family status or maternity. If such practically constant factors of differences were to be taken into account, the provision in question could never be applied because there would never exist equivalence of work in this sense."

6. The Committee notes with interest that the standard clauses regarding the wages payable to women doing work for which only men's rates are prescribed and vice versa—which it considers to be incompatible with the principle of equal remuneration for men and women workers for work of equal value—are to be reconsidered. The Committee refers in this connection to the action suggested in point (1) above, which would render such special clauses redundant.

7. The Committee observes that the Italian courts (including the Court of Cassation, in a decision of 28 June 1958) have consistently taken the view that the provisions of Article 37 of the Italian Constitution concerning equal remuneration are binding law and

that therefore terms in collective agreements contrary to this article are void.

The Committee trusts that the above comments may assist the Government as well as employers' and workers' organisations in their efforts to implement the principle of equal remuneration for men and women workers for work of equal value through collective agreements.

Finally, the Committee notes that discussions are still going on between employers' and workers' organisations regarding methods of objective job classification on the basis of work to be performed and that two Bills on the same subject are pending in Parliament. It trusts that these various measures will yield results which will facilitate the implementation of the principle enunciated in the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Italy, Philippines, Rumania, United Arab Republic (Syria)*.

**Convention No. 101 : Holidays with Pay
(Agriculture), 1952**

Requests regarding certain points are being addressed directly to the following States: *Brazil, Federal Republic of Germany, Hungary, Italy, Poland, United Arab Republic, United Kingdom, Uruguay, Yugoslavia*.

**Convention No. 102 : Social Security
(Minimum Standards), 1952**

A request regarding certain points is being addressed directly to *Italy*.

**Convention No. 103 : Maternity Protection
(Revised), 1952**

A request regarding certain points is being addressed directly to *Byelorussia*.

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 1 April 1960

Reports received: 864. Reports not received: 131. Total: 995.

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan	5	4, 13, 41, 45, 95	0	—	5
Albania	0	—	14	4, 6, 10, 11, 16, 29, 52, 58, 59, 77, 78, 87, 98, 100	14
Argentina	28	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 26, 29, 34, 41, 42, 45, 52, 53, 68, 73, 77, 78, 79, 81, 88, 95	2	90, 98	30
Australia	8	10, 16, 22, 29, 45, 63, 85*, 88*	0	—	8
Austria	19	2, 4, 6, 10, 12, 13, 17, 18, 19, 24, 25, 33, 42, 45, 81, 89, 94, 95, 101	0	—	19
Belgium	27	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 42, 45, 53, 55, 56, 58, 69, 73, 74, 81, 82, 85, 88, 89, 94, 101	1	29	28
Bolivia	0	—	4	19, 26, 42, 96	4
Brazil *	20	6, 12, 16, 19, 26, 29, 42, 45, 52, 53, 81, 88, 89, 92, 95, 96, 98, 99, 100, 101	0	—	20
Bulgaria	33	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 20, 22, 23, 24, 25, 29, 34, 42, 44, 45, 52, 53, 55, 56, 69, 73, 77, 78, 79, 81, 88, 94, 95	0	—	33
Burma *	12	2, 4, 6, 16, 17, 18, 19, 22, 29, 41, 52, 63	1	42	13
Byelorussia	9	10, 16, 29, 52, 77, 78, 79, 87, 90	0	—	9
Canada	7	16, 22, 63, 69, 73, 74, 88	0	—	7
Ceylon	7	16, 18, 29, 41, 45, 63, 81	0	—	7
Chile	18	2, 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 22, 24, 25, 29, 34, 45, 63	0	—	18
China	8	7, 15, 16, 19, 22, 23, 45, 59	1	32	9
Colombia	0	—	12	2, 4, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25	12

* 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.	
Cuba	0	—	30	4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 52, 63, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104	30
Czechoslovakia	23	4, 10, 12, 13, 17, 18, 19, 24, 25, 29, 34, 42, 43, 44, 45, 48, 49, 52, 63, 88, 89, 90, 100	0	—	23
Denmark	13	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 92, 94	0	—	13
Dominican Republic	10	10, 19, 29, 45, 52, 79, 81, 88, 89, 90	0	—	10
Ecuador	4	29, 45, 95, 100	0	—	4
Finland	19	2, 12, 13, 16, 17, 18, 19, 22, 29, 42, 45, 52, 53, 63, 73, 81, 92, 94, 96	0	—	19
France	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 42, 44, 45, 52, 53, 55, 56, 62, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 97, 101	1	29	38
Federal Republic of Germany	20	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 56, 63, 81, 88, 96, 101	0	—	20
Ghana	5	16, 19, 29, 45, 65	0	—	5
Greece	14	2, 6, 13, 16, 17, 19, 29, 41, 42, 45, 52, 81, 88, 95	1	1	15
Guatemala	12	77, 78, 79, 81, 87, 88, 89, 90, 94, 95, 96, 98	0	—	12
Republic of Guinea	9	4, 5, 6, 13, 18, 29, 41, 81, 95	0	—	9
Haiti	5	5, 77, 78, 81, 90	6	12, 17, 19, 24, 25, 42	11
Honduras	1	29	0	—	1
Hungary	0	—	20	2, 6, 10, 12, 13, 16, 17, 18, 19, 24, 29, 41, 42, 45, 48, 52, 77, 78, 95, 101	20
Iceland	1	2	0	—	1
India	11	4, 6, 16, 18, 19, 22, 29, 45, 81, 89, 90	0	—	11
Indonesia	0	—	3	19, 29, 45	3
Iran	1	29	0	—	1
Iraq	7	18, 19, 41, 42, 77, 81, 88	0	—	7
Ireland	18	2, 6, 10, 12, 16, 19, 22, 23, 29, 42, 44, 45, 63, 69, 74, 81, 89, 92	0	—	18
Israel	2	77, 90	9	10, 19, 29, 52, 78, 79, 81, 94, 101	11
Italy	36	2, 4, 6, 10, 12, 13, 16, 18, 19, 22, 23, 29, 32, 42, 44, 45, 48, 52, 53, 55, 59, 60, 69, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 100, 101	0	—	36
Japan	14	2, 10, 16, 18, 19, 22, 29, 42, 45, 73, 81, 88, 96, 98	0	—	14
Liberia	0	—	1	29	1
Luxembourg	17	2, 4, 6, 10, 12, 13, 16*, 17, 18, 19, 22*, 23*, 24, 25, 59*, 77*, 90*	0	—	17

* 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.	
Federation of Malaya . . .	5	17, 19, 29, 45, 65	0	—	5
Mexico	17	12, 13, 16, 17, 19, 22, 23, 29, 34, 42, 45, 52, 53, 55, 63, 90, 95	1	32	18
Morocco	14	4, 12, 13, 15, 17, 18, 19, 22, 29, 41, 42, 45, 52, 94	0	—	14
Netherlands	26	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 68, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96	0	—	26
New Zealand	19	2, 10, 12, 17, 22 *, 29, 42, 44, 45, 52, 53, 60 *, 63, 65, 82, 88, 89, 101, 104	0	—	19
Nicaragua	11	4, 6, 7, 9, 10, 15, 16, 17, 18, 22, 23	7	2, 12, 13, 19, 24, 25, 29	18
Norway	20	2, 10, 13, 18, 19, 22, 29, 42, 44, 53, 63, 69, 73, 81, 88, 90, 92, 95, 96, 101	0	—	20
Pakistan	13	4, 6, 16, 18, 19, 22, 29, 45, 81, 87, 89, 90, 96	0	—	13
Panama	0	—	3	3, 12, 17	3
Peru	9	1, 4, 19, 24, 35, 37, 39, 41, 45	0	—	9
Philippines	6	88, 89, 90, 94, 95, 100	0	—	6
Poland	25	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 42, 45, 48, 69, 73, 74, 77, 78, 79, 87, 92, 96	2	95, 101	27
Portugal	10	4, 6, 17, 18, 19, 29, 45, 69, 73, 74	1	92	11
Rumania *	10	1, 2, 6, 10, 13, 16, 24, 29, 89, 100	0	—	10
El Salvador	1	12	0	—	1
Spain	20	1, 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 30, 33, 34, 48	0	—	20
Sudan *	4	2, 19, 26, 29	0	—	4
Sweden	16	2, 10, 12, 13, 16, 17, 19, 29, 42, 45, 63, 81, 88, 92, 96, 101	0	—	16
Switzerland	11	2, 6, 18, 19, 29, 44, 45, 63, 81, 88, 89	0	—	11
Tunisia	11	4, 6, 12, 13, 17, 19, 26, 45, 52, 81, 89	0	—	11
Turkey	6	2, 42, 45, 81, 88, 96	0	—	6
Ukraine	0	—	9	10, 16, 29, 52, 77, 78, 79, 87, 90	9
Union of South Africa . .	6	2, 19, 42, 45, 63, 89	0	—	6
United Arab Republic:					
Egypt	12	2, 19, 29, 41, 45, 52, 53, 63, 81, 87, 88, 101	0	—	12
Syria	5	94, 95, 98, 100, 104	2	89, 96	7
United Kingdom	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101	0	—	25
United States	3	53, 55, 74	0	—	3

* Reports received too late to be summarised in Report III (Part I).

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Uruguay	28	2, 10, 12, 13, 16, 17, 19, 22, 23, 24, 25, 42, 45, 52, 58, 59, 60, 62, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101	0	—	28
U.S.S.R.	9	10, 16, 29, 52, 77, 78, 79, 87, 90	0	—	9
Venezuela	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45	0	—	17
Viet-Nam	6	4, 6, 13, 29, 45, 52	0	—	6
Yugoslavia	19	2, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 45, 48, 52, 81, 89, 90, 101	0	—	19

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received at the date requested		Reports received before the session of the Committee ¹		Reports received before the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-32	447	—	—	406	90.8	423	94.6
1932-33	522	—	—	435	83.3	453	86.7
1933-34	601	—	—	508	84.5	544	90.5
1934-35	630	—	—	584	92.7	620	98.4
1935-36	662	—	—	577	87.2	604	91.2
1936-37	702	—	—	580	82.6	634	90.3
1937-38	748	—	—	616	82.4	635	84.9
1938-39	766	—	—	588	76.8	— ²	—
1943-44	583	—	—	251	43.1	314	53.9
1944-45	725	—	—	351	48.4	523	72.2
1945-46	731	—	—	370	50.6	578	79.1
1946-47	763	—	—	581	76.1	666	87.3
1947-48	799	—	—	521	65.2	648	81.1
1948-49	806	134 ³	16.6	666	82.6	695	86.2
1949-50	831	253	30.4	597	71.8	666	80.1
1950-51	907	288	31.7	705	77.7	761	83.9
1951-52	981	268	27.3	743	75.7	826	84.2
1952-53	1,026	212	20.6	840	81.8	917	89.3
1953-54	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-55	1,234	283	22.9	1,063	86.1	1,170	94.8
1955-56	1,333	332	24.9	1,234	92.5	1,283	96.2
1956-57	1,418	210	14.7	1,295	91.3	1,349	95.1
1957-58	1,558	340	21.8	1,484	95.2	1,509	96.8
1958-59	995 ⁴	200	20.4	864	86.8	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945; the date limit for the receipt of reports has accordingly varied.
² The Conference did not meet in 1940. ³ First year for which this figure is available. ⁴ As a result of a decision by the Governing Body, detailed reports were not requested on all ratified Conventions.

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

Australia

The Committee notes with interest that since its last session the Government has communicated ten declarations under Article 35 of the Constitution. Pursuant to eight of these declarations, Conventions concerning minimum age in agriculture or work at sea, and the Right of Association (Agriculture) Con-

vention, 1921, became applicable without modification to certain territories.

