REPORT III

(PART I)

International Labour Conference

FORTY-FIFTH SESSION

GENEVA, 1961

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)

GENEVA

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CONTENTS

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 1960, contains information on the Conventions in force at that time. Information covering the preceding reporting period (1 July 1958 to 30 June 1959) 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 second 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 1960.

Information supplied by the governments of new member States, which is summarised in the metropolitan countries section of the report, is limited to particulars not previously included in the non-metropolitan territories section of the report under *France* or *United Kingdom* On the other hand, information received in respect of *British Somaliland* and the *Italian Trust Territory of Somaliland*, prior to Somalia attaining independence, is summarised in the non-metropolitan territories section.

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 1961. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports, is communicated separately to the Conference as Report III (Part IV).

Geneva, April 1961.

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) ; or idem, 44th Session, Geneva, 1960 : *Record of Proceedings* (Geneva, I.L.O., 1961)).

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
United Arab Republic	10. 5.1960
Uruguay	6. 6.1933
Venezuela	20.11.1944

[1] Conditional ratification.

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

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

Belgium.

In reply to the request made in 1959 by the Committee of Experts, concerning persons employed in a confidential capacity, the Government indicates that such persons are not entitled to rest days in compensation for overtime worked, since the provisions of the 1921 Act specifically do not apply to them. Nevertheless, the Orders specifying what shall constitute employment in a confidential capacity are of a restrictive nature and their interpretation is intended to exclude from the province of the Act only such persons as are really employed in a confidential capacity.

Bulgaria.

Ordinance of 10 July of the Ministry of Transport and Communications concerning hours of work and rest periods for workers and employees in transport by rail, road and waterways, and in communications.

In reply to a request by the Committee of Experts the Government supplied information and texts relating to special schemes for hours of work.

Burma.

In reply to the direct request made by the Committee of Experts in 1959 the Government has supplied the following information :

Article 1 of the Convention. The draft rules framed under section 57 of the Factories Act are still being examined by the Inspectorate of Factories and General Labour Laws.

Article 6, paragraph 1 *(b)*. No rules respecting temporary exceptions have been made under section 71 (2) of the Factories Act and section 42 (2) of the Oilfields (Labour and Welfare) Act.

Paragraph 2. No maximum limit for the weekly hours of work has been prescribed under section 70 (4) of the Factories Act and section 41 (4) of the Oilfields (Labour and Welfare) Act.

Article 8, paragraph 1 *(c)*. Employers are required to maintain a register of overtime in the manner prescribed in an appendix to the report of the Government.

Referring to questions Nos. 2 and 3 put by the Committee of Experts, the report states that, although the rules are not yet framed, the principles embodied in the provisions of the Factory Rules, 1935, continue to be followed in practice in so far as they are relevant to the 1951 Act.

Under section 71 *(c)* of the Railways Act, a railway servant whose employment is not essentially intermittent is forbidden to be employed for more than 60 hours a week, on the average, in any month, while those whose employment is essentially intermittent cannot be employed for more than 84 hours in any

week. The employment of a railway servant is said to be essentially intermittent when it has been so declared by the Railway Board on the ground that it includes long periods of inaction during which the railway servant is on duty, but is not called upon to display physical activity or sustained attention.

Temporary exception of railway servants from these provisions may be made when such exception is necessary to avoid serious interference with the ordinary working of the railway in cases of accident, actual or threatened, or when urgent work is required to be done to the track or to rolling stock, or in any emergency which could not have been foreseen or prevented and also in cases of exceptional pressure of work due to causes other than those stated above. Overtime at not less than one-and-one-quarter times the ordinary rate of pay must be paid to a railway servant exempted from the limitations prescribed by the Railways Act due to exceptional pressure of work.

Temporary exceptions from the granting of periods of rest may be made in the circumstances mentioned in the preceding paragraph, but a railway servant must, as far as possible, be granted compensatory periods of rest for the periods he has foregone.

Where provision has been made for his relief, a railway servant is not authorised to leave his post until he has been relieved.

Any person under whose authority any railway servant is employed in contravention of any of the provisions of the Railways Act and of the rules made thereunder is liable to a fine.

Czechoslovakia.

Act No. 37/1959 respecting works committees of the trade union organisation.

In reply to a request made by the Committee of Experts the Government states that a new Act on hours of work is being considered, in virtue of which, without any decrease of pay, working hours are to be reduced progressively to 40 per week in the case of persons working underground in mines, and to 42 per week for other branches, beginning on 1 January 1961. Act No. 91/1918 is in conformity with the Convention. The provisions of ratified Conventions will be taken into consideration in the preparation of the new Act.

The competent administrative body decides whether overtime is necessary, basing its decision on the urgency of the individual cases and not on the general rules in force. In addition, overtime in individual cases is subject to the prior approval of the works committee of the trade union organisation, under Act No. 37/1959; this restricts the directive powers of the economic authorities. The national provisions regulate the question of overtime in a more effective way than that prescribed under the Convention.

Dominican Republic.

Act No. 5360 of 18 May 1960 to amend the Labour Code of 1951 by introducing a 44-hour working week (*Gaceta Oficial* No. 8478).

Greece.

Royal Decree No. 582 of 1960 respecting hours of work on urban bus services (*Ephemeris tes Kyberneseos*, Vol. A, No. 127, 19 Aug. 1960).

In reply to the observation made by the Committee of Experts the Government states that the hours of work and rest periods of railway workers will be considered within the framework of the reorganisation of the Greek railway network.

Replying to a direct request made by the Committee of Experts in 1960 the Government advises that, following upon the complaints made by the union representing drivers and conductors of urban bus services, new regulations concerning hours of work have been laid down in the above Decree. The Decree prescribes a working week of 48 hours and provides for the payment of additional remuneration for overtime performed because of the nature of the work. The Government adds that efforts are made to keep overtime work to a minimum.

Haiti.

In reply to the observations made by the Committee of Experts the Government states that undertakings such as land or air transport services, laundries and bakeries, are not excluded from the application of the legal provisions fixing maximum daily and weekly hours of work; thus, section 8 of the Act of 25 September 1958 contains a provision that such establishments shall either draw up a duty roster of the staff or pay overtime. The abovementioned undertakings are merely authorised to pursue their activities beyond the legal closing time and they continue to be covered by the legal provisions regarding hours of work. As a rule, new shifts must replace those which have completed their normal hours of work; in other cases overtime is paid. With a view to preventing any abuses in the number of additional hours worked, section 4 of the 1958 Act provides that overtime may be worked with the approval of the Labour Inspector and after the workers' industrial organisations, where they exist, have been consulted. The working of overtime may be prohibited during periods of unemployment, in order that unemployed workers may be taken on.

In a general note relating to various Conventions ratified by Haiti the Government states that the amendments to the existing legislation prepared by the Department of Labour and Social Welfare have not yet been approved by the Legislature. Consequently several reports on ratified Conventions show no change, although due note has been taken of the recommendations made by the Committee of Experts. Moreover, for economic and administrative reasons, it has not been possible to take appropriate measures ensuring the application of certain Conventions, including, in particular, those relating to sickness insurance. Furthermore, the restricted development of the labour statistics service has prevented the collation of all the statistics requested. Progress would certainly be made before the communication of the next reports on Conventions in the

above-mentioned fields and these reports should show greater conformity with the texts of Conventions.

India.

Mines (Amendment) Act, No. 62 of 1959 (*Gazette of India*, Extraordinary, Part II, Section 1, 28 Dec. 1959, p. 499).

In reply to the direct request for information made in 1959 by the Committee of Experts the report states that, although the state governments are empowered by sections 64 and 65 of the Factories Act to make rules excepting the workers in certain employment from the provisions of, *inter alia*, sections 51 and 54 of the Factories Act, the exceptions can only be granted subject to the safeguards laid down in sections 64 (4) and 65 (3) and (4) stipulating that: *(a)* the daily hours of work shall not exceed ten, *(b)* the total number of hours of overtime worked shall not exceed 50 in any one quarter, and *(c)* the exceptions permitted by section 65 of the Act shall not be granted for more than three months in a year. Because of these limiting provisions, state governments cannot take advantage of the power available under Article 10 of the Convention to modify the 60-hour limit. Consequently, in cases involving undertakings such as ordnance factories and government printing works, etc., where the working hours have had, of necessity, to exceed 60 a week, the state governments were obliged to resort to section 5 of the Act.

However, the report states that the observations of the Committee have been brought to the notice of state governments, and the question of incorporating a suitable provision in either section 64 or 65 of the Factories Act, subject to the safeguards laid down in Articles 6 and 7 of the Convention, in order to permit the granting of exceptions to ordnance factories and government printing works, etc., without resorting to section 5 of the Factories Act, is being considered in consultation with the competent authorities.