France

States of the Community.

The Committee wishes to thank the Governments of the following States of the Community for the particularly detailed reports which they have supplied on a number of Conventions whose provisions had previously been made applicable: Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of Upper Volta, Malagasy Republic. It hopes

that the Governments of the other States Members of the Community will also supply this year all reports requested.

Overseas Departments and Algeria.

As no formal written communication has been sent by the French Government, the Committee has had to consider article 35 of the Constitution of the I.L.O. to be still applicable to these territories. It regrets that, except in a few cases, no information has been supplied on the application in these territories of the Conventions ratified by France in respect of which detailed reports were requested this year.

Portugal

The Committee regrets to note that this year once again more than a third of the reports requested have not been supplied.

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 notes with interest that, since its last session, the Government has made a number of declarations under article 35, including three declarations accepting the obligations of the Abolition of Forced Labour Convention, 1957 (No. 105), without modification.

However, the Committee regrets to note that in respect of one territory (Antigua) only three of the reports requested have been supplied, and that the report of the Seychelles on a Convention concerning labour inspection has not been received. A number of other reports requested, details of which are given in the Appendix, have also not been supplied.

Furthermore, many reports arrived this year only a few days before the Committee met or even during its session. The Committee has therefore not been able to examine them. This applies to all the reports on the British Virgin Islands, Brunei, Dominica, and Trinidad and Tobago, as well as to certain other territories shown in the Appendix.

The Committee hopes that in future, and particularly on the occasion of the five-yearly review which it is due to make next year, the Government will spare no effort to ensure that all reports requested reach the International Labour Office at the earliest possible date.

* * *

In addition, general requests are being addressed directly to the following States: *Portugal, Spain.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 2 : Unemployment, 1919

A request regarding certain points is being addressed directly to the *Netherlands (Surinam).*

Convention No. 4 : Night Work (Women), 1919

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 6, France.

Algeria.

See Chapter VII, Convention No. 6, France.

Overseas Territories.

New Caledonia.

The Committee notes with interest that under section 6 of Order No. 59-057 of 26 January 1959 women may not start work before 5 o'clock in the morning, which is in conformity with Article 2, paragraph 1, of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (States of the Community: Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; Algeria).

Convention No. 6 : Night Work of Young Persons (Industry), 1919

Denmark

Faroe Islands.

The Committee notes that the draft legislation to prohibit night work of young persons to which the Government had already referred in the report for 1955-56 is still in preparation by the local Government.

The Committee urges that the legislation in question will be adopted at an early date, so as to give effect to the Convention which has been applicable in the Faroe Island since 1923.

Greenland.

The Committee takes due note of the information supplied by the Government in response to the request of 1959, on the measures taken to ensure the application of the Convention in government-owned undertakings by means of instructions sent for this purpose to the competent authorities.

The Committee cannot, however, regard the position as fully satisfactory until appropriate measures have been taken to apply the provisions of the Convention to *all* young persons employed in industry. The Committee considers that this purpose could best be achieved by adopting special legislation in this field, and hopes that the Government will see its way clear to adopt such legislation, so as to give full effect to the Convention, which was declared applicable to Greenland in 1954.

France

States of the Community.

Central African Republic.

The Committee notes with satisfaction that, in response to its observation of 1958, section 4, paragraph 8, of Order No. 837 of 22 November 1953 has been amended by Order No. 42 of 24 January 1959 to exclude the possibility of labour inspectors authorising exceptions from the night work prohibition.

Republic of the Congo.

The Committee notes with satisfaction that, in response to its observation of 1958, section 4 of Order No. 2224 of 24 October 1953 has been amended by a decree of 31 July 1959 to limit to the industries specified in Article 2, paragraph 2, of the Convention the possibility of authorising exceptions from the night work prohibition.

Malagasy Republic.

The Committee notes with satisfaction that, in response to its observation of 1958, section 10 of Order No. 275-IGT of 5 February 1954 has been amended by Order No. 065-VP/TR of 21 November 1958 to limit to the five industries specified in Article 2, paragraph 2, of the Convention the possibility of exceptions from the prohibition of night work.

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 6, France.

Algeria.

See Chapter VII, Convention No. 6, France.

*Overseas Territories.**French Polynesia.*

The Committee notes with interest that section 3 of Order No. 178/T of 2 February 1956 has been amended by Order No. 363/IT of 3 April 1959 to apply to all young workers and not only to manual workers (*ouvriers*) and apprentices and that sections 5, 6 and 7 of the same order, which authorised exceptions from the night work prohibition, have been repealed.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States:

France (States of the Community: Republic of Dahomey, Gabon Republic, Republic of the Ivory Coast, Republic of Senegal, Republic of the Upper Volta, Malagasy Republic, Islamic Republic of Mauritania, Sudanese Republic; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion; Algeria; Overseas Territories: Comoro Islands, French Somaliland, New Caledonia, St. Pierre and Miquelon; Trust Territory: Togoland); *Italy* (Trust Territory of Somaliland).

Convention No. 10: Minimum Age (Agriculture), 1921*France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will not fail to supply the information referred to above.¹

Convention No. 11: Right of Association (Agriculture), 1921*Belgium**Belgian Congo.*

The Committee notes the statement of a Government representative to the Conference Committee in 1959 that "the observations of the Committee of

Experts would be submitted to the competent bodies for examination". As the report for 1958-59 supplies no information on developments following this statement, the Committee, referring to the observations made in 1959, cannot but once again draw attention to the fact that section 3 of the decree of 25 January 1957 and section 1 of Order No. 21-57 of 8 March 1957 are not in conformity with the Convention. Under this legislation persons 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 they must, furthermore, produce evidence that they have successfully completed two years of secondary studies (or, as a transitional measure, that they have successfully concluded the full course of primary studies). These provisions, which must result in practice in prohibiting many agricultural workers, and particularly seasonal workers, from belonging to occupational associations, are not in accordance with Article 1 of the Convention, under which ratifying States undertake "to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers".

The Committee cannot but urge that measures be taken to bring the legislation into conformity with the Convention, and trusts that the Government will indicate any progress made in this connection.¹

Ruanda-Urundi.

The Committee notes the statement of a Government representative of the Conference Committee in 1959 that "the observations of the Committee of Experts would be submitted to the competent bodies for examination". As the report for 1958-59 supplies no information on developments following this statement, the Committee, referring to the observations made in 1959, cannot but once again draw attention to the fact that section 3 of the decree of 25 January 1957 and section 1 of Order No. 21-57 of 8 March 1957 are not in conformity with the Convention. Under this legislation persons 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 they must, furthermore, produce evidence that they have successfully completed two years of secondary studies (or, as a transitional measure, that they have successfully concluded the full course of primary studies). These provisions, which must result in practice in prohibiting many agricultural workers, and particularly seasonal workers, from belonging to occupational associations, are not in accordance with Article 1 of the Convention, under which ratifying States undertake "to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers".

The Committee cannot but urge that measures be taken to bring the legislation into conformity with the Convention, and trusts that the Government will indicate any progress made in this connection.¹

Convention No. 13: White Lead (Painting), 1921

Requests regarding certain points are being addressed directly to the following States: *France* (States of the Community: Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania,

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta, Malagasy Republic; Overseas Territories: Comoro Islands, St. Pierre and Miquelon; *Netherlands* (Surinam).

**Convention No. 17: Workmen's Compensation
(Accidents), 1925**

Requests regarding certain points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion); *Netherlands* (Netherlands Antilles, Surinam).

**Convention No. 18: Workmen's Compensation
(Occupational Diseases), 1925**

Belgium

Belgian Congo.

See under Convention No. 42.

Ruanda-Urundi.

See under Convention No. 42.

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 42, France.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo, Ruanda-Urundi), *France* (States of the Community): Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of the Upper Volta; Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

**Convention No. 19: Equality of Treatment
(Accident Compensation), 1925**

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**

A request regarding certain points is being addressed directly to *Italy* (Trust Territory of Somaliland).

Information supplied by the *Netherlands* (Netherlands Antilles) in answer to a direct request has been noted by the Committee.

Convention No. 23: Repatriation of Seamen, 1926

A request regarding certain points is being addressed directly to *Italy* (Trust Territory of Somaliland).

Information supplied by the *Netherlands* (Netherlands Antilles) in answer to a direct request has been noted by the Committee.

Convention No. 29: Forced Labour, 1930

Belgium

Belgian Congo.

The Committee notes the information supplied by the Government in reply to the observations of 1959. It is pleased to note that "in principle, compulsory agricultural labour has been suppressed", and trusts

that the exaction of such labour, although legally still possible, will no longer be necessary.

The Committee notes, however, that the Convention was ratified 15 years ago and that since then little progress has been made towards the abolition of forced labour. It trusts that no effort will be spared with a view to abolishing forced labour in all its forms within the shortest possible period, in conformity with Article 1, paragraph 1, of the Convention.

Thus, various forms of forced labour exist:

1. The Committee notes that, under section 71 (3) and (4) of the decree of 10 May 1957, work may be exacted for the construction and maintenance of drainage and irrigation works for soil conservation. Such work cannot be considered as constituting compulsory cultivation within the meaning of Article 19 of the Convention, even on the basis of the modifications made to this Article by the Government's declaration of application, but must at least be considered as local public works (Article 10 of the Convention). This is the case also as regards the work dealt with in section 73 of the above-mentioned decree (construction of buildings for the use of the administration, etc.). The Committee hopes that the next report will contain full information on the practical application of section 71.

2. Moreover, portage still exists. In 1959, in its report and in a statement to the Conference Committee, the Government referred, with regard to portage, to Ordinance No. 22/408 of 12 December 1954. This year it is stated in the report that this text applies only to voluntary portage and that compulsory portage is regulated by administrative instructions. A copy of the said instructions should be appended to the next report. The Committee also points out that these administrative instructions are not equivalent to the regulations required by the Convention (Articles 23 and 24 of the Convention).

3. Finally, contrary to Article 20 of the Convention, which provides that collective punishment laws shall not contain provisions for forced or compulsory labour, the legislation provides for a direct contribution from Natives towards the repair of damages caused by civil unrest, as a measure of collective punishment. If the community has failed to pay the sums due at the date prescribed by the authorities, adult able-bodied men designated by the latter are forced to carry out work which contributes directly or indirectly to the repair of the damages. Since the report states that this legislation has never been applied, the Committee trusts it will be possible to repeal it without delay.

Moreover, the Committee notes that legislation does not lay down the safeguards provided for in the following Articles of the Convention:

Article 11, paragraph 1. It appears from the information supplied by the Government that, under the decree of 17 July 1914, any person over the age of 18 years is considered as adult. The Committee notes that although this provision specifies the minimum age required under this Article of the Convention, it does not specify the maximum of 45 years beyond which adult males may not be required to carry out forced labour.

Article 11, paragraph 2. The legislation does not prescribe the proportion of resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, whereas the Convention provides that this proportion shall in no case exceed 25 per cent.

Article 12, paragraph 1. Section 72 of the decree provides that "work of the kind referred to in section 71 may not be exacted for more than 45 days in the year", but that "this limit may be exceeded if urgent work is necessary because of food shortage for the Native population". It follows that the maximum of 60 days prescribed by the Convention may be exceeded.

Article 12, paragraph 2. Contrary to this Article of the Convention, the legislation does not provide that each person from whom forced labour is exacted shall be furnished with a certificate indicating the period of such labour which he has completed. The Government states that forced labour is evenly distributed by the indigenous authorities, due account being taken of the individual cases, in so far as possible. The Committee considers that this practice is not such as to ensure the application of this provision of the Convention.

Articles 13 to 15 and 17. The Government states that persons carrying out work in virtue of section 73 of the decree are in practice covered by social legislation and by legislation concerning contracts of work. The Committee considers that a provision should be adopted, providing specifically that this protection must also extend to persons carrying out work in virtue of section 71 of the decree.

Article 25. The report refers to section 86 (1) of the Royal Order of 19 July 1954 and to section 180 of the Penal Code. The Committee finds that the first of these provisions does not deal with the illegal exaction of forced labour and that section 180 refers only to officials and public officers, whereas under Article 25 of the Convention, the national legislation must provide for penal sanctions in respect of *all persons* who exact forced labour illegally.

The Committee trusts that there will be no delay in bringing the legislation into conformity with the Convention so as to ensure that persons from whom forced labour is exacted enjoy all the safeguards prescribed by the Convention.

Moreover, the Committee notes with regret that the report does not contain the statistics requested in 1959 regarding the nature of any work exacted, rates of morbidity and mortality, etc. (Article 22 of the Convention).

Finally, the Committee refers to the observation of 1959 and is bound to note that the Belgian Congo and Ruanda-Urundi are the only two territories administered by a member State having ratified the Convention in which the Convention is still in force with modifications. In view of the fact that the Government states in its report that the elimination of these modifications it at present being thoroughly examined, the Committee hopes that it will soon be possible to cancel these modifications.¹

Ruanda-Urundi.

The Committee notes the information supplied by the Government in reply to the observations of 1959. It is pleased to note that "in principle, compulsory agricultural labour has been suppressed", and trusts the exaction of such labour, although legally still possible, will no longer be necessary.

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with a view to abolishing forced labour in all its forms within the shortest possible period, in conformity with Article 1, paragraph 1, of the Convention.

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2. Moreover, portorage still exists. In 1959, in its report and in a statement to the Conference Committee, the Government referred, with regard to portorage, to Ordinance No. 22/408 of 12 December 1954. This year it is stated in the report that this text applies only to voluntary portorage and that compulsory portorage is regulated by administrative instructions. A copy of the said instructions should be appended to the next report. The Committee also points out that these administrative instructions are not equivalent to the regulations required by the Convention (Articles 23 and 24 of the Convention).

3. Finally, contrary to Article 20 of the Convention, which provides that collective punishment laws shall not contain provisions for forced or compulsory labour, the legislation provides for a direct contribution from Natives towards the repair of damages caused by troubles, as a measure of collective punishment. If the community has failed to pay the sums due at the date prescribed by the authorities, adult able-bodied men designated by the latter are forced to carry out work which contributes directly or indirectly to the repair of the damages. Since the report states that this legislation has never been applied, the Committee trusts it will be possible to repeal it without any delay.

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Netherlands

Netherlands Antilles.

The Committee notes with satisfaction that the decree of 3 December 1959 which, in amending the decision of 6 February 1931, prevents prisoners from being placed against their will at the disposal of private individuals, companies or associations, has eliminated the discrepancy which existed between the national legislation and Article 2, paragraph 2 (c), of the Convention.

United Kingdom

Bechuanaland.

The Committee notes from the information supplied by a Government representative to the Conference

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Committee that the safeguards provided for in Article 12, paragraph 2, of the Convention (certificate indicating the periods of compulsory labour completed) and Article 15, paragraph 2 (obligation to ensure the subsistence of a worker in case of accident arising out of forced labour), are ensured, either directly or indirectly, by tribal custom. The Committee draws the attention of the Government to Article 23 of the Convention, which provides that "to give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour".

The Committee therefore hopes that the Bill to amend the relevant legislation which, according to the Government's report, has been referred to the Bechuanaland African Advisory Council, will result in giving effect to the safeguards provided for in the Convention. Moreover, while noting from the report that forced labour in the form of personal services to a tribal chief is disappearing, and is only imposed to a limited extent, the Committee trusts that the Government will not spare any efforts to abolish this form of forced labour within the shortest possible period, as called for by Article 1, paragraph 1, of the Convention.

Fiji Islands.

It appears from the report that the Government intends shortly to repeal the provisions permitting the exaction of portage. The Committee notes this information and hopes that the repeal will be brought about at an early date. It would be glad if the Government would supply information on any progress made to this end, and would indicate the measures it intends to take to ensure that workers who are obliged to perform certain duties for chiefs as personal services, enjoy, in accordance with Article 7 of the Convention, the safeguards provided for by Articles 11, 12, 13, 14 (paragraph 1) and 15 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (States of the Community: Republic of the Congo, Malagasy Republic); *Netherlands* (Surinam); *Portugal* (Overseas Provinces); *United Kingdom* (Basutoland, Bechuanaland, British Honduras, Gambia, Kenya, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Solomon Islands, Uganda).

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Belgium

Belgian Congo.

The Committee noted with satisfaction the Government's reply to the request of 1959: Ordinance No. 22/190 of 8 April 1959 extended the list of occupational diseases and corresponding kinds of work so as to include poisoning by phosphorus and its compounds and occupations in which such poisoning is apt to occur (which have not been included until now in the legislation applying to indigenous workers).

Ruanda-Urundi.

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its compounds and occupations in which such poisoning is apt to occur (which have not been included until now in the legislation applying to indigenous workers).

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 42, *France*.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo, Ruanda-Urundi); *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion); *Netherlands* (Netherlands Antilles, Surinam); *Union of South Africa* (South West Africa).

Convention No. 45 : Underground Work (Women), 1935

Requests regarding certain points are being addressed directly to the following States: *Italy* (Trust Territory of Somaliland); *Union of South Africa* (South West Africa).

Convention No. 53 : Officers' Competency Certificates, 1936

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

Requests regarding certain points are being addressed directly to the following States: *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion); *United States* (American Samoa).

Convention No. 62 : Safety Provisions (Building), 1937

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 62, *France*.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939

United Kingdom

Swaziland.

The Committee noted with interest from the Government's report that it is intended to abolish soon all penal sanctions for breaches of contracts of employment by adult and non-adult persons. Noting that the Government has since 1957 indicated its intention to abolish penal sanctions against non-adults, the Committee trusts that the new legislation will be adopted as soon as possible.

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In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Basutoland, Bechuanaland, British Guiana, Kenya, Northern Rhodesia, Uganda).

Convention No. 69 : Certification of Ships' Cooks, 1946

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 81 : Labour Inspection, 1947

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows:

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... 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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.¹

Netherlands

Netherlands Antilles.

The Committee notes from the information supplied by the Government in response to direct requests made in 1958 and 1959 that, although labour officers are in practice authorised to carry out the various examinations, tests and inquiries described in Article 12, paragraph 1 (c), of the Convention, there exist no specific legislative provisions giving effect to this important provision of the Convention.

The Committee hopes that the Government will give legislative effect to this provision of the Convention.

Surinam.

The Committee notes from the Government's reply to the requests of 1958 and 1959 that there exists no special legislation on the functioning of the Labour Inspection and Safety Service, but that the Government will consider introducing legislation to ensure the proper functioning of the Service in accordance with the provisions of the Convention.

The Committee trusts that the contemplated legislation will be adopted in the near future and will give full effect in particular to Articles 6 to 9, 12 and 13 of the Convention.

United Kingdom

Tanganyika.

The Committee noted with interest from the information supplied by the Government in response to the observations of 1959 that the policy of training local inspection officers to fill senior appointments has continued to be pursued, and that three locally recruited officers are now in post as Labour Officers (Training Grade), compared with one in the preceding year. 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

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

of certain members of the inspection staff, thus giving full effect to Article 12, paragraph 1, of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles) ; *United Kingdom* (Antigua, Barbados, British Guiana, British Honduras, Brunei, Cyprus, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Vincent, Sarawak, Sierra Leone, Singapore, Tanganyika, Uganda).

Information supplied by the *United Kingdom* (Gibraltar) in answer to a direct request has been noted by the Committee.

**Convention No. 82 : Social Policy
(Non-Metropolitan Territories), 1947**

France

Overseas Territories.

Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon.

The Committee regrets to note that, notwithstanding the detailed indications given in the general observations on this Convention made by it in 1958 and 1959 as to the kind of information which would make possible an assessment of the effect given to the Convention, the reports in respect of the above territories contain no, or practically no, information on the measures taken and the results achieved in the application of the policies enunciated in the Convention. The Committee trusts that full information on the various matters dealt with in the Convention, taking into account the aforesaid general observations and supported wherever possible by appropriate statistical data, will be supplied in subsequent reports.

The Committee also regrets to note that, in the reports relating to the first three of the above territories, no reply has been given to the requests made by it in 1958 and 1959 regarding the application of the provisions of Article 19, paragraph 2, of the Convention, concerning the possibilities of prescribing a school-leaving age. It trusts that the Government will not fail to supply the information concerned in the next reports.

In this connection, the Committee observes that section 118 of the Overseas Labour Code, generally referred to in the Government's reports, and the orders issued under this section, fix a minimum age and conditions for employment, but do not prescribe a school-leaving age.

United Kingdom

The Committee regrets to note that, out of a total of 44 reports due in respect of territories to which the Convention has been declared applicable, only 16 have been supplied. The omission to communicate reports in respect of the great majority of the territories concerned appears all the more unfortunate in view of the fact that in 1959 the Committee made direct requests in respect of the application of certain provisions of the Convention in 12 of these territories. Moreover, four of the reports received (Bermuda, Gambia, Grenada, St. Christopher-Nevis-Anguilla) supply no information in reply to direct requests made last year.

The Committee trusts that in respect of all territories for which no information has been supplied this year detailed reports will be available next year.

In the meantime, the Committee is repeating the direct requests made in 1959.

In its general observations on this Convention in 1958 and 1959 the Committee gave detailed indications as to the kind of information which it hoped would be supplied on the measures taken and the results achieved in the application of the policies enunciated in the Convention, with a view to making possible an assessment of the effect given thereto. The Committee has taken note of the report on the operation of the Colonial Development and Welfare Acts, which the United Kingdom Government has supplied with reference to Article 3 of the Convention. The Committee also notes that two of the reports supplied (Northern Rhodesia, Swaziland) contain information of the kind suggested in the above-mentioned general observations. The remaining reports, however, except in so far as they reply to specific requests made for the respective territories by the Committee last year, do not contain such information. The Committee trusts that full information on the various matters dealt with in the Convention, taking into account the general observations made last year, and supported wherever possible by appropriate statistical data, will in future be supplied in the reports of all territories.

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In addition, requests regarding certain points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *France* (States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of Dahomey, Republic of the Ivory Coast, Islamic Republic of Mauritania, Republic of the Niger, Republic of Senegal, Sudanese Republic, Republic of the Upper Volta, Malagasy Republic ; Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia ; Trust Territory : Togoland) ; *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. Vincent, Southern Rhodesia, Swaziland, Trinidad and Tobago).

**Convention No. 84 : Right of Association
(Non-Metropolitan Territories), 1947**

Belgium

Belgian Congo.

According to the statement made by a Government representative to the Conference Committee in 1959, under Article 2 of the Convention it was for each government to determine what it understands by the "appropriate measures" guaranteeing workers and employees the right to associate. However, the Committee observes that it follows from the text of the Convention that the "appropriate measures" in question must be specifically designed to guarantee to workers and employers the right to associate, and not, as is the case in these territories, to deprive certain categories of workers of the right to associate. The provisions of section 3 of the decree of 25 January 1957, read with section 1 of Ordinance No. 21/57 of 8 March 1957, prohibit 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) from joining a trade

union. This is not in conformity with the Convention. The Committee trusts that the necessary measures to ensure conformity with the Convention will be taken without delay.¹

Ruanda-Urundi.