The report also gives the following details on the changes in the hours of work in mines introduced by the Mines (Amendment) Act, 1959.

Article 4 of the Convention. The provisions of Article 4 are now covered by section 39 *(e)* of the Mines Act, as amended, read with section 29 (1). According to the proviso added to section 30 (1) of the original Act and the proviso to section 31 (1), as amended, the maximum limit of daily hours of work specified in sections 30 (1) and 31 (1) of the Act may be exceeded, with the prior approval of the Chief Inspector, in order to facilitate changing of shifts.

Persons employed in any work which for technical reasons must be carried on continuously, may now be excepted, in specified circumstances and subject to conditions prescribed by the Government, from the provisions of section 35 of the Act, which lays down the maximum daily hours that may be worked.

Article 6. A new clause (clause *(c)*) added to section 39 of the original Act empowers the central Government to grant exceptions from the provisions of sections 28, 30, 31, 34 or section 36 (5) to all or any of the persons engaged in work of a preparatory or complementary nature, which must necessarily be carried on for the purpose of avoiding serious interference with the ordinary working of the mine.

Section 33 (1) and (3) of the original Act have been substituted by the following: " (1) Where in a mine a person works above ground for more than nine hours in any day, or works below ground for more than eight hours in any day or works for more than 48 hours in any week whether above ground or below ground, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages, the period of overtime work being calculated on a daily basis or weekly basis, whichever is more favourable to him ", and " (3) for the purposes of this section ordinary rates of wages means the basic wage plus any dearness allowance and compensation in cash including such compensation, if any, accruing through the free issue of food grains ".

Article 10. Section 31 (1), as amended, of the Amendment Act makes the limits regarding eight hours a day and 48 hours a week applicable to all adult workers employed below ground, including pump-minders, onsetters or attendants of continuously operated machinery, who were not previously covered by the provisions of section 31 of the original Act.

Pakistan.

In reply to the observations made by the Committee of Experts the Government states that, after detailed consideration, the proposal to extend the Hours of Employment Regulations to the running staff of Pakistan Railways has been abandoned as it involves heavy expenditure which the Government cannot at present afford to meet.

Section 8 of the Factories Act has not been availed of during the period from July 1959 to June 1960. However, this comment does not include the application of the Act to those factories situated in areas which comprise the province of West Pakistan. Information is being collected in this regard and will be furnished to the Office, as soon as available, together with the information for the whole of Pakistan for the year July 1958 to June 1959.

Spain.

For the Government's reply to the observation of the Committee of Experts see *Report of the Committee* (1960), pp. 612-614.

* * *

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

Argentina, Belgium, Bulgaria, Canada, Chile, Dominican Republic, Israel, Luxembourg, New Zealand, Venezuela.

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
Morocco	14.10.1960
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
Syria	26. 7.1960
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.

Chile.

Legislative Decree No. 308 of 1960 *(Diario Oficial,* 6 Apr. 1960, No. 24/613, p. 842).

This Decree assigns to the Department of Employment and Manpower, among other functions, that of planning and organising a system of free public employment agencies and of supervising its operation. Committees, which shall include representatives of employers and of workers, shall be appointed at the national, regional and industry levels, to advise the Directorate of Labour and its regional and local agencies on matters concerning implementation of the system.

The Department of Employment and Manpower shall control the operations of private employment agencies and ensure their co-ordination with the public employment system. Moreover, it shall compile, evaluate, interpret and distribute labour statistics in general, and employment market statistics in particular.

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.

Brazil.

Organic Social Welfare Act of 26 August 1960 (*Diário Oficial,* 5 Sep. 1960).

The President of the Republic asked Congress to include in the Social Welfare Bill provisions for the payment by the social insurance scheme of that part of maternity benefits which was payable by the employer. However, the insertion of the necessary provisions was not approved by Congress and the situation regarding this point remains unchanged.

The Government states that in these circumstances, and although it does not consider the discrepancy between the national legislation and the terms of the Convention to be of major importance, the question of denouncing the Convention is again under consideration by the Civil Office of the President of the Republic. The final decision on this matter will be communicated as soon as it is taken.

In reply to the request made by the Com-

mittee of Experts the Government states that provisions giving effect to Article 4 of the Convention (i.e. prohibiting the dismissal, because of their condition, of pregnant women employees during compulsory maternity leave) are contained in article 157 (X) of the 1946 Constitution and in sections 392 and 393 of the Consolidated Labour Laws.

Bulgaria.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that the Committee's observations regarding the length of the three-month period provided for under section 156 of the Labour Code, and the strict requirement that women should not be allowed to work for a period of 42 days following confinement, will be considered for discussion *de lege ferenda.* Paid pregnancy and maternity leave for wage-earning and salaried employees working short or reduced hours lasts 120 days. No ordinance or other legislative instrument fixing any other duration of such leave exists, nor is the promulgation of any such legislation contemplated.

Paid nursing leave is fixed at one hour per day for wage-earning and salaried employees working six hours or less.

Central African Republic (Voluntary Report).

In reply to a request made by the Committee of Experts in 1959 the Government states as follows :

Article 3, paragraph *(a)*, *of the Convention.* There is no legal provision formally prohibiting the employment of women during the six weeks following confinement. However, the Government is planning to submit to the National Assembly, in the near future, a Bill amending section 116 of the Overseas Labour Code to give it the same effect as the Convention.

Paragraph *(c)* (second phrase). The Bill to be submitted to the National Assembly also provides that the Public Office for Family Benefits will meet medical expenses and pay the half-wage benefits, leaving only benefits in kind to be met by the employer.

Paragraph *(c)* (last phrase). As regards a mistake by the doctor or certified midwife in estimating the date of confinement, the Bill in question will reproduce, textually, the relevant provision of the Convention.

Chad (Voluntary Report).

General Order No. 3759 of 25 November 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique équatoriale française*, 15 Dec. 1954, No. 24, p. 1569).

In reply to a request made by the Committee of Experts in 1959 the Government states that section 19 of the above-mentioned Order formally prohibits the employment of women during the six weeks following confinement.

Furthermore, as maternity benefits are now paid by the equalisation funds, the Government undertakes, in connection with the forthcoming revision of the Labour Code, not to avail itself of the provision for amendment appearing in the declaration of application of this Convention.

Chile.

In reply to the request for information made by the Committee of Experts in 1959, respecting the application of Article 4 of the Convention, the Government states that, under the terms of section 312 of the Labour Code, a woman is entitled, throughout the period of prenatal and postnatal leave, to an allowance which may not be suspended for any reason, since the right to such leave and allowance became an inherited right of every woman from the moment that maternity leave was introduced. The report concludes by stating that in this way the national legislation complies with the provisions of the Convention, since it guarantees prenatal and postnatal leave and benefits sufficient for the maintenance of the woman and her child.

Congo (Brazzaville) (Voluntary Report).

General Order No. 3759 of 25 November 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique équatoriale française*, No. 24, 15 Dec. 1954, p. 1569).

Order No. 2000 of 9 July 1956 to issue the regulations of the family benefits equalisation fund (ibid., 1 Aug. 1956).

In reply to a request made by the Committee of Experts in 1959 the Government states as follows :

Article 3, paragraph *(a)*, *of the Convention.* It is true that section 116 of the Overseas Labour Code contains no formal prohibition of employment during the six weeks following confinement. However, there are regulations supplementing this section and giving it the same effect as the Convention.

Paragraph *(c)* (second phrase). Under the Order of 9 July 1956, maternity benefits are paid by the Family Allowance Equalisation Fund, which receives special contributions from employers. These benefits are paid to women workers for eight weeks before and six weeks after confinement provided they do in fact cease all occupational activity during that time. These provisions apply to the additional three-week period of rest which may be granted for illness arising out of pregnancy or confinement. Women also receive free medical care provided by the health service.

Paragraph *(c)* (last phrase). The above-mentioned texts give the pregnant woman the assurance that she will receive benefits to the amount of half her wages for 14 consecutive weeks, notwithstanding any mistake by the doctor or certified midwife in estimating the date of confinement. In practice this question does not arise, since there is a system of prenatal allowances which are paid during pregnancy, subject to compulsory medical examinations, the first of which takes place before the end of the third month of pregnancy.

The Government states that the systems of prenatal allowances and of maternity benefits paid during the 14 weeks' leave are so integrated that the interests of the woman worker cannot be prejudiced in any way by any mistake on the part of the doctor or certified midwife in estimating the date of confinement.

Greece.