According to the statement made by a Government representative to the Conference Committee in 1959, under Article 2 of the Convention it was for each government to determine what it understands by the "appropriate measures" guaranteeing workers and employees the right to associate. However, the Committee observes that it follows from the text of the Convention that the "appropriate measures" in question must be specifically designed to guarantee to workers and employers the right to associate, and not, as is the case in these territories, to deprive certain categories of workers of the right to associate. The provisions of section 3 of the decree of 25 January 1957, read with section 1 of Ordinance No. 21/57 of 8 March 1957, prohibit 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) from joining a trade union. This is not in conformity with the Convention. The Committee trusts that the necessary measures to ensure conformity with the Convention will be taken without delay.¹

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In addition, a request regarding certain other points is being addressed directly to *Belgium* (Belgian Congo, Ruanda-Urundi).

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947

United Kingdom

Bahamas.

The Committee took note of the statements of a Government representative to the Conference Committee in 1959 that the Chief Industrial Officer had, since his appointment, carried out as much as possible of the work of safety and welfare inspection, that the appointment of an Assistant Labour Officer had been recommended, and that a full report of progress in this matter would be made in the next annual report. As the report for 1958-59 merely states that the Assistant Labour Officer has not yet been appointed, the Committee can only reiterate the hope expressed in 1959 that the officers of the newly established Department of Labour enjoy all the powers and are subject to all the rules provided for in the Convention.

Dominica.

The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Gambia.

The Committee notes from the information supplied by the Government in reply to the requests of 1958 and 1959 that (1) under the Labour Ordinance the labour officer is not required to inspect conditions of employment in any particular area or in any particular trade, occupation or industry, except when a special investigation is required by the Governor, (2) the labour officer does not have powers of inspection (section 30 of the Labour Ordinance) unless an order prescribing minimum remuneration or other conditions of employment has been made under section 26 or section 27 of the ordinance, and (3) no regulations have been made under the Factories Ordinance, 1941, for the appointment of inspectors and for prescribing their duties and powers.

As it is thus apparent that only partial effect has been given to the Convention, which provides that suitably trained inspectors (Article 2) shall be required to inspect conditions of employment at frequent intervals and shall be authorised by law to exercise all the powers specified in Article 4, the Committee trusts that the Government will take the necessary measures, either under the Factories Ordinance or otherwise, to establish and maintain a labour inspection service complying with all the requirements of Articles 2 to 5 of the Convention.

Northern Rhodesia.

The Committee notes with satisfaction that the Mining Regulations, 1958, empower inspectors to take or remove samples of materials and substances, as laid down in Article 4, paragraph 2 (c) (iv), of the Convention.

Nyasaland.

The Committee notes with interest the Government's hope that it will be possible to eliminate the proviso to section 5 (2) (b) of the African Employment Ordinance, under which the employer may ask to be present when a labour officer interviews any employee or recruited African, when amendments to this ordinance are considered at the next session of the Legislative Council. As this proviso is contrary to Article 3 of the Convention, which requires that workers "be afforded every facility for communicating freely with inspectors", the Committee hopes that it will be repealed at an early date.

St. Christopher-Nevis-Anguilla.

The Committee regrets to note that, although the Government has repeatedly stated that the powers of entry and inspection conferred upon the Labour Commissioner under section 6 (1) of the Labour Ordinance, 1950, were not as broad as those specified in Article 4, paragraph 2, of the Convention and that amending legislation was being considered, the ordinance has not yet been amended to conform fully with these requirements of the Convention. The Committee hopes that the necessary steps will be taken at an early date.

The Committee also notes with regret that no progress has been made in the adoption of the contemplated legislation to require officers of the Labour Department to perform inspection duties under the

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Employment of Women, Young Persons and Children Act and the Shops Regulation Ordinance. As according to the Government's report, the police officers, who now perform these duties, receive no training in labour inspection work, and as the Government had indicated already in 1958 that all labour inspection duties were to be performed by officers of the Labour Department, the Committee hopes that this transfer of duties will be brought about shortly.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *France* (States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of the Ivory Coast, Malagasy Republic, Republic of the Niger, Republic of Senegal, Republic of the Upper Volta ; Overseas territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon) ; *Italy* (Trust Territory of Somaliland) ; *United Kingdom* (Aden, British Honduras, Montserrat, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Lucia, Seychelles, Sierra Leone, Southern Rhodesia, Trinidad and Tobago).

Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948

Requests regarding certain points are being addressed directly to the *United Kingdom* (Aden, Basutoland, Bechuanaland, British Guiana, British Honduras, Grenada, Jamaica, Malta, Mauritius, Nigeria, North Borneo, Nyasaland, St. Lucia, St. Vincent, Sarawak, Swaziland, Uganda).

Convention No. 88 : Employment Service, 1948

Requests regarding certain 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

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See Chapter VII, Convention No. 6, France.

Netherlands

Netherlands New Guinea.

Since the Government's report contains no new information, the Committee must refer to its observation of 1959 that the ordinance of 17 December 1925 (section 3) prohibits the employment of women at night during seven hours (from 10 p.m. to 5 a.m.) whereas under Article 2 of the Convention the night period must be not less than 11 consecutive hours.

The Committee trusts that the necessary measures to eliminate this discrepancy will be taken in the near future.

Union of South Africa

South West Africa.

The Committee notes that section 19 (1) (e) of Ordinance No. 34 of 1952 as amended in 1957, provides for a rest period of at least 11 hours between two working days, which is in conformity with Article 2 of the Convention.

The Committee notes on the other hand that no legal provisions exist prohibiting night work for women employed (a) above ground in mines, (b) in factories employing less than five persons and (c) in building and construction. Although, according to the Government, night work occurs very rarely in mines (above ground) and in small undertakings and not at all in building and construction, the Committee considers that the legislation should contain specific provisions making such work illegal in all the undertakings covered by Article 1 of the Convention. The Committee hopes that measures to this effect will be taken in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *France* (Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion) ; *Netherlands* (Netherlands Antilles).

Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948

Netherlands

Netherlands Antilles.

As the Government's report does not indicate any measures taken or contemplated with a view to extending the prohibition of night work to young persons employed as dockers and on work performed for air-transport and shipping enterprises, or in connection with the arrival and departure of aircraft and vessels, the Committee can only reiterate its observation made in 1959 and express the hope once again that the existing discrepancy between the legislation and Article 1, paragraph 1, of the Convention, will be eliminated in the near future.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 94 : Labour Clauses (Public Contracts), 1949

Netherlands

Netherlands Antilles.

The Committee notes with regret that the Government has not supplied information in reply to the observations and direct request made in 1959. As the Convention was declared applicable to the territory without modification in 1955 and observations have been made ever since 1956, the Committee trusts that measures will be taken at an early date to ensure the complete application of the Convention and that full information thereon will be supplied.¹

Surinam.

The Committee notes with interest that, in the light of the observations made by it in previous years, the Government intends to introduce regulations to give effect to the Convention. The Committee hopes that these regulations will be issued at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium* (Belgian Congo, Ruanda-Urundi) ; *France* (French Guiana) ; *United Kingdom* (Antigua, Barba-

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

dos, Bermuda, British Somaliland, British Virgin Islands, Brunei, Dominica, Gilbert and Ellice Islands, Jamaica, Kenya, Mauritius, North Borneo, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Solomon Islands, Trinidad and Tobago, Uganda, Zanzibar).

Information supplied by the following State in answer to direct requests has been noted by the Committee : *United Kingdom* (British Guiana, British Honduras, Cyprus, Gibraltar, Malta, Singapore).

Convention No. 95 : Protection of Wages, 1949

France

French Guiana.

The report for 1958-59 not having been received, the Committee can only repeat its previous observation, which was as follows :

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 Antilles.

Article 15 (d) of the Convention. The Committee regrets to note that a copy of section 2 of the Curaçao Commercial Code, which has been stated to implement this paragraph of the Convention, has not been supplied, in spite of requests to that effect made by the Committee in 1958 and 1959. It trusts that the Government will supply a copy of this section without further delay.

United Kingdom

Cyprus.

The Committee notes the Government's first report. It observes that no general legislation concerning the protection of wages exists in the territory and that reliance is principally placed on practice as securing implementation of the Convention. The Committee wishes to point out, however, that certain provisions of the Convention require the existence of specific legislation to ensure their application, namely Articles 3, 4, 6, 8, 9, 10, 13 (paragraph 2), and 15 (paragraphs (c) and (d)). It would be glad if the Government would give consideration to the enactment of appropriate provisions.

If legislation on the above matters is to be adopted, the Government might perhaps also wish to consider giving statutory effect to Articles 5, 7, 12 and 14, whose implementation at present also depends on practice.

Finally, the Committee would be glad to receive information regarding the application of Article 13, paragraph 1, and Article 15, paragraphs (b) to (d).

Jersey.

The Committee notes that the preparation of legislation to implement the Convention has been deferred pending the findings of the committee set up to advise the United Kingdom Government on the application of the Truck Acts. It hopes that the legislation will be adopted at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States :

France (States of the Community : Central African Republic, Republic of Chad, Republic of the Congo, Gabon Republic, Republic of the Ivory Coast, Republic of the Niger, Republic of Senegal, Republic of the Upper Volta, Malagasy Republic ; Overseas Departments : French Guiana, Réunion ; Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon) ; *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam) ; *United Kingdom* (Aden, Barbados, British Guiana, British Honduras, British Somaliland, Brunei, Gibraltar, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, St. Vincent, Sarawak, Sierra Leone, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 97 : Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Cyprus, Gambia, Kenya, Mauritius, Nigeria, North Borneo, Tanganyika, Uganda, Zanzibar).

Convention No. 98 : Right to Organise and Collective Bargaining, 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Aden, British Guiana, British Honduras, Gibraltar, Grenada, Jamaica, Mauritius, Nigeria, North Borneo, Northern Rhodesia, St. Lucia, St. Vincent, Sarawak, Uganda).

Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951

A request regarding certain points is being addressed directly to the *United Kingdom* (Mauritius).

Convention No. 100 : Equal Remuneration, 1951

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

In the absence of reports in respect of these territories, the Committee can only repeat the request made ever since 1956 for detailed information on the manner in which the Convention is applied, 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). The Committee hopes that the Government will not fail to supply this information.¹

Convention No. 101 : Holidays With Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to the *United Kingdom* (Tanganyika).

¹ The Government is asked to supply full particulars to the Conference at its 44th Session and to report in detail for the 1959-60 period.

Appendix. Detailed Reports Received and Detailed Reports not Received by 1 April 1960

Reports expected : 2,088. Reports received : 1,436. Reports not received : 652.

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 1959 are printed in *italic type*.
For footnotes see end of table, page 73.