In reply to a request from the Committee of Experts the Government states the following :

1. The extension of the social insurance scheme to areas short of manpower is progressing rather slowly since, on the one hand, it has not yet been established on what basis the scheme is to operate and, on the other hand, the extension of the farmers' insurance scheme is contemplated.

2. With regard to the Bill to introduce a reduced qualifying period for women not eligible for social insurance benefit, it is hoped that the amendments to be made to present legislation will enable some progress to be made in this field.

3. In connection with the last phrase of Article 3, paragraph *(c)* of the Convention the Government states that it will take into account the observations of the Committee.

Hungary.

In reply to the observation made by the Committee of Experts with reference to Article 4 of the Convention (protection of pregnant women against dismissal), the application of which is to be ensured by the new Labour Code, the Government states that the Code is still in the drafting stage.

Italy.

In reply to the request for information made by the Committee of Experts in 1959 the Government indicates that the dismissal of a woman worker in the event of misconduct which would constitute a " valid reason " for the termination of employment can only occur when the woman is actually *at work* and therefore not during maternity leave ; according to the Italian legislation, immediate dismissal of a woman worker for a " valid reason " is not subject to a period of notice, because the reasons that may originate such dismissal are so serious as to prevent the continuation of employment even on a provisional basis.

Ivory Coast (Voluntary Report).

General Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française,* 31 July 1954) (*L.S.* 1954—F.W.A 2).

Local Order No. 8868/ITLS/CI of 13 December 1955 establishing a scheme of family benefits for wage earners (*Journal officiel de la Côte d'Ivoire,* No. 31, 15 Dec. 1955, p. 1041).

Local Order No. 1433/ITLS/CI of 27 February 1956 issuing the regulations of the Ivory Coast Family Benefits Equalisation Fund (ibid., 1956, p. 181).

Decree No. 60-05 of 5 January 1960 extending maternity leave provisions of the labour legislation to non-civil-service personnel (ibid., 16 Jan. 1960).

In reply to a request made by the Committee of Experts in 1959 the Government states as follows :

Article 3, paragraph *(a), of the Convention.* Section 19 of Order No. 5254 formally prohibits the employment of women during the six weeks following confinement.

Paragraph *(c)* (second phrase). As regards maternity benefits, Local Order No. 8868 provides, in section 14, for the payment of these benefits by the family benefits scheme. In making this provision the Government has in fact abandoned the amendment which appeared in the declaration of application of this Convention and which constituted a transitory measure. It states that it does not intend to include this amendment in any texts it may be called upon to promulgate in the future.

Concerning free medical attendance, the French Overseas Labour Code provides for payment of this benefit, the expense being met by the employer. A literal interpretation of this Article has enabled the right of the women to reimbursement of the cost of confinement itself to be challenged, the term " attendance " being considered as covering only illness coinciding with or following on confinement. The Government states its intention of eliminating this restrictive interpretation by providing expressly, in a forthcoming text, for the coverage of medical attendance and of the cost of confinement within the limit of the rates applied by the public health services.

Paragraph *(c)* (last phrase). The national legislation provides for 14 weeks' leave from work on the occasion of pregnancy and confinement. Consequently, a margin of two weeks in relation to the standard fixed by the Convention renders practically impossible any repercussion on payment of benefits following a mistake by the doctor or certified midwife in estimating the date of confinement. Moreover, leave of absence on full benefit can be prolonged for three weeks in case of illness arising out of pregnancy or confinement.

Malagasy Republic (Voluntary Report).

Order No. 275-IGT of 5 February 1954 respecting conditions of employment of women and children (*Journal officiel de Madagascar et dépendances,* No. 3603, 6 Feb. 1954, p. 335).

In reply to the request made by the Committee of Experts in 1959 the Government states as follows :

1. Section 26 of the 1954 Order formally prohibits the employment of women during the six weeks following confinement.

2. There is no legal provision implementing Article 3 *(c)* (last phrase) of the Convention. In practice, however, benefits due to the pregnant woman are paid immediately on presentation of a medical certificate ordering leave from work, independently of any mistake by the doctor or certified midwife in estimating the date of confinement.

Niger (Voluntary Report).

General Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française,* 1954, p. 1337) (*L.S.* 1954—F.W.A. 2).

Order No. 2715/ITLS/N of 8 December 1955 establishing the family benefits scheme for wage earners in the Niger (*Journal officiel du Niger,* 1 Jan. 1956).

Order No. 28/ITLS/N of 9 January 1956 on non-transferability and non-attachment of allowances (*Journal officiel du Niger*, No. 305, 1 Feb. 1956, p. 70).

In reply to a request made by the Committee of Experts in 1959 the Government states that Decree No. 5254 formally prohibits the employment of women in the six weeks following confinement. Further, no mistake on the part of the doctor or certified midwife in estimating the date of confinement can preclude the woman from receiving the benefits to which she is entitled, since the legislation provides for leave from work of a total of 14 weeks' duration which can be prolonged for a further three weeks in case of illness arising out of pregnancy or confinement.

The Government also states that during the 17 weeks' rest the working woman receives benefits in the amount of half her wages and that in case of the continuance of her illness beyond this period her contract can be suspended for six months with payment of one month's wages.

Collective agreements accord additional advantages providing for the payment of wages, in the form of benefits, for a longer period.

In addition to the above-mentioned benefits, under Order No. 2715 the woman worker also receives prenatal allowances as from the date on which pregnancy was declared, and maternity allowances, paid subject to the regular presentation of the infant for medical examination and subject to their being used in the interests of the child, which must be in the direct care of the mother. Prenatal and maternity allowances are non-transferable and non-attachable.

Spain.

For the reply of the Government to the request made by the Committee of Experts see the *Report of the Committee* (1959), p. 679.

Upper Volta (Voluntary Report).

Order No. 5254/IGTLS/AOF of 19 July 1954 respecting the employment of women and pregnant women (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, p. 1337) (*L.S.* 1954—F.W.A. 2).

In reply to a request made by the Committee of Experts in 1959 the Government states as follows :

Article 3, paragraph *(a)*, *of the Convention.* Section 19 of Order No. 5254 formally prohibits the employment of women during the six weeks following delivery.

Paragraph *(c)* (second phrase). The family benefit equalisation funds provided for in the Overseas Labour Code are already in operation and pay half-wage benefits to women during pregnancy and confinement.

Paragraph *(c)* (last phrase). There is no legal text corresponding to this provision of the Convention regarding a mistake by the doctor or certified midwife in estimating the date of confinement. However, there has never been any objection by an employer, since the Labour Inspectorate's advice on the subject has always been followed. In any case, the courts expressly recognise the rights of the woman worker in these matters.

Venezuela.

In reply to the direct request made by the Committee of Experts the Government states the following :

Article 1 of the Convention. Persons employed in undertakings of an industrial or commercial nature are not considered as public servants, since they do not fulfil a public charge. Furthermore, workers in the service of the nation and the various states and municipalities are governed by the provisions of the Labour Act and the regulations under that Act to the extent that the nature of the work performed is compatible with these provisions and that there is no special legislation covering it.

Article 3, paragraph *(c)* (first phrase). Women workers who are not yet insured under the compulsory social insurance scheme receive medical care either in private hospitals, according to their means, or in the hospitals of the Ministry of Health and Welfare, or in those operated by the large mining undertakings or, lastly, in the welfare hospitals in the various states and municipalities. The Government also indicates that most collective labour contracts provide for medical care and the continued payment of wages during the six weeks preceding confinement and six weeks following confinement in areas where the social security scheme is applicable.

Paragraph *(c)* (last phrase). By virtue of a decision of the Social Insurance Institution, no mistake of the medical adviser in estimating the date of confinement can justify the reduction of the period of prenatal leave and right to benefit, and such leave may in no case be less than six weeks. These provisions apply to all workers engaged by an employer under contract of employment or of apprenticeship, whether express or tacit, with the exception of persons whose annual remuneration is more than 14,400 bolivars, workers engaged in agriculture and stock-raising, domestic workers and temporary workers.

The Government states that in areas covered by the compulsory social insurance scheme the provisions regarding social insurance override those of the Labour Act.

* * *

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

Chile, Federal Republic of Germany, Greece, Luxembourg, Venezuela.

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

Argentina, Yugoslavia.