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Australia	32	—	0	—	—
Nauru *	8	10, 16, 22, 29, 45, 63, 85, 88	0	—	4
New Guinea *	8	10, 16, 22, 29, 45, 63, 85, 88	0	—	1,312
Norfolk Island *	8	10, 16, 22, 29, 45, 63, 85, 88	0	—	1
Papua *	8	10, 16, 22, 29, 45, 63, 85, 88	0	—	468
Belgium	24	—	34	—	—
Belgian Congo ²	12	11, 12, 17, 18, 19, 29, 42, 82, 84, 85, 89, 94	17	2, 6, 10, 13, 16, 22, 23, 45, 53, 55, 56, 69, 73, 74, 81, 88, 101	13,124
Ruanda-Urundi ³	12	— ditto —	17	— ditto —	4,568
Denmark	26	—	0	—	—
Faroe Islands	13	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 92, 94	0	—	35
Greenland	13	2, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63, 92, 94	0	—	27
France ⁴	124	—	355	—	—
States of the Community:					
Central African Republic ^{3, 5, 6}	5	6, 13, 29, 85, 95	1	82	1,140
Republic of Chad ^{3, 6}	5	— ditto —	1	— ditto —	2,580
Republic of the Congo ⁶	5	— ditto —	1	— ditto —	762
Gabon Republic ⁶	5	— ditto —	1	— ditto —	408
Republic of Dahomey ⁷	0	—	7	6, 13, 18, 29, 82, 85, 95	1,715
Republic of the Ivory Coast ⁷	7	6, 13, 18, 29, 82, 85, 95	0	—	2,607
Islamic Republic of Mauritania ⁷	0	—	7	6, 13, 18, 29, 82, 85, 95	630
Republic of the Niger ^{3, 7}	7	6, 13, 18, 29, 82, 85, 95	0	—	2,450
Republic of Senegal ^{7, 8}	6	6, 13, 18, 29, 85, 95	1	82	2,280
Sudanese Republic ^{3, 7, 8}	0	—	7	6, 13, 18, 29, 82, 85, 95	3,730
Republic of the Upper Volta ^{3, 7}	7	6, 13, 18, 29, 82, 85, 95	0	—	3,380
Malagasy Republic ⁹	6	6, 13, 29, 82, 85, 95	0	—	4,930
Overseas Departments:					
French Guiana	1	55	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 56, 62, 63, 69, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 100, 101	30
Guadeloupe	1	— ditto —	36	— ditto —	251

APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
France (<i>cont.</i>):					
Overseas Depart. (<i>cont.</i>):					
Martinique	1	55	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 56, 62, 63, 69, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 100, 101	258
Réunion	1	— ditto —	36	— ditto —	306
Algeria	5	17, 18, 19, 42, 55	31	2, 6, 10, 12, 13, 16, 22, 23, 24, 29, 44, 45, 52, 53, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	10,143
Overseas Territories:					
Comoro Islands * . .	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	180
French Polynesia * . .	6	6, 13, 29, 82, 85, 95	30	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 88, 89, 92, 94, 96, 101	77
French Somaliland * .	6	— ditto —	30	— ditto —	68
New Caledonia * . . .	7	6, 13, 29, 82, 85, 89, 95	29	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 88, 92, 94, 96, 101	68
St. Pierre and Miquelon *	7	— ditto —	29	— ditto —	5
Trust Territory :					
Togoland ¹⁰	0	—	36	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	1,093
Italy	35	—	0	—	—
Trust Territory of Somaliland ¹¹	35	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 44, 45, 48, 52, 53, 55, 65, 69, 73, 77, 78, 79, 81, 85, 88, 89, 90, 94, 95, 96, 101	0	—	1,310
Netherlands	78	—	0	—	—
Netherlands Antilles. . .	26	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 68, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96	0	—	189
Surinam	26	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 68, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96	0	—	233
Netherlands New Guinea	26	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 68, 69, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96	0	—	700
New Zealand	54	—	0	—	—
Cook Islands and Niue .	18	2, 10, 12, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 82, 88, 89, 101, 104	0	—	22
Tokelau Island	18	— ditto —	0	—	2
Western Samoa *	18	2, 10, 12, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 82, 88, 89, 101, 104	0	—	100
Portugal	88	—	32	—	—
Angola	7	4, 6, 17, 18, 19, 29, 45	4	69, 73, 74, 92	4,355

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Portugal (<i>cont.</i>) :					
Cape Verde	7	4, 6, 17, 18, 19, 29, 45	4	69, 73, 74, 92	182
Macao	7	— ditto —	4	— ditto —	207
Mozambique	7	— ditto —	4	— ditto —	6,170
Portuguese Guinea	7	— ditto —	4	— ditto —	554
Portuguese Indies	7	— ditto —	4	— ditto —	647
St. Tóme and Príncipe . .	7	— ditto —	4	— ditto —	62
Timor	7	— ditto —	4	— ditto —	484
Spain	0	—	34	—	—
Spanish Guinea	0	—	17	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 48	212
Spanish West Africa . . .	0	—	17	— ditto —	144
Union of South Africa . .	6	—	0	—	—
South West Africa	6	2, 19, 42, 45, 63, 89	0	—	524
United Kingdom	980	—	197	—	—
Aden * ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101	4	69, 74, 82, 92	790
Antigua * ^{13, 14}	3	2, 17, 63	21	12, 16, 19, 22, 24, 25, 29, 42, 44, 45, 56, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101	55
Bahamas * ¹⁴	19	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 101	6	69, 74, 82, 92, 94, 95	123
Barbados ^{13, 15}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 94, 95, 101	4	69, 74, 88, 92	230
Basutoland ^{3, 16}	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101	0	—	651
Bechuanaland ^{3, 16}	25	— ditto —	0	—	331
Bermuda ¹²	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 85, 88, 94, 95, 101	3	69, 74, 92	42
British Guiana ¹⁷	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 88, 94, 95, 101	4	69, 74, 82, 92	516
British Honduras ¹⁷ . . .	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 88, 94, 95, 101 *	4	— ditto —	84
British Somaliland ¹⁷ . .	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101 *	4	69, 74, 82, 92	650
British Virgin Islands * ¹⁷	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 85, 88, 94, 95, 101	3	69, 74, 92	8
Brunei * ¹²	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 88, 94, 95, 101	4	69, 74, 82, 92	73
Cyprus ^{13, 18}	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 88, 94, 95, 101	3	69, 74, 92	536

APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (<i>cont.</i>):					
Dominica * ^{13, 19}	19	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 85, 94	6	69, 74, 88, 92, 95, 101	65
Falkland Islands ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101	4	69, 74, 82, 92	2
Fiji ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29*, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101	4	— ditto —	354
Gambia * ¹²	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 85, 88, 94, 95, 101	3	69, 74, 92	290
Gibraltar ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82*, 88, 94, 95*, 101	3	— ditto —	25
Gilbert and Ellice Islands ¹²	21	2*, 12*, 16*, 17*, 19*, 22*, 24*, 25*, 29*, 42*, 44*, 45*, 56*, 63*, 65*, 81*, 85*, 88*, 94*, 95*, 101	4	69, 74, 82, 92	40
Grenada ^{13, 17, 20}	16	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 82*	8	69, 74, 81, 88, 92, 94, 95, 101	90
Guernsey	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 94	3	92, 95, 101	43
Hong Kong ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82*, 88, 94, 95, 101	3	69, 74, 92	2,583
Jamaica * ^{13, 17}	16	12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 65, 81, 82*, 94	8	2, 63, 69, 74, 88, 92, 95, 101	1,595
Jersey	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 94, 95	2	92, 101	57
Kenya ¹²	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 88, 94, 95, 101	4	69, 74, 82, 92	6,254
Malta ¹⁷	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82*, 88, 94, 95	4	69, 74, 92, 101	319
Isle of Man	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 94, 95	2	92, 101	55
Mauritius ¹²	19	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44*, 45, 56, 63, 65, 81, 88, 94*, 95*	5	69, 74, 82, 92, 101	587
Montserrat ^{13, 15}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 94, 95, 101	5	69, 74, 82, 88, 92	14
Nigeria ^{12, 21}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82*, 88, 94, 95	4	69, 74, 92, 101	32,433
North Borneo ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82*, 88, 94, 95, 101	3	69, 74, 92	397
Northern Rhodesia ^{2, 22, 23}	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 82, 85, 88, 92, 101	3	81, 94, 95	2,240
Nyasaland ^{2, 17, 22}	22	2, 12, 16, 17, 19, 22, 24, 25, 29*, 42, 44, 45, 56, 63, 65, 69, 74, 82, 85, 88, 92, 101	3	— ditto —	2,650

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (cont.):					
St. Christopher-Nevis-Anguilla * ^{13, 16}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 85, 94, 95	5	69, 74, 88, 92, 101	56
St. Helena * ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101	4	69, 74, 82, 92	5
St. Lucia ^{13, 17}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 85, 94, 95 *	5	69, 74, 88, 92, 101	90
St. Vincent * ^{13, 17}	19	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 94, 95	5	— ditto —	80
Sarawak ¹²	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 88, 94, 95, 101	4	69, 74, 82, 92	640
Seychelles * ¹²	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 85, 88, 94, 95, 101	3	69, 74, 92	41
Sierra Leone ²⁴	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 85, 88, 94, 95	4	69, 74, 92, 101	2,120
Singapore ¹⁵	19	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 88, 94	5	69, 74, 92, 95, 101	1,460
Solomon Islands ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29 *, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 95, 101	4	69, 74, 82, 92	104
Southern Rhodesia ^{3, 22, 23}	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 82, 85, 88, 92, 101	3	81, 94, 95	2,560
Swaziland ^{3, 16}	25	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101	0	—	260
Tanganyika ¹²	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 88, 94, 95, 101	3	69, 74, 92	8,760
Trinidad and Tobago * ^{13, 17}	20	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82, 85, 94, 95	5	69, 74, 88, 92, 101	765
Uganda ^{3, 12}	21	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 82 *, 88, 94, 95 *, 101	3	69, 74, 92	5,680
Zanzibar ¹²	22	2, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 81, 85, 88, 94, 101	5	69, 74, 82, 92, 95	285
United States of America	21	—	0	—	—
American Samoa	3	53, 55, 74	0	—	20
Guam	3	— ditto —	0	—	38
Hawaii ²⁵	3	— ditto —	0	—	612
Panama Canal Zone	3	53, 55, 74	0	—	56
Puerto Rico	3	53, 55, 74	0	—	2,282
Trust Territory of Pacific Islands	3	53, 55, 74	0	—	167
Virgin Islands	3	53, 55, 74	0	—	24

Footnotes to Appendix to Chapter VIII

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations: *Demographic Year-Book*, 1958.

² Will become independent on 30 June 1960.

³ Territories having no seaboard.

⁴ Reports on Convention No. 89 also include Convention No. 4 (applicable).

⁵ Formerly Ubangi Shari.

⁶ Formerly French Equatorial Africa.

⁷ Formerly French West Africa.

⁸ The Republic of Senegal and the Sudanese Republic constitute the Federation of Mali. Negotiations concerning the international status of the Federation of Mali are in progress.

⁹ Negotiations are in progress concerning the international status of the Malagasy Republic.

¹⁰ Will become independent on 27 April 1960.

¹¹ Will become independent on 1 July 1960.

¹² Has submitted reports on Conventions Nos. 87, 97, 98, 99, 102.

¹³ Federation of the West Indies.

¹⁴ Has submitted a report on Convention No. 102.

¹⁵ Has submitted reports on Conventions Nos. 99, 102.

¹⁶ Has submitted reports on Conventions Nos. 87, 97, 99, 102.

¹⁷ Has submitted reports on Conventions Nos. 87, 98, 99, 102.

¹⁸ Negotiations with a view to independence are in progress.

¹⁹ Has submitted reports on Conventions Nos. 98, 99, 102.

²⁰ Has submitted a report on Convention No. 85.

²¹ Will become independent in October 1960.

²² Federation of Rhodesia and Nyasaland.

²³ Has submitted reports on Conventions Nos. 87, 98, 102.

²⁴ Has submitted reports on Conventions Nos. 97, 99, 102.

²⁵ Attained statehood (as the fiftieth state of the United States) in August 1959.

IX. Observations concerning the Submission to the Competent Authorities of the Convention and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Albania

In 1959 the Committee noted that the Praesidium of the People's Assembly, to which Conventions and Recommendations are submitted, reports to the Popular Assembly on the activities which it has carried out between the sessions of the Assembly, particularly as regards the international field, and that the People's Assembly is thus ultimately informed. The Committee once again expresses the hope that the Government will indicate whether, in conformity with this procedure, all the Conventions and Recommendations, as well as the decisions adopted in regard to them by the Praesidium, are ultimately submitted to the Popular Assembly, which constitutes the most representative legislative body provided for under the national Constitution (see General Report, paragraphs 55 and 56).

Argentina

The Committee notes with interest that, according to the statement of a Government representative to the Conference Committee in 1959, all the Conventions and Recommendations adopted up to the 40th Session have been submitted to Congress. It expresses the hope that the Government will not fail, in future, to supply full information on the measures taken with a view to submitting Conventions and Recommendations to Congress, and will communicate in this connection all the information requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Bolivia

Since the Government has not communicated any information in reply to the Observations made in 1959, the Committee can only note once again, with much regret, that the Government continues to ignore the obligations arising out of article 19 of the Constitution which are incumbent on all States Members of the I.L.O. The Committee must, therefore, ask the Government once again to indicate the measures which it intends to take in this connection and to state the reasons for which it has been unable to fulfil its obligations with regard to all the Conventions and Recommendations adopted by the Conference since its 31st Session (with the exception of Convention No. 96 which has been ratified).

Brazil

The Committee notes with interest that all the Conventions adopted up to the 40th Session have been submitted to the National Congress; however, it notes that, according to the statement made by a Government representative to the Conference Committee in 1959, all the Recommendations adopted up to the said session are still being examined. The Committee expresses the hope that the Government will shortly be able to take steps with a view to submitting the Recommendations also to the National Congress (see General Report, paragraphs 54 and 55). The Committee also notes with interest that Convention No. 111 has been submitted to Congress for ratification.

Bulgaria

The Committee notes, from the statement made by a Government representative to the Conference Committee in 1959, that the competent bodies for the enactment of legislation to give effect to Conventions

and Recommendations are in some cases the National Assembly and in other cases the Praesidium of this Assembly, which holds the legislative power when the National Assembly is not in session.

In view of the fact that, under article 19 of the Constitution, Conventions and Recommendations must be submitted to the authorities which are competent to enact legislation as regards the matters dealt with in these instruments, the Committee hopes that the Government will not fail to indicate the measures which are taken in these circumstances with a view to submitting Conventions and Recommendations to the National Assembly.

Moreover, in all cases where the Conventions and Recommendations have only been submitted to the Praesidium of the National Assembly, the Committee expresses the hope that the Government will also submit these instruments to the Assembly itself which, according to the national Constitution, constitutes the most representative legislative body (see General Report, paragraphs 54 and 55).

Burma

The Committee notes that, according to the information communicated by the Government to the Conference Committee in 1959, the submission of Conventions and Recommendations had been delayed because of certain political events but that the Government was taking steps with a view to submitting to Parliament all the instruments adopted by the Conference at its 37th, 38th, 39th and 40th Sessions. In view of the fact that no new information has been communicated since then, the Committee trusts that the Government will soon be able to supply full information on the measures taken to ensure the submission to Parliament of the above-mentioned instruments, and also of the Conventions and Recommendations adopted at the 41st and 42nd Sessions.

Byelorussia

The Committee notes that Recommendations Nos. 101 and 102, which had been submitted to the Council of Ministers, have also been submitted to the Praesidium of the Supreme Soviet and that, as a rule, all Conventions and Recommendations are submitted to the Praesidium, which is empowered to enact legislation or take other measures with a view to giving effect to Conventions and Recommendations. Nevertheless, the Committee expresses the hope that the Government will take steps with a view to submitting these instruments, as well as the relevant decisions of the Praesidium, to the Supreme Soviet itself, which constitutes the most representative legislative body provided for in the national Constitution (see General Report, paragraphs 54 and 55).

China

The Committee notes that, according to a statement made by a Government representative to the Conference Committee in 1959, a special committee has been entrusted with the examination of Conventions and Recommendations with a view to proposing measures which might be taken in regard to these instruments. Nevertheless, it notes with regret that no other information has been communicated since then. The Committee trusts that the preparatory measures taken by the Government have been completed and that it will indicate without delay whether it has finally been able to submit to the competent authorities all the Conventions and Recommendations indicated in the last column of Appendix I to this chapter.

Colombia

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1959 with regard to the constitutional difficulties which have arisen in connection with the procedure for the submission of Conventions and Recommendations to the National Congress. It hopes that it will be possible to surmount these difficulties and that it will be possible to adopt the measures mentioned by the Committee in the request addressed directly to the Government in order to ensure that the instruments indicated in the last column of Appendix I to this chapter are submitted to the competent authorities.

Cuba

The Committee notes that Convention No. 110 has been ratified; however, it finds with regret that the Government has not communicated information with regard to the submission to the competent authorities of the other instruments adopted at the 42nd Session, nor as regards the instruments adopted at the 41st Session, and that it has not replied to the request made in 1959 with regard to the submission of the various Conventions and Recommendations adopted at the 33rd, 36th, 37th and 39th Sessions, and of Convention No. 102 and Recommendation No. 94 adopted at the 35th Session, with regard to which the obligations arising out of article 19 of the Constitution of the I.L.O. had not yet been fulfilled. The Committee urges the Government to supply the information in question and to communicate in this connection all the information which is requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Czechoslovakia

The Committee notes that, in a statement made to the Conference Committee in 1959, a Government representative stated once again that the competent authority is in certain cases the National Assembly and in other cases the Government. Consequently, the Committee hopes that the Government will not fail to indicate in what cases it considers that it is itself competent to legislate with respect to questions dealt with in Conventions and Recommendations. Moreover, the Committee hopes that in the latter case the Government will nevertheless take steps to ensure the submission of the Conventions and Recommendations to the National Assembly itself, which, according to the national Constitution, constitutes the most representative legislative body (see General Report, paragraphs 54 and 55).

Ecuador

The Committee notes that, according to a statement made to the Conference Committee in 1959, the Government has begun to examine all the Conventions and Recommendations with a view to ensuring their submission to Congress. It hopes that this task will shortly be accomplished and points out, in this connection, that Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when consideration is being given to the ratification of the Conventions or the implementation of the Recommendations. The Committee expresses the hope that the Government will soon find it possible to communicate information regarding the submission to Congress of all the instruments mentioned in the last column of Appendix I to this chapter.

Ethiopia

The Committee takes note with interest of the statement made by a Government representative to the Conference Committee in 1959, according to which measures were being taken with a view to fulfilling the obligations arising out of the Constitution of the I.L.O. Consequently, it expresses the hope that the Government will soon find it possible to supply information with regard to the submission to the competent authorities of all the Conventions and Recommendations adopted by the Conference since its 31st Session.

France

The Committee notes with regret that the Government has not communicated information with regard to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 40th Session, nor as regards the instruments adopted at the 41st and 42nd Sessions.

The Committee hopes that the Government will soon supply the information requested in this connection in the *Memorandum* adopted by the Governing Body at its 140th Session.

Greece

The Committee notes that, according to a statement made to the Conference Committee in 1959, the Government is still considering the procedure which would enable it to surmount the constitutional difficulties which it has met and which would enable it to fulfil the obligations arising out of article 19 of the Constitution of the I.L.O. The Committee must note with much regret that once again no new information has been communicated this year with regard to the progress which may have taken place in this connection. It hopes that the Government will shortly find it possible to submit to the competent authorities all the Conventions and Recommendations which have not yet been submitted and that in this connection it will communicate the information which is requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Guatemala

The Committee notes with interest that Conventions Nos. 105 and 106, which were adopted at the 40th Session of the Conference, as well as Conventions Nos. 110 and 111, which were adopted at the 42nd Session, have been submitted to Congress for ratification. However, it finds it necessary to point out once again that information has not yet been supplied with regard to the submission to Congress of all the Conventions and Recommendations in regard to which the obligations arising out of article 19 of the Constitution have not yet been fulfilled and which are mentioned in the last column of Appendix I to this chapter. The Committee wishes to stress in this connection 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 implement these Recommendations.

In addition the Committee notes that Recommendations Nos. 110 and 111 have been submitted to the Minister of Labour and Social Welfare who, according to the Government, is competent to take measures in order to give effect to such instruments. It hopes that the Government will nevertheless take steps to ensure that these Recommendations also are submitted to Congress itself which is in general invested with the legislative power (see General Report, paragraphs 54 and 55).

Haiti

The Committee notes that information has been supplied with regard to the submission to the competent authorities of the instruments adopted at the 41st and 42nd Sessions of the Conference; however it notes that, in spite of the assurances given by a Government representative to the Conference Committee in 1959, no new information has been supplied with regard to the submission of those instruments adopted by the Conference since its 31st Session with regard to which the Government has not yet fulfilled the obligations arising out of article 19 of the Constitution. The Committee trusts that measures will be adopted in the near future with regard to all the instruments mentioned in the last column of Appendix I to this chapter.

Hungary

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1959. It appears from this statement, in the first place, that Conventions and Recommendations are dealt with in certain cases in Bills which are submitted to the National Assembly; the Committee hopes, therefore, that the Government will not fail to indicate the measures taken in these circumstances to submit the instruments in question to the National Assembly.

In the second place it appears from this statement that the Presidential Council is empowered to enact legislation when the National Assembly is not in session. The Committee hopes that, in those cases where the Conventions and Recommendations may have been thus submitted only to the Presidential Council, the Government will take steps to ensure that these instruments are also submitted to the National Assembly itself, which constitutes the most representative legislative body provided for in the national Constitution (see General Report, paragraphs 54 and 55).

Indonesia

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1959 and of the information supplied with regard to the submission of the instruments adopted by the Conference at its 41st Session. It expresses the hope that the Government has overcome the difficulties which had arisen, particularly as regards the translation of the Conventions and Recommendations, and has been able to fulfil entirely the obligations arising out of article 19 of the Constitution, and that it will soon find it possible to supply information on the submission of all the instruments mentioned in the last column of Appendix I to this chapter.

Iran

The Committee takes note with interest of the information supplied with regard to the decisions taken by Parliament concerning Recommendations Nos. 99, 100 and 102, and it expresses the hope that the Government will continue to supply information on the decisions taken with respect to all Conventions and Recommendations.

Iraq

The Committee takes note with interest of the ratification of Conventions Nos. 105 and 111 and of the information communicated by the Government on the measures which have been taken and on those which are being considered, with a view to submitting to the competent authorities the instruments adopted by the Conference at its 42nd Session. The Committee refers to the statement made by a Government repre-

sentative to the Conference Committee in 1959 and expresses the hope that, following the promulgation of the new Labour Code, the Committee will find it possible to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference since its 31st Session with regard to which this procedure had not yet been carried out, as well as proposals or comments regarding the effect to be given to these instruments (see General Report, paragraphs 56 to 58).

Italy

The Committee notes with regret that the Government has not supplied information with regard to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 40th Session, or with regard to the instruments adopted at the 41st and 42nd Sessions.

Jordan

The Committee notes with regret that the Government has neither communicated any information in reply to the observation made in 1959, nor indicated what measures may have been taken with a view to submitting to the competent authorities the Conventions and Recommendations adopted by the Conference at its 41st and 42nd Sessions. It finds it necessary, therefore, to draw the attention of the Government to the obligations arising out of article 19 of the Constitution of the I.L.O. for all States Members of the Organisation, and it hopes that the Government will soon find it possible to communicate full information on the submission to the competent authorities of all the Conventions and Recommendations mentioned in the last column of Appendix I to this chapter.