4. Night Work (Women) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Afghanistan	12. 6.1939
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium [1]	12. 7.1924
Brazil [1]	26. 4.1934
Bulgaria [2]	14. 2.1922
Burma [3]	14. 7.1921
Cameroun [4]	7. 6.1960
Central African Republic [4]	27.10.1960
Ceylon [5]	8.10.1951
Chad [4]	10.11.1960
Chile	8.10.1931
Colombia	20. 6.1933
Congo (Léopoldville) [6]	20. 9.1960
Congo (Brazzaville) [4]	10.11.1960
Cuba	6. 8.1928
Czechoslovakia	24. 8.1921
Dahomey [4]	12.12.1960
France [1]	14. 5.1925
Gabon [4]	14.10.1960
Greece [1]	19.11.1920
Guinea [4]	21. 1.1959
Hungary [5]	19. 4.1928
India	14. 7.1921
Ireland [1]	4. 9.1925
Italy	10. 4.1923
Ivory Coast [4]	21.11.1960
Luxembourg	16. 4.1928
Malagasy Republic [4]	1.11.1960
Mali [7]	22. 9.1960
Morocco [8]	13. 6.1956
Netherlands [1]	4. 9.1922
Nicaragua	12. 4.1934
Niger [4]	27. 2.1961
Pakistan [9]	14. 7.1921
Peru	8.11.1945
Portugal	10. 5.1932
Rumania [1]	13. 6.1921
Senegal [7]	4.11.1960
Spain	29. 9.1932
Switzerland [1]	9.10.1922
Togo [4]	7. 6.1960
Tunisia	15. 5.1957
Union of South Africa [1]	1.11.1921
United Kingdom [10]	14. 7.1921
Upper Volta [4]	21.11.1960
Uruguay [1]	6. 6.1933
Venezuela [5]	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] Has denounced this Convention; has not ratified Conventions Nos. 41 and 89.
[3] See footnote 2 to Convention No. 1.
[4] Has confirmed its obligations under this Convention which France had previously declared applicable.
[5] Has denounced this Convention and has ratified Convention No. 41.
[6] Has confirmed its obligations under this Convention which Belgium had previously declared applicable.
[7] Has confirmed the obligations under this Convention by which the Federation of Mali declared itself to be bound when it was admitted as Member of the I.L.O.
[8] Has confirmed its obligations under this Convention which France had previously accepted on behalf of Morocco.
[9] See footnote 3 to Convention No. 1.
[10] Has denounced Conventions Nos. 4 and 41.

Bulgaria.

The Convention was denounced on 20 July 1960 by the Government, which states that it is nevertheless planning a gradual limitation of night work of women.

* * *

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

Burma, Nicaragua.

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 [1]	14. 2.1922
Cameroun [2]	7. 6.1960
Central African Republic [2]	27.10.1960
Ceylon	27. 9.1951
Chad [2]	10.11.1960
Chile	15. 9.1925
Colombia	20. 6.1933
Congo (Brazzaville) [2]	10.11.1960
Cuba	6. 8.1928
Czechoslovakia	24. 8.1921
Dahomey [2]	12.12.1960
Denmark	4. 1.1923
Dominican Republic	4. 2.1933
France	29. 4.1939
Gabon [2]	14.10.1960
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
Ivory Coast [2]	21.11.1960
Japan	7. 8.1926
Luxembourg	14. 6.1928
Malagasy Republic [2]	1.11.1960
Mali [3]	22. 9.1960
Netherlands	21. 7.1928
Nicaragua	12. 4.1934
Niger [2]	27. 2.1961
Norway	7. 7.1937
Poland	21. 6.1924
Rumania	13. 6.1921
Senegal [3]	4.11.1960
Spain	29. 9.1932
Switzerland	9.10.1922
Togo [2]	7. 6.1960
United Kingdom	14. 7.1921
Upper Volta [2]	21.11.1960
Uruguay [1]	6. 6.1933
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	1. 4.1927

[1] Has denounced this Convention and has ratified Convention No. 59.
[2] See footnote 4 to Convention No. 4.
[3] See footnote 7 to Convention No. 4.

Denmark.

Article 4. In reply to the direct request made by the Committee of Experts in 1959, on the keeping of registers of all persons under the age of 16 years, the Government declares its readiness to bring the national legislation into formal accord with the provisions of the Convention when a suitable opportunity arises.

France.

Ordinance No. 59-45 of 6 January 1959.

The above Ordinance raises the legal school-leaving age from 14 to 16 years, and therefore precludes the employment of children under 16 years. The new provision applies to children who were 6 years of age on 1 January 1950.

Switzerland.

In reply to the request made by the Committee of Experts in 1959 the Government refers to the draft law concerning employment in industry, handicrafts and commerce, and especially to section 3 thereof, which exempts from the application of the Act those undertakings wherein members of the family of the employer only are employed, and family businesses in which third parties are also employed, provided that the members of the family work in virtue of an inherent family obligation; and section 28, which provides that an ordinance shall determine in what categories of undertakings or employment and under what conditions minors over 13 years of age may be engaged to run errands and perform light tasks.

Venezuela.

Act respecting the National Institute of Educational Co-operation (I.N.C.E.), 1959.

In reply to a request from the Committee of Experts the Government states that under section 13 of the above-mentioned Act the term " apprentices " applies to workers under 18 and over 14 years of age who are undergoing systematic vocational training for the trade in which they are employed. Furthermore, section 98 of the Minors' Statute of 30 December 1949 stipulates that " in private training establishments where young persons are working as interns such young persons shall not be required to work more than three hours a day, and a record sheet must be maintained ".

Viet-Nam.

Order No. 115-BLD/LD/ND of 5 November 1958.

In reply to a request for information made by the Committee of Experts in 1959 the Government states that article 8 of the Order of 7 August 1953 has been amended by article 1 of the above Order which requires employers to keep registers containing the name, sex, nationality and date of birth of each employed person.

Yugoslavia.

In reply to the direct request by the Committee of Experts in 1959 the Government states that, in accordance with section 16 (3) of the Labour Relations Act, defining the expression " economic organisation ", the provisions of Part II of the Act also apply to persons employed in co-operative organisations.

* * *

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

Belgium, Brazil, Bulgaria, Central African Republic, Chad, Chile, Czechoslovakia, Guinea, Ivory Coast, India, Israel, Luxembourg, Netherlands, Niger, Senegal, Togo, United Kingdom, Upper Volta, Venezuela.

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

Argentina, Austria, Cameroun, Ceylon, Congo (Brazzaville), Dominican Republic, Greece, Haiti, Ireland, Japan, Malagasy Republic, Norway, Spain.

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Burma [1]	14. 7.1921
Cameroun [2]	7. 6.1960
Central African Republic [2]	27.10.1960
Ceylon [3]	26.10.1950
Chad [2]	10.11.1960
Chile	15. 9.1925
Congo (Brazzaville) [2]	10.11.1960
Cuba	6. 8.1928
Dahomey [2]	12.12.1960
Denmark	4. 1.1923
France	25. 8.1925
Gabon [2]	14.10.1960
Greece	19.11.1920
Guinea [2]	21. 1.1959
Hungary	19. 4.1928
India	14. 7.1921
Ireland	4. 9.1925
Italy	10. 4.1923
Ivory Coast [2]	21.11.1960
Luxembourg	16. 4.1928
Malagasy Republic [2]	1.11.1960
Mali [4]	22. 9.1960
Mexico [3]	20. 5.1937
Netherlands [3]	17. 3.1924
Nicaragua	12. 4.1934
Niger [2]	27. 2.1961
Pakistan [5]	14. 7.1921
Poland	21. 6.1924
Portugal	10. 5.1932
Rumania	13. 6.1921
Senegal [4]	4.11.1960
Spain	29. 9.1932
Switzerland	9.10.1922
Togo [2]	7. 6.1960
Tunisia	12. 1.1959
United Kingdom [6]	14. 7.1921
Upper Volta [2]	21.11.1960
Uruguay [3]	6. 6.1933
Venezuela	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia [3]	1. 4.1927

[1] See footnote 2 to Convention No. 1.

[2] See footnote 4 to Convention No. 4.

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

[4] See footnote 7 to Convention No. 4.

[5] See footnote 3 to Convention No. 1.

[6] Has denounced this Convention and has not ratified Convention No. 90.

Denmark.

In reply to the observation made by the Committee of Experts the Government states that, after consulting the representatives of employers' and workers' organisations, the competent authorities propose, at the first convenient opportunity, to amend Act No. 226 of 11 June 1954 respecting workers' protection generally, with a view to extending to young persons in building and construction work the prohibition of night work, so as to bring the Act into full conformity with the provisions of the Convention.

Ivory Coast.

Decree No. 60-216 of 27 July 1960.

The above-mentioned Decree amends national legislation so as to bring it into line with the provisions of Article 1, paragraph 1, Article 2, paragraph 2 and Article 4 concerning the scope of the Convention and authorised exceptions.

The Government states that no industrial undertaking employs young persons in its offices between 10 p.m. and 5 a.m.

Nicaragua.