Lebanon

The Committee notes that, according to the statement made by a Government representative to the Conference Committee in 1959, a certain number of Conventions have been submitted to the Chamber of Deputies for ratification, including Conventions Nos. 89 and 90, which were adopted at the 31st Session. It must point out, however, that information has still to be supplied with regard to the submission to the competent authorities of all the other Conventions and Recommendations adopted by the Conference since its 31st Session. Since it would appear from the above-mentioned statement that the Government is carrying out an administrative reorganisation with a view to fulfilling in future the obligations arising out of article 19 of the Constitution of the I.L.O., the Committee hopes that the Government will soon be able to indicate what measures have been taken in this connection.

Liberia

The Committee takes note of the information supplied by the Government and expresses the hope that it will supply the additional information asked for by the Committee in a direct request. It also takes note of the statement made by a Government representative to the Conference Committee in 1959 indicating that a large number of Conventions are soon to be submitted to the legislative bodies. In this connection the Committee ventures to draw the Government's attention to the fact that both 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. Consequently it expresses the hope that the Government will soon find it possible to communicate information regarding the

submission of the instruments adopted by the Conference at its 31st to 40th Sessions and also of the Conventions and Recommendations adopted at the 41st Session (Maritime).

Libya

In 1959 the Committee noted that, according to a statement made by the Government, the promulgation of a new Labour Code was soon to enable the Government to fulfil the obligations prescribed by article 19 of the Constitution of the I.L.O. It notes with much regret, however, that no information has so far been communicated with regard to the measures in question. Consequently it urges the Government to indicate whether it has finally been possible to submit to the competent authorities the instruments adopted by the Conference since its 35th Session.

Federation of Malaya

The Committee notes with interest that Parliament constitutes the competent authority, and it expresses the hope that it will soon be possible to submit to Parliament the Conventions and Recommendations adopted at the 41st and 42nd Sessions of the Conference.

Mexico

The Committee takes note of the measures which have been taken or which are being considered with regard to the Conventions and Recommendations adopted by the Conference at its 41st and 42nd Sessions and hopes that in this connection the Government will supply the additional information referred to in the request communicated directly to the Government. The Committee points out that Conventions and Recommendations must be submitted to the competent legislative authorities *in all cases* and not only when it is proposed to ratify the Conventions or to take measures in order give effect to the Recommendations. In this connection the Committee notes that the Government has not indicated whether the various instruments mentioned in the last column of Appendix I to this chapter have been submitted to the competent authorities and it trusts that the Government will soon communicate all the information requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Nicaragua

The Committee notes once again that, according to the information communicated by the Government, the Conventions and Recommendations are to be submitted to the legislative bodies (Chamber of Senators and Chamber of Deputies) after the adoption of new labour legislation which is being prepared. It trusts that the Government will soon find it possible to submit to the legislative bodies all the instruments adopted by the Conference at its 40th, 41st and 42nd Sessions as well as proposals or comments concerning the measures to be taken with regard to these instruments (see General Report, paragraphs 56 to 58).

Panama

The Committee notes that, according to the statement made to the Conference Committee in 1959, the Government considers that by ratifying a certain number of Conventions it has complied with its obligations regarding the submission of Conventions and Recommendations to the competent authorities, since all the Conventions cannot be ratified.

The Committee draws the Government's attention to the distinction which must be made between the ratification of Conventions, on the one hand, and the

obligations regarding submission of instruments to the competent authorities on the other hand. These obligations do not imply that the Conventions must necessarily be ratified; however, these obligations must be fulfilled *in all cases*, even if it is not proposed to ratify the instruments; moreover, they must also be complied with in the case of Recommendations, which are not open to ratification.

It appears that since the entering into force in 1948 of the revised text of article 19 of the Constitution of the I.L.O., which provides that each member State must communicate information on the measures taken with a view to submitting to the national competent authorities the Conventions and Recommendations adopted by the Conference, the Government has merely referred to the ratification of certain Conventions and has never communicated the information requested under the above-mentioned provisions. Consequently the Committee calls the Government's attention to the importance of the relevant provisions of the Constitution of the I.L.O. and urges it to indicate what measures it intends to take with a view to submitting to the National Assembly all the Conventions and Recommendations adopted by the Conference since its 31st Session in 1948, other than Conventions Nos. 87 and 100, which have been ratified.

Paraguay

The Committee notes with regret that the Government has not replied to the request made in 1959 with regard to the submission to the competent authorities of the instruments adopted at the 40th Session and has not communicated any information with regard to the submission to these authorities of the Conventions and Recommendations adopted at the 41st and 42nd Sessions. The Committee notes that since Paraguay rejoined the Organisation in 1956, no information has been supplied with regard to the taking of the measures provided for in article 19 of the Constitution in this connection; consequently it calls the Government's attention to the obligations incumbent on all States Members with regard to these provisions. The Committee trusts that the Government will shortly communicate, with regard to the above-mentioned instruments, all the information requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Peru

The Committee takes note with great interest of the statement made by a Government representative to the Conference Committee in 1959 and of the information subsequently communicated, from which it appears that a large number of Conventions have been submitted to Congress, particularly those adopted from the 31st to the 42nd Sessions (except Conventions Nos. 90 and 98). The Committee expresses the hope that the Government will soon be able to indicate whether Conventions Nos. 90 and 98, as well as the Recommendations mentioned in the last column of Appendix I to this chapter, have also been submitted to Congress.

Poland

The Committee thanks the Government for the information communicated with regard to the new procedure adopted concerning the submission of Conventions and Recommendations to the competent authorities. It notes with satisfaction that all the Conventions and Recommendations, together with the relevant decisions adopted by the Council of State (in the case of Conventions) or the Council of Ministers (in the case of Recommendations) concern-

ing the action to be taken as regards these instruments, are to be communicated to the President of the Sejm, which assembly constitutes the most representative legislative body in accordance with the national Constitution.

The Committee also notes with interest that all the Conventions and Recommendations are to be thoroughly examined by the ministries concerned, in consultation with the Central Council of Trade Unions, and that the Government is shortly to submit to the competent authorities all the instruments adopted since the 31st Session of the Conference which have not been submitted to these authorities.

Portugal

According to the statement of a Government representative to the Conference Committee in 1959, the power to enact legislation in the fields covered by Conventions and Recommendations normally lies with the Government. Nevertheless the Committee notes that according to previous statements made by the Government, the National Assembly holds the legislative power in virtue of the Portuguese Constitution; moreover, the Committee points out that the National Assembly constitutes the most representative legislative body, whatever may be the exact line of division between the competence of the Assembly and that of the Government; consequently, the submission to the National Assembly in all cases of Conventions and Recommendations would be in accordance with article 19 of the Constitution of the I.L.O. (see General Report, paragraphs 54 and 55). The Committee therefore expresses the hope that the Government will take steps to ensure that Conventions and Recommendations are in all cases submitted to the National Assembly.

Rumania

According to the statement made by a Government representative to the Conference Committee in 1959, all Conventions and Recommendations are submitted to the Praesidium of the Grand National Assembly, which exercises the legislative power whenever the Assembly is not in session; moreover, the decrees by which the Praesidium ratifies international labour Conventions are submitted for approval to the Grand National Assembly. The Committee expresses the hope that the Government will take steps to ensure that all Conventions—even if it has not been decided to ratify them—and all Recommendations, together with the relevant decisions of the Praesidium, are submitted to the Grand National Assembly itself, which, according to the national Constitution, constitutes the most representative legislative body (see General Report, paragraphs 54 to 58).

Finally the Committee wishes to thank the Government for the information supplied in reply to the observation made in 1959 with regard to the proposals which were made when submitting the instruments adopted at the 40th Session to the Praesidium: it hopes that the Government will continue to supply such information with regard to each session of the Conference.

El Salvador

The Committee notes that the Government has repeated for many years that it intends to fulfil the obligations incumbent upon it under article 19 of the Constitution of the I.L.O. with regard to all Conventions and Recommendations, and has indicated that these instruments are being examined with a view to their submission to the Legislative Assembly.

The Committee trusts that the Government will soon be able to take steps with regard to all the instruments mentioned in the last column of Appendix I to this chapter. In this connection it points out that the instruments adopted by the Conference must be submitted to the competent authority *in all cases* and not only when it is proposed to ratify a Convention or give effect to a Recommendation.

Spain

According to the information communicated by the Government to the Conference Committee in 1959 the authorities which are empowered to issue provisions of a general character in the fields dealt with by the Conventions and Recommendations are in some cases the Cortes (Acts) and in other cases the Chief of State (decrees) or ministers (ministerial orders).

The Committee notes nevertheless that the Conventions and Recommendations adopted by the Conference at its 39th, 40th, 41st and 42nd Sessions have not been submitted to the legislative authorities, but to the directorates of the ministries concerned; in view of the fact that these directorates are entrusted only with the *preparation* of Bills, draft decrees or draft orders, they may not under any circumstance be considered as the competent authorities to which Conventions and Recommendations must be submitted in virtue of article 19 of the Constitution of the I.L.O. Consequently the Committee trusts that the Government will without delay submit the Conventions and Recommendations in question to the authorities which are competent to adopt the above-mentioned legislation or regulations.

Moreover, in all cases where, according to the Government, the provisions to be taken in regard to Conventions and Recommendations depend solely on executive bodies (decrees and ministerial orders), the Committee expresses the hope that the Government will take steps to ensure that these instruments are also submitted to the Cortes, which are the most representative legislative body provided for in the national Constitution (see General Report, paragraphs 54 to 56).

Sudan

The Committee notes with regret that the Government has not replied to the request made in 1959 with regard to the submission to the competent authorities of the instruments adopted at the 40th Session and has not communicated information with regard to the submission to these authorities of the Conventions and Recommendations adopted at the 41st and 42nd Sessions. Consequently it urges the Government to communicate in this connection all the information requested in the Memorandum adopted by the Governing Body at its 140th Session.

Thailand

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1959, according to which the difficulties which had delayed the submission of Conventions and Recommendations adopted since the 37th Session of the Conference, including in particular the requirements concerning translation, would soon be overcome. Nevertheless, the Committee regrets that no information has been communicated since then with regard to the measures which may have been taken to fulfil the obligations arising out of article 19 of the Constitution of the I.L.O. The Committee trusts that the Government will indicate, without delay, whether all the Conventions and Recommendations

adopted by the Conference at its 37th to 42nd Sessions have been submitted to the competent authorities and that it will supply in this connection all the information requested in the *Memorandum* adopted by the Governing Body at its 140th Session.

Ukraine

The Committee notes that Conventions and Recommendations are submitted to the Praesidium of the Supreme Soviet and that this body is empowered to enact legislation or take other measures with a view to giving effect to Conventions and Recommendations. Nevertheless, the Committee expresses the hope that the Government will take steps with a view to ensuring that these instruments, as well as the relevant decisions taken by the Praesidium, are also submitted to the Supreme Soviet itself, which constitutes the most representative legislative body according to the national Constitution (see General Report, paragraphs 54 and 55).

U.S.S.R.

The Committee notes that Recommendations Nos. 101 and 102, which have been submitted to the Council of Ministers, have also been submitted to the Praesidium of the Supreme Soviet and that, as a rule, all Conventions and Recommendations are submitted to the Praesidium, which is empowered to enact legislation or to take other measures with a view to giving effect to Conventions and Recommendations. Nevertheless, the Committee expresses the hope that the Government will take steps with a view to ensuring that these instruments, as well as the relevant decisions taken by the Praesidium, are also submitted to the Supreme Soviet itself, which constitutes the most representative legislative body according to the national Constitution (see General Report, paragraphs 54 and 55).

United Arab Republic

The Committee takes note with interest of the statement made by a Government representative to the Conference Committee in 1959, in which it was indicated that from now on the Parliament of the United Arab Republic constitutes the competent authority to which the Conventions and Recommendations adopted by the Conference will be submitted.

Uruguay

The Committee notes with regret that the Government has supplied no information with regard to the points raised in the observations of 1958 and 1959; it trusts that the Government will communicate without delay full information with regard to the submission to the competent authorities of Conventions Nos. 104, 106 and 107 and Recommendations Nos. 98, 101, 102, 103 and 104, and also of all the instruments adopted by the Conference at its 41st and 42nd Sessions. In this connection it points out 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.

Venezuela

The Committee notes with interest that, according to the statement made by a Government representative to the Conference Committee in 1959, the Congress has been re-established and that it will therefore be

possible to submit Conventions and Recommendations to it from now on. It also notes with satisfaction that a special Inter-Ministerial Committee has since been entrusted with the examination of Conventions and Recommendations and that the work carried out by this Committee has already made it possible to submit Conventions Nos. 87, 98, 105 and 111 to Congress for ratification.

Consequently, the Committee expresses the hope that the Government will soon find it possible to supply information with regard to the submission of the instruments which are indicated in Appendix I (last column) of this chapter, and points out in this connection 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 give effect to these Recommendations.

Viet-Nam

The Committee notes that the Conventions and Recommendations adopted at the 38th, 39th, 40th, 41st and 42nd Sessions of the Conference have been submitted only to the President of the Republic. In view of the fact that, according to a statement made by a Government representative to the Conference Committee in 1957, and in conformity with the Constitution of Viet-Nam, the National Assembly is invested with the legislative power and constitutes therefore the competent authority for the purposes of article 19 of the Constitution of the I.L.O., the Committee expresses the hope that the Government will shortly take steps with a view to submitting also to this Assembly the Conventions and Recommendations adopted at the above-mentioned sessions, together with any proposals or comments regarding the effect to be given to these instruments (see General Report, paragraphs 54 to 58).

Yugoslavia

The Committee notes with interest that, according to the statement made by a Government representative to the Conference Committee in 1959, the decisions of the Federal Executive Council regarding Conventions and Recommendations are submitted to the Federal People's Assembly. The Committee understands that all Conventions and Recommendations and all decisions taken by the Executive Council (and not only the decisions favouring the ratification of Conventions) are submitted to the People's Assembly, which constitutes the most representative legislative body (see General Report, paragraphs 55 to 57). The Committee would be grateful if the Government would supply further information in this connection.

* * *

In addition, requests concerning certain other points are being communicated directly to the following States: *Afghanistan, Albania, Argentina, Australia, Austria, Byelorussia, Brazil, Bulgaria, Canada, Ceylon, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ghana, Guatemala, Haiti, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Peru, Philippines, Portugal, Rumania, Tunisia, Turkey, Ukraine, U.S.S.R., Union of South Africa, United Arab Republic, Venezuela, Yugoslavia.*

**Appendix I. Position of the Individual Members with Regard
to the Obligation to Submit Conference Decisions to the Competent Authorities**

(31st to 42nd Sessions of the International Labour Conference, 1948-58)

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, 39th and 40th	37th, 41st and 42nd
Albania	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Argentina	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	41st and 42nd
Australia	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th, 41st and 42nd
Austria	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 105, 107; R 104)	40th (C 106; R 103), 41st and 42nd
Belgium	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
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, 40th, 41st and 42nd
Brazil	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 85), 33rd, 34th, 35th (C 101, 102, 103; R 93), 38th (C 104), 40th (C 105, 106, 107), 42nd (C 111)	32nd (R 84, 86, 87), 35th (R 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 40th (R 103, 104), 41st and 42nd (C 110; R 110, 111)
Bulgaria	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Burma	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th, 40th, 41st and 42nd
Byelorussia ¹	37th, 38th, 39th, 40th, 41st and 42nd	—
Canada	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Ceylon	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Chile	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
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), 41st and 42nd
Colombia	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th, 40th, 41st and 42nd
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, 40th, 41st and 42nd	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100)
Cuba	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95), 38th, 40th and 42nd (C 110)	33rd, 35th (C 102; R 94), 36th, 37th, 39th, 41st and 42nd (C 111; R 110, 111)
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, 40th, 41st and 42nd
Denmark	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 41st	42nd
Dominican Republic	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
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, 40th, 41st and 42nd
Ethiopia	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd
Finland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 41st	42nd

¹ Byelorussia became a Member of the Organisation in 1954.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
France	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th, 41st and 42nd
Germany (Federal Republic) ¹ . . .	34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Ghana ²	40th, 41st and 42nd	—
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, 40th, 41st and 42nd
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 39th, 40th (C 105, 106) and 42nd	32nd (C 91, 92, 93; R 87), 33rd, 34th, 35th, 36th, 37th, 38th, 40th (C 107; R 103, 104) and 41st
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100) 40th, 41st and 42nd	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 ³	39th, 40th, 41st and 42nd	—
Hungary	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	41st and 42nd
Iceland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th	41st and 42nd
India	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 41st	42nd
Indonesia ⁴	34th (C 100), 40th and 41st	33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th and 42nd
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, 37th, 41st and 42nd
Iraq	31st (C 88), 40th (C 105) and 42nd (C 111)	31st (C 87, 89, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st and 42nd (C 110; R 110, 111)
Ireland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 42nd	41st
Israel ⁵	32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 42nd (C 111)	41st and 42nd (C 110; R 110, 111)
Italy	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th, 41st and 42nd
Japan ⁶	35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Jordan ⁷	40th (C 105)	39th and 40th (C 106, 107; R 103, 104)
Lebanon	31st (C 89, 90)	31st (C 87, 88; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd
Liberia	42nd	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 41st
Libya ⁸	—	35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd
Luxembourg	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	40th, 41st and 42nd
Federation of Malaya ⁹ . . .	—	41st and 42nd
Mexico	31st, 34th (C 99, 100; R 89, 90), 40th, 41st (R 105, 106, 107, 108, 109), and 42nd (C 110; R 110, 111)	32nd, 33rd, 34th (R 91, 92), 35th, 36th, 37th, 38th, 39th, 41st (C 108, 109) and 42nd (C 111)
Morocco ¹⁰	39th, 40th, 41st and 42nd	—

¹ The Federal Republic of Germany became a Member of the Organisation at the 34th Session.² Ghana became a Member of the Organisation at the 40th Session.³ Honduras re-entered the Organisation on 1 January 1955.⁴ Indonesia became a Member of the Organisation at the 33rd Session.⁵ Israel became a Member of the Organisation at the 32nd Session.⁶ Japan re-entered the Organisation after the closure of the 34th Session.⁷ Jordan became a Member of the Organisation on 26 January 1956.⁸ Libya became a Member of the Organisation at the 35th Session.⁹ The Federation of Malaya became a Member of the Organisation on 11 November 1957.¹⁰ Morocco became a Member of the Organisation at the 39th Session.

REPORT OF THE COMMITTEE OF EXPERTS

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Netherlands	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th and 40th (C 105)	40th (C 106, 107; R 103, 104), 41st and 42nd
New Zealand	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 42nd	41st
Nicaragua ¹	—	40th, 41st and 42nd
Norway	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Pakistan	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 41st	42nd
Panama	31st (C 87), 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, 40th, 41st and 42nd
Paraguay ²	—	40th, 41st and 42nd
Peru	31st (C 87, 88, 89), 32nd (C 91, 92, 93, 94, 95, 96, 97), 34th (C 99, 100), 35th (C 101, 102, 103), 38th (C 104), 40th (C 105, 106, 107), 41st and 42nd (C 110, 111)	31st (C 90; R 83), 32nd (C 98; R 84, 85, 86, 87) 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 40th (R 103, 104) and 42nd (R 110, 111)
Philippines	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
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, 40th (C 106, 107; R 103, 104), 41st and 42nd
Portugal	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th and 42nd	41st
Rumania ³	39th, 40th, 41st and 42nd	—
El Salvador	38th (C 104) and 40th (C 105, 107)	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st and 42nd
Spain ⁴	39th, 40th, 41st and 42nd	—
Sudan ⁵	39th	40th, 41st and 42nd
Sweden	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Switzerland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Thailand	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th, 39th, 40th, 41st and 42nd
Tunisia ⁶	39th, 40th, 41st (C 108) and 42nd	41st (C 109; R 105, 106, 107, 108, 109)
Turkey	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Ukraine ⁷	37th, 38th, 39th, 40th, 41st and 42nd	—
Union of South Africa . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
U.S.S.R. ⁸	37th, 38th, 39th, 40th, 41st and 42nd	—
United Arab Republic ⁹ .	32nd (C 98), 38th (C 104), 39th (R 102), 40th and 42nd	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 41st

¹ Nicaragua re-entered the Organisation on 9 April 1957.² Paraguay re-entered the Organisation on 5 September 1956.³ Rumania re-entered the Organisation on 11 May 1956.⁴ Spain re-entered the Organisation on 28 May 1956.⁵ Sudan became a Member of the Organisation at the 39th Session.⁶ Tunisia became a Member of the Organisation at the 39th Session.⁷ Ukraine became a Member of the Organisation in 1954.⁸ The U.S.S.R. re-entered the Organisation in 1954.⁹ 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.

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)
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	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)
United Kingdom	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
United States	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st (C 108; R 105, 106, 107, 108) and 42nd	41st (C 109; R 109)
Uruguay	31st, 32nd, 33rd, 34th, 35th, 36th, 38th (R 99, 100) and 40th (C 105)	37th, 38th (C 104), 39th, 40th (C 106, 107; R 103, 104), 41st and 42nd
Venezuela ¹	31st (C 87), 32nd (C 98), 40th (C 105) and 42nd (C 111)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 41st and 42nd (C 110; R 110, 111)
Viet-Nam ²	33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—
Yugoslavia	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st and 42nd	—

¹ Venezuela withdrew from the Organisation on 3 May 1957 and re-entered the Organisation on 16 March 1958.

² Viet-Nam became a Member of the Organisation at the 33rd Session.

**Appendix II. Tables Showing the Position of Members with
Regard to the Obligation to Submit Conference Decisions to the Competent Authorities**

TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted											
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April- May 1958)	42nd (June 1958)
All the decisions have been submitted	16	17	21	25	25	28	29	24	38	38	34	36
Some of these decisions have been submitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7
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	42	36
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	79	79

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 21 MARCH 1960

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)	41st (April- May 1958)	42nd (June 1958)
All the decisions have been submitted	44	41	41	42	41	43	40	44	50	47	34	36
Some of these decisions have been submitted	10	12	— ¹	13	9	1	— ¹	6	1	11	3	7
None of these decisions have been submitted (including cases in which no information has been supplied by the government) . .	6	8	22	9	16	22	29	19	25	19	42	36
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	79	79

¹ At this session the Conference adopted one Recommendation only.

**INDEX TO OBSERVATIONS MADE BY THE COMMITTEE
(CLASSIFIED BY COUNTRIES)¹**

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IX.

Argentina :

General Report, paragraph 19.
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IX.

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Denmark :

VII B, Nos. 6, 94.
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Dominican Republic :

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Ecuador :

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General Report, paragraph 67.
IX.

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IX.

Haiti :

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¹ The roman numerals and the letters refer to the chapters of the report and the arabic numerals to the numbers of the Conventions.

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Libya :

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IX.

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IX.

Mexico :

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Netherlands :

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