In reply to the observations of the Committee of Experts the Government's report confines itself to repeating information supplied in previous reports.

Spain.

Decree No. 1156 of 2 June 1960 (*Boletin Oficial del Estado*, 23 June 1960).

The Decree of 2 June 1960 prohibits night work of young persons under 18 years of age, the term " night work " being understood to mean work performed between 8 p.m. and 7 a.m.

* * *

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

Burma, Hungary.

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
Portugal	24.10.1960
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.

Ceylon.

Arrangements have been made with the Principal Collector of Customs to see that Customs Officers and Shipping Masters at ports in Ceylon do not permit young persons of under 14 years of age to be employed on board ships in any capacity whatever.

* * *

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

Belgium, Federal Republic of Germany, Ireland, Japan.

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

Argentina, Australia, Brazil, Bulgaria, Canada, Chile, China, Denmark, Dominican Republic, Finland, Greece, Italy, Nicaragua, Norway, Spain, Sweden, United Kingdom, Venezuela, Yugoslavia.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Countries	Date of registration of ratification
Argentina	30.11.1933
Australia	28. 6.1935
Belgium	2. 2.1925
Bulgaria	16. 3.1923
Canada	31. 3.1926
Ceylon	25. 4.1951
Chile	18.10.1935
Colombia	20. 6.1933
Cuba	6. 8.1928
Denmark	15. 2.1938
Finland	20. 1.1950
France	21. 3.1929
Federal Republic of Germany [1]	4. 3.1930
Greece	16.12.1925
Ireland	5. 7.1930
Italy	8. 9.1924
Japan	22. 8.1955
Luxembourg	16. 4.1928
Mexico	20. 5.1937
Netherlands	15.12.1937
Nicaragua	12. 4.1934
Norway	21. 7.1936
Poland	21. 6.1924
Rumania	10.11.1930
Spain	20. 6.1924
Sweden	1. 1.1935
Switzerland	21. 4.1960
United Kingdom	12. 3.1926
Uruguay	6. 6.1933
Yugoslavia	30. 9.1929

[1] See footnote 2 to Convention No. 2.

Federal Republic of Germany.

In reply to a direct request made by the Committee of Experts in 1959 the Government states in its report that the priority accorded to the right of the seafarer to the compensation provided for in section 66 of the Seamen's Act of 26 July 1957 is founded on the general principles of German legislation and it is not necessary to mention it expressly in the Act.

Greece.

Act No. 3816 of 26 February 1958 approving the Code of Civil Maritime Law (*Ephemeris tes Kyberneseos*, Vol. I, No. 32, 28 Feb. 1958).

This Code came into force on 1 September 1958. Section 62 deals with the payment to seamen of an indemnity in case of loss or foundering of the ship and section 82 prescribes how these indemnities may be recovered in cases of dispute or litigation.

Mexico.

In reply to the direct request made by the Committee of Experts in 1960 the Government states that, according to section 133 of the Constitution, the Convention became law on its ratification. However, paragraph XII of section 126 of the Federal Labour Law will be amended to conform to the provisions of the Convention, as soon as the opportunity arises.

Sweden.

In response to a direct request by the Committee of Experts concerning compliance with Article 2, paragraph 1, the report of the Government stated that the necessary amendments to Swedish legislation would be made prior to the 45th (1961) Session of the Conference of the International Labour Organisation.

* * *

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

Belgium, Finland, Ireland, Italy, Japan, Netherlands, Norway.

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

Argentina, Australia, Bulgaria, Canada, Ceylon, Denmark, France, Spain, United Kingdom, Yugoslavia.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

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

[1] See footnote 2 to Convention No. 2.

Argentina.

Working Rules of the Maritime Labour Department of the National Directorate of the Employment Service, approved by Decree No. 11363 of 16 December 1958 and amended by Decree No. 1991 of 4 February 1959.

Finland.

Act No. 246 of 2 June 1959 concerning Employment Exchanges (*Suomen Asetuskokoelma-Finlands Författningssamling*, No. 246).

The new Act, which repeals the Act of 23 July 1936, transfers the supervision of employment exchanges from the municipal authority to the Ministry of Communications and Public Works.

Norway.

Act of 2 June 1960 to amend the Act of 27 June 1947 respecting measures to promote employment.

Sweden.

The Government states in its report that new instructions involving the organisation of employment offices for seamen came into force on 20 February 1959. These instructions have been drawn up in conformity with the requirements of the Convention.

Yugoslavia.

Act of 2 July 1960 respecting the employment service.

The above-mentioned Act repeals the Decree of 29 March 1952 which hitherto applied the Convention. Under this Act the functions and responsibilities of the employment service are extended. The sections of the employment service established in the principal maritime centres, which have responsibility for the placement of seafarers, continue to function under the new Act.

* * *

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

Denmark, Federal Republic of Germany, Greece, Italy, Japan, Netherlands, New Zealand.

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

Belgium, Bulgaria, France, Luxembourg, Mexico, Nicaragua, Spain.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	26. 5.1936
Australia	24.12.1957
Austria	12. 6.1924
Belgium	13. 6.1928
Bulgaria	6. 3.1925
Byelorussia	6.11.1956
Chile	18.10.1935
Cuba	22. 8.1935
Czechoslovakia	31. 8.1923
Dominican Republic	4. 2.1933
France	7. 6.1951
Federal Republic of Germany	20. 3.1957
Hungary	2. 2.1927
Ireland	26. 5.1925
Israel	23.12.1953
Italy	8. 9.1924
Japan	19.12.1923
Luxembourg	16. 4.1928
Netherlands	28.11.1956
New Zealand	8. 7.1947
Nicaragua	12. 4.1934
Norway	28. 1.1957
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

Albania (First Report).

Labour Code of 3 April 1956 (*Gazeta Zyrtare*, No. 4, 20 Apr. 1956) (*L.S.* 1956—Alb. 2).
Instruction No. 14 of 6 October 1958 from the Council of Ministers (*Gazeta Zyrtare*, No. 11, 1958).
Penal Code (section 198).

Section 9 of the Labour Code prohibits the employment of all young persons under 14 years of age, without exception. Consequently any contract of employment concluded by a young person under 14 years of age is null and void.

A contract of employment may not be concluded by the legal representative of a young person under 14 years in the young person's name, since the contract of employment must be concluded by the worker himself, in accordance with section 4 of the Code.

The report contains information concerning the statutory provisions respecting the issuing of a workbook to every worker entering employment.

Supervision of the application of these provisions is entrusted to the Office of the Public Prosecutor, the State Control Commission and the labour inspectors appointed by the occupational organisations.

Any contravention of the above-mentioned provisions is punishable under section 198 of the Penal Code.

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

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	26. 5.1936
Australia	24.12.1957
Austria	12. 6.1924
Belgium	19. 7.1926
Brazil	25. 4.1957
Bulgaria	6. 3.1925
Burma [1]	11. 5.1923
Byelorussia	6.11.1956
Cameroun [2]	7. 6.1960
Central African Republic [2]	27.10.1960
Ceylon	25. 8.1952
Chad [2]	10.11.1960
Chile	15. 9.1925
China	27. 4.1934
Colombia	20. 6.1933
Congo (Léopoldville) [3]	20. 9.1960
Congo (Brazzaville) [2]	10.11.1960
Cuba	22. 8.1935
Czechoslovakia	31. 8.1923
Dahomey [2]	12.12.1960
Denmark	20. 6.1930
Finland	19. 6.1923
France	23. 3.1929
Federal Republic of Germany [4]	6. 6.1925
Gabon [2]	14.10.1960
Greece	13. 6.1952
Guinea [2]	21. 1.1959
Iceland	21. 8.1956
India	11. 5.1923
Ireland	17. 6.1924
Italy	8. 9.1924
Ivory Coast [2]	21.11.1960
Luxembourg	16. 4.1928
Malagasy Republic [2]	1.11.1960
Malaya	11. 1.1960
Mali [5]	22. 9.1960
Mexico	20. 5.1937
Morocco	20. 5.1957
Netherlands	20. 8.1926
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Niger [2]	27. 2.1961
Norway	11. 6.1929
Pakistan [6]	11. 5.1923
Peru	8.11.1945
Poland	21. 6.1924
Rumania	10.11.1930
Senegal [5]	4.11.1960
Spain	29. 8.1932
Sweden	27.11.1923
Switzerland	23. 5.1940
Togo [2]	7. 6.1960
Tunisia	15. 5.1957
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Arab Republic (Egypt)	3. 7.1954
(Syria)	26. 7.1960
United Kingdom	6. 8.1923
Upper Volta [2]	21.11.1960
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

[1] See footnote 2 to Convention No. 1.
[2] See footnote 4 to Convention No. 4.
[3] See footnote 6 to Convention No. 4.
[4] See footnote 2 to Convention No. 2.
[5] See footnote 7 to Convention No. 4.
[6] See footnote 3 to Convention No. 1.

Albania (First Report).

Constitution (sections 20 and 21).
Labour Code of 3 April 1956 (*Gazeta Zyrtare*, No. 4, 20 Apr., 1956) (*L.S.* 1956—Alb. 2).
Penal Code (section 205).

Section 20 of the Constitution guarantees all citizens of Albania, without distinction, the right of organisation and of assembly, and section 21 guarantees the same rights of association and combination to all citizens of Albania, irrespective of their occupation. Thus, agricultural workers have the same rights as industrial workers with regard to the formation of occupational and other associations.

All associations are free to exercise their rights and to organise their activities within the framework of the provisions of their statutes.

The Office of the Public Prosecutor, the State Control Commission and the labour inspectors appointed by the trade unions supervise the application of provisions concerning freedom of association.

Section 205 of the Penal Code provides for sanctions against any persons impeding the activities of trade unions.

Austria.

In reply to a direct request made in 1959 the report states that during the period under review the Carinthian Chamber of Agriculture, as the authority legally representing the employers' interests, and the Carinthian Chamber of Agricultural Labour, as the authority legally representing the workers' interests, know of no case in which workers were subjected to discrimination in respect of their employment by reason of their membership in a trade union. The Chamber of Agricultural Labour also states that a noticeable improvement has taken place in the recognition by the agricultural employers of the right of association.

Brazil.

In reply to a request by the Committee of Experts the report states that persons engaged in agriculture, other than wage earners, are covered by Legislative Decree No. 7038 (sections 1 and 2) dated 10 November 1944, respecting the organisation of agricultural trade unions.

Burma.

See under Convention No. 87.

Central African Republic.

Act No. 60-106 of 9 September 1960 repealing certain provisions of the Act of 15 December 1952 on occupational associations and adding others.

Chad.

Act No. 56-416 of 27 April 1956 to ensure freedom of association and the protection of the right to organise (*Journal officiel de l'Afrique équatoriale française*, 15 Apr. 1957, p. 537).

Chile.

See *Report of the Committee* (1960), p. 616.

Between 1 July 1959 and 30 June 1960 one agricultural trade union was dissolved and no new one was founded.

China.

In response to the direct request of the Committee of Experts the report indicates that collective bargaining is not yet in practice among the agricultural workers. A " General Report on Land Administration " is attached to the Government's report, and contains information on laws and regulations concerning land reform in Taiwan province and on the Committee on Farmland Lease.

Czechoslovakia.

In reply to the direct request made in 1959 by the Committee of Experts the report states that article 5 of the Constitution guarantees to all employed persons the right to assemble and organise. No distinction is made between persons working in industry and those working in agriculture. Persons working in agriculture as employees have their trade union for employees in agriculture and forestry.

Greece.

In reply to a request made by the Committee of Experts the report states that section 680 of the Civil Code and section 20 of Act No. 281/1914 permit agricultural workers to conclude collective contracts of employment.

Malaya (First Report).

Employment Ordinance No. 38 of 1955 (*L.S.* 1955—Mal. 2).
Trade Unions Ordinance No. 23 of 1959 (*L.S.* 1959—Mal. 1).

Section 8 of the Employment Ordinance 1955 secures rights of association and combination to any labourer who is a party to any contract of service and the Trade Unions Ordinance 1959 defines " trade union " as any association or combination of workmen or employers within any particular trade, occupation or industry.

Tunisia.

Act No. 59-4 of 10 January 1959, to make rules for industrial associations in Tunisia (*Journal officiel de la République tunisienne*, 13 Jan. 1959, No. 2, p. 20) (*L.S.* 1959—Tun. 1).

According to the first article of the above Act, repealing the Decree of 16 November 1932 on Trade Unions, agricultural workers have the same rights of association and combination as industrial workers and no restrictive provisions exist.

Venezuela.

In reply to the observations by the Committee of Experts in 1960 the report states that the Ministry of Labour agrees in principle with the observations, since they relate, for the most part, to provisions restricting freedom of association or limiting the activities of trade union representatives. In order to improve the situation of agricultural workers, preliminary draft regulations governing agricultural employment are being considered at present, since existing regulations no longer correspond to

the aspirations of rural workers. Some agricultural trade union organisations have affirmed the need to repeal these regulations and to extend the 1947 Labour Act to cover agricultural workers. The adoption of the Act amending the agrarian system and the conclusion of several collective agreements for agricultural workers have practically eliminated the influence of existing agricultural labour regulations.

Yugoslavia.

In reply to a request of the Committee of Experts the report gives the following information.

All persons who work in agriculture, regardless of whether they are occupied in agricultural undertakings which offer them the possibility of communal ownership or are engaged by private employers (individual agricultural producers), are affiliated to the trade union which comprises agricultural workers and workers in the food and tobacco industry. Members of agricultural producers' co-operatives and of general agricultural co-operatives are affiliated to the trade union if they fulfil permanent functions. The report states that members of agricultural co-operatives who do not have permanent functions in the co-operative and whose work does not constitute their chief source of revenue, are not affiliated to this trade union. The same applies to individual producers. Persons in this category do not possess special organisations of their own; in view of their type of work their status does not necessitate affiliation to a trade union. Agricultural co-operatives represent one of the adequate forms of association of individual producers, where they find the strongest guarantee for their material and economic interests and the merging of these interests with general social and economic development needs.

* * *

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

Australia, Chile, China, Senegal, Tunisia, Venezuela.

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

Argentina, Belgium, Byelorussia, Cameroun, Ceylon, Denmark, Finland, France, Federal Republic of Germany, Guinea, Iceland, India, Ireland, Italy, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Spain, Sweden, Switzerland, United Arab Republic (Egypt), United Kingdom, U.S.S.R.

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
Australia	7. 6.1960
Austria	14. 6.1954
Belgium	26.10.1932
Brazil	25. 4.1957
Bulgaria	6. 3.1925
Chile	15. 9.1925
Colombia	20. 6.1933
Congo (Léopoldville) [1]	20. 9.1960
Cuba	22. 8.1935
Czechoslovakia	12. 6.1950
Denmark	26. 2.1923
Finland	20. 1.1950
France	4. 4.1928
Federal Republic of Germany [2]	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
Portugal	16. 5.1960
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 6 to Convention No. 4.
[2] See footnote 2 to Convention No. 2.

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

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
Cameroun [1]	7. 6.1960
Central African Republic [1]	27.10.1960
Chad [1]	10.11.1960
Chile	15. 9.1925
Colombia	20. 6.1933
Congo (Brazzaville) [1]	10.11.1960
Cuba	7. 7.1928
Czechoslovakia	31. 8.1923
Dahomey [1]	12.12.1960
Finland	5. 4.1929
France	19. 2.1926
Gabon [1]	14.10.1960
Greece	22.12.1926
Guinea [1]	21. 1.1959
Hungary	8. 6.1956
Italy	22.10.1952
Ivory Coast [1]	21.11.1960
Luxembourg	16. 4.1928
Malagasy Republic [1]	1.11.1960
Mali [2]	22. 9.1960
Mexico	7. 1.1938
Morocco [3]	13. 6.1956
Netherlands	15.12.1939
Nicaragua	12. 4.1934
Niger [1]	27. 2.1961
Norway	11. 6.1929
Poland	21. 6.1924
Rumania	4.12.1925
Senegal [2]	4.11.1960
Spain	20. 6.1924
Sweden	27.11.1923
Togo [1]	7. 6.1960
Tunisia [4]	12. 6.1956
Upper Volta [1]	21.11.1960
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 7 to Convention No. 4.

[3] See footnote 8 to Convention No. 4.

[4] Has confirmed its obligations under this Convention which France had previously accepted on behalf of Tunisia.

Ivory Coast.

In reply to a direct request by the Committee of Experts the Government submits the following explanations :

Article 5, point II *(b) of the Convention. (a)* Section 10 of the General Order of 14 November 1955 states that, when conditions of work require it, the labour inspector may order protective clothing to be worn. These provisions apply in particular to the work listed in section 2 of the same Order, namely " the preparation and application of paint, varnish, lacquer, ink, mastic or coating substances with a lead compound base ". *(b)* Section 5 of the same Order makes it compulsory to supply protective clothing to workers engaged in paint spraying.

Point III *(a)*. Section 12 of the General Order of 14 November 1955 states that all workers engaged in painting or varnishing shall be examined by a physician in the case of sickness or of absence in excess of seven days. Section 13 of the same Order states that the medical labour inspector may demand information concerning the results of such examination. In his capacity as labour inspector he may also carry out a subsequent medical examination.

* * *

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

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

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
Cameroun [2]	7. 6.1960
Canada	21. 3.1935
Central African Republic [2]	27.10.1960
Chad [2]	10.11.1960
Chile	15. 9.1925
China	17. 5.1934
Colombia	20. 6.1933
Congo (Léopoldville) [3]	20. 9.1960
Congo (Brazzaville) [2]	10.11.1960
Cuba	20. 7.1953
Czechoslovakia	31. 8.1923
Dahomey [2]	12.12.1960
Denmark	30. 8.1935
Finland	19. 6.1923
France	3. 9.1926
Gabon [2]	14.10.1960
Greece	11. 5.1929
Guinea [2]	21. 1.1959
Haiti	14. 5.1952
Hungary	8. 6.1956
India	11. 5.1923
Iraq	12. 5.1960
Ireland	22. 7.1930
Israel	26. 6.1951
Italy	8. 9.1924
Ivory Coast [2]	21.11.1960
Luxembourg	16. 4.1928
Malagasy Republic [2]	1.11.1960
Mali [4]	22. 9.1960
Mexico	7. 1.1938
Morocco	20. 9.1956
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Niger [2]	27. 2.1961
Norway	7. 7.1937
Pakistan [5]	11. 5.1923
Peru	8.11.1945
Poland	21. 6.1924
Portugal	3. 7.1928
Rumania	18. 8.1923
Senegal [4]	4.11.1960
Spain	20. 6.1924
Sweden	22.12.1931
Switzerland	16. 1.1935
Togo [2]	7. 6.1960
Tunisia	15. 5.1957
Turkey	27.12.1946
United Arab Republic	10. 5.1960
Upper Volta [2]	21.11.1960
Uruguay	6. 6.1933
Venezuela	20.11.1944
Viet-Nam	14. 6.1955
Yugoslavia	1. 4.1927

[1] See footnote 2 to Convention No. 1.
[2] See footnote 4 to Convention No. 4.
[3] See footnote 6 to Convention No. 4.
[4] See footnote 7 to Convention No. 4.
[5] See footnote 3 to Convention No. 1.

Canada.

Saskatchewan.

Act of 1960 amending the One Day's Rest in Seven Act, 1950.

The above-mentioned Act consolidates earlier measures which had extended the weekly rest provisions progressively to the entire province.

Greece.

For legislation see under Convention No. 1.

Decree No. 582 of 1960 concerning the hours of work of personnel engaged in local autobus transport contains new weekly rest provisions. Thirteen rest periods of at least 24 hours must be granted in the course of 90 days, and two of them must fall on Sunday.

See under Convention No. 1 for the Government's reply to the request made by the Committee of Experts in 1959.

Morocco.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that inspectors of labour and labour supervision officers are endeavouring to have the weekly rest provisions applied in handicraft undertakings engaged in traditional pursuits. The Government also undertakes to provide statistics of the number of workers employed in these undertakings as soon as possible.

Tunisia.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that the weekly rest provisions for railway workers are those established by the Decree of 16 July 1921.

Turkey.

In reply to the direct request made by the Committee of Experts in 1959 the Government points out that the provisions of section 2 of the Weekly Rest Act of 1925 apply to all undertakings irrespective of the area in which they are located.

However, in order to avoid any possible misinterpretation in practice, section 44 of the Labour Act of 8 June 1936 is being revised by a special committee. According to the amendment under consideration, workers may not be employed for more than six days in the week irrespective of the number of persons employed or the population of the areas concerned.

Viet-Nam.

In reply to a direct request made by the Committee of Experts the Government states that a report on the Bill to provide compensatory periods of rest for the exceptions authorised by sections 183 and 190 of the Labour Code (in virtue of the application of Article 5 of the Convention) has now been submitted to the President of the Republic.

* * *

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

to the Convention or on minor changes in its application :

Argentina, Denmark, Hungary, Portugal, Venezuela, Yugoslavia.

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

Belgium, Brazil, Bulgaria, Burma, Cameroun, Central African Republic, Chad, Chile, China, Congo (Brazzaville), Czechoslovakia, Finland, France, Guinea, Haiti, India, Ireland, Israel, Italy, Luxembourg, Malagasy Republic, Mexico, New Zealand, Niger, Norway, Pakistan, Senegal, Spain, Sweden, Switzerland, Togo, Upper Volta.

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
Cyprus [2]	23. 9.1960
Denmark	12. 5.1924
Finland	10.10.1925
France	16. 1.1928
Federal Republic of Germany [3]	11. 6.1929
Ghana [4]	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
Nigeria [4]	17.10.1960
Norway	7.10.1927
Pakistan [5]	20.11.1922
Poland	21. 6.1924
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
Switzerland	21. 4.1960
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] Has confirmed its obligations under this Convention which the United Kingdom had previously declared applicable.

[3] See footnote 2 to Convention No. 2.

[4] Has confirmed its obligations under this Convention which the United Kingdom had previously accepted on behalf of this country.

[5] See footnote 3 to Convention No 1.

Byelorussia.

Following the adoption of Decree No. 629 of 29 August 1959 by the State Committee on Labour Problems of the Council of Ministers, the list of occupations forbidden to young persons, contained in the appendix to Order No. 186 of 13 October 1932, has been repealed and a new list has been promulgated. This list contains a greater number of occupations (trimmers and stokers, as in the previous Order, are included in the new list).

Ceylon.

The Committee of Experts had requested the Government to indicate the measures which are to be taken for the purposes of applying the provisions contained in Articles 2 and 5 of the Convention. In its report the Government states that the employment of young persons under the age of 18 years as trimmers and stokers is not permitted in Ceylon and that articles of agreement which contain spaces for recording the names and ages of apprentices are amended, when necessary, to include the relevant entries for all persons under the age of 18 years serving on board. According to the government report, there has been no instance of any request for engagement of a trimmer or stoker of less than 18 years of age. With regard to the provisions contained in Article 3, the Government states that no school-ships or training-ships exist in Ceylon. The Government has noted, for inclusion in the next reprinting of articles of agreement, the requirements regarding publication contained in Article 6 of the Convention.

Morocco.

In reply to a direct request made by the Committee of Experts in 1960 the Government states in its report that an amendment to section 176*quinquies* of the Code of Maritime Commerce, which would bring the Code into conformity with Article 1 of the Convention, is being considered.

New Zealand.

In reply to a direct request by the Committee of Experts for information regarding the application of the Convention to public vessels within the meaning of Article I, the Government declared in its report that all the public vessels involved are equipped with propulsive plants of a type obviating the need for trimmers and stokers.

Turkey (First Report).

Act No. 4922 of 1946 respecting the safeguarding of life and property at sea (*Resmî Gazete*, 14 Haziran 1946, No. 4922).

Regulations No. 4/3435 of 27 April 1954 concerning the number and qualifications of seamen, amended by Regulations No. 4/9360 of 28 August 1957.

Article 1 of the Convention. The definition of the term " vessel " contained in section 1 (A) of the Act and in section 2 (1) *(a)* of the Regulations is as follows : " Any embarkation capable of putting to sea and which is not propelled by oars, whatever its name, gross tonnage or the trade in which it is engaged."

Article 2. Under section 11.II.A (1) and (3) of the Regulations, trimmers employed on board steam-propelled vessels must be at least 18 years of age. Stokers must work for at least six months as trimmers and then pass an examination to show that they are capable of working as stokers.

Article 3. The exceptions provided for under Article 3 do not apply in Turkey.

Article 4. No use has been made up to the present time of the provision contained in this Article. Now that the Convention has been ratified the Article will be applied, if necessary.

Article 5. Section 5 of the above-mentioned Regulations provides that the master of the vessel must submit a register of the seamen engaged to the authorities of the port of sailing. The register must conform to the model given in the said Regulations. If it should become necessary to apply Article 4 of the Convention, the master would have to indicate the date of birth of trimmers and stokers aged between 16 and 18.

U.S.S.R.

Following the adoption of Decree No. 629 of 29 August 1959 by the State Committee on Labour Problems of the Council of Ministers, the list of occupations forbidden to young persons, contained in the appendix to Order No. 186 of 13 October 1932, has been repealed and a new list promulgated. This list contains a larger number of occupations (trimmers and stokers, as in the previous Order, are included in the new list).

In reply to a direct request made by the Committee of Experts in 1959 the Government states that, according to Decree No. 629 mentioned above, the employment of young persons under 18 years of age in any capacity on board sea-going vessels (except deck boys and apprentices) is forbidden.

* * *

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

Cyprus, Ghana, Ireland, Japan, Netherlands.

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

Argentina, Australia, Belgium, Bulgaria, Burma, Canada, Chile, China, Denmark, Finland, France, Federal Republic of Germany, Greece, India, Iceland, Italy, Norway, Pakistan, Spain, Sweden, United Kingdom, Yugoslavia.

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

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification
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
Cyprus [2]	23. 9.1960
Denmark	23. 4.1938
Finland	10.10.1925
France	22. 3.1928
Federal Republic of Germany [3]	11. 6.1929
Ghana [4]	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
Nigeria [4]	17.10.1960
Pakistan [5]	20.11.1922
Poland	21. 6.1924
Rumania	18. 8.1923
Somalia [6] (ex-Trust Territory)	18.11.1960
Spain	20. 6.1924
Sweden	14. 7.1925
Switzerland	21. 4.1960
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. 15.
[3] See footnote 2 to Convention No. 2.
[4] See footnote 4 to Convention No. 15.
[5] See footnote 3 to Convention No. 1.
[6] Has confirmed its obligations under this Convention which Italy had previously declared applicable to this territory.

Albania (First Report).

Labour Code (*Gazeta Zyrtare*, No. 4, 20 Apr. 1956) (*L.S.* 1956—Alb. 2), sections 159 and 165.
Instruction No. 79 of the Central Council of Trade Unions and the Ministry of Health.
Penal Code, Section 199.

According to section 159 of the Labour Code, workers and employees aged 18 years or less who are employed in heavy or dangerous work (including seamen) must undergo a medical examination before entering employment.

The medical certificate must certify their state of health and indicate whether the nature of the work is liable to be harmful to their health.

Instruction No. 79 provides that young persons under the age of 18 who are accepted for work must undergo a medical examination every six months. For certain types of work, including work at sea, examinations are more frequent.

Observance of these provisions is supervised by the Office of the Public Prosecutor, the State Control Commission and the workers' organisations; infringements are punishable under section 199 of the Penal Code.

Brazil.

Decree No. 48274 of 8 June 1960 concerning medical examination of young persons before engagement on board merchant vessels.

The above-mentioned Decree contains provisions under which medical examination is compulsory for young persons between 16 and 18 years of age before engagement on board merchant vessels. Such examination must be repeated annually.

* * *

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

Burma, Luxembourg, Nicaragua.

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
Congo (Léopoldville) [1]	20. 9.1960
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
Iraq	5. 7.1960
Luxembourg	16. 4.1928
Malaya [2]	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
Philippines	17.11.1960
Poland	3.11.1937
Portugal	27. 3.1929
Somalia [3] (ex-Trust Territory)	18.11.1960
Spain	22. 2.1929
Sweden	8. 9.1926
Tunisia	15. 5.1957
United Arab Republic	10. 5.1960
United Kingdom	28. 6.1949
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

[1] See footnote 6 to Convention No. 4.

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

[3] See footnote 6 to Convention No. 16.

Haiti.

In reply to the observations and requests made by the Committee of Experts in 1959 and 1960 the Government states as follows.

Article 2 of the Convention. The Social Insurance Act of 1951 does not exclude foreign technicians whose stay in Haiti does not exceed one year, but merely provides for their exemption from compulsory insurance. The reason underlying this measure is that these workers are, for the most part, covered by the insurance scheme of their country of origin. Thus, foreign companies operating in Haiti and employing this type of personnel have such workers insured under the scheme in their own country, having made application to the Government of Haiti for their exemption from compulsory insurance.

Article 5. As regards the guarantee of "proper use" which must be supplied to the authorities before the periodical payment of accident compensation can be commuted to a lump sum, the Government states that the competent services are studying the question and endeavouring to determine the appropriate conditions of guarantee.

Article 7. There is as yet no provision applying this article.

Article 10. The national legislation contains no express provision for the renewal of artificial limbs and surgical appliances. However, under section 38 of the 1951 Act, medical attendance, which also includes the supply of these appliances, does not cease until the complete recovery of the insured person. Consequently, this Article can be invoked whenever an injured person who has not yet completely recovered may need these appliances.

Malaya.

The Government reports that the Workmen's Compensation Ordinance, 1952 and Regulations thereunder were amended with effect from 1960. These amendments have clarified employer responsibilities, notably with regard to place of accidents and scope and extent of his liability.

The Government advises further that, pursuant to two legal notifications issued in 1959, employers in certain enterprises engaged in hazardous work must insure their workmen's compensation liability with an approved insurer or, alternatively, must post a deposit of 5,000 dollars with the Commissioner of Labour.

Nicaragua.

In reply to the observations made by the Committee of Experts, regarding the exclusion from insurance of workers aged over 60 years, and of workers in the service of employers having less than five workers permanently in their employ, the Government states that it will send a communication to the National Social Security Institute, which enjoys complete functional autonomy, requesting it to take the necessary measures to eliminate this discrepancy, and that, in the meanwhile, the Labour Code will continue to assure the benefits not provided under the Social Security Act as regards industrial accidents.

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
Congo (Léopoldville) [2]	20. 9.1960
Cuba	6. 8.1928
Czechoslovakia	19. 9.1932
Dahomey [3]	12.12.1960
Denmark	18. 6.1934
Finland	17. 9.1927
France	13. 8.1931
Federal Republic of Germany [4]	18. 9.1928
Guinea [3]	21. 1.1959
Hungary	19. 4.1928
India	30. 9.1927
Iraq	26.11.1938
Ireland [5]	25.11.1927
Italy	22. 1.1934
Ivory Coast	21.11.1960
Japan	8.10.1928
Luxembourg	16. 4.1928
Mali [6]	22. 9.1960
Morocco	20. 9.1956
Netherlands [5]	1.11.1928
Nicaragua	12. 4.1934
Niger [3]	27. 2.1961
Norway	11. 6.1929
Pakistan [7]	30. 9.1927
Poland	3.11.1937
Portugal	27. 3.1929
Senegal [6]	4.11.1960
Spain	29. 9.1932
Sweden [5]	15.10.1929
Switzerland	16.11.1927
Tunisia	12. 1.1959
United Arab Republic	10. 5.1960
United Kingdom [5]	6.10.1926
Upper Volta [3]	21.11.1960
Uruguay [5]	6. 6.1933
Yugoslavia	1. 4.1927

[1] See footnote 2 to Convention No. 1.
[2] See footnote 6 to Convention No. 4.
[3] See footnote 4 to Convention No. 4.
[4] See footnote 2 to Convention No. 2.
[5] Has denounced this Convention and ratified Convention No. 42.
[6] See footnote 7 to Convention No. 4.
[7] See footnote 3 to Convention No. 1.

Ivory Coast.

In reply to the direct request made by the Committee of Experts the Government submits the following details.

Poisoning by lead, its alloys or compounds and by mercury, its amalgams or compounds. Enumeration of the syndromes caused by these poisonous substances is necessary in order to specify the periods of time which must elapse before eligibility for compensation arises. However, in view of the aims of the Convention, the Ministry of Public Health has been instructed to carry out an investigation to establish whether other manifestations due to this type of poisoning have been observed in the Ivory Coast.

Anthrax infection. The schedule of the principal occupations involving the handling or use of noxious substances given in the table in the Order of 17 September 1958 is for purposes of information (section 44 of the Decree of 24 February 1957). The schedule is therefore not restrictive.

Tunisia (First Report).

Act No. 57/73 of 11 December 1957 (18 Jumada I 1377) respecting the system of compensation for industrial accidents and occupational diseases (*Journal officiel de la République tunisienne (J.O.)*, No. 43, 20 Dec. 1957) (*L.S.* 1957—Tun. 1).
Act No. 58/131 of 22 November 1958 amending the above-mentioned Act (*J.O.*, 25 Nov. 1958).

Article 1 of the Convention. The occupational diseases listed in the schedule to the Act of 11 December 1957 are considered as industrial accidents and give rise to compensation in the same manner. This schedule also specifies the period of time which must elapse in each case before eligibility for compensation arises. The worker must notify the occupational disease within 15 days of his ceasing to work. Entitlement is barred by limitation one year from the date of first diagnosis of the disease.

Article 2. In addition to the three diseases from toxic substances enumerated in the

schedule to the Convention, Tunisian legislation mentions a number of other occupational diseases which are listed in the schedule to the Act of 11 December 1957.

The application of the legislation on occupational diseases is supervised by officials of the Inspectorate of Labour and of the Medical Inspectorate of Labour. Officers of the judicial police may effect this supervision in respect of the compulsory insurance of employed persons and the notification procedure.

The report also gives some statistics of occupational diseases notified during 1957, 1958 and 1959.

* * *

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

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

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
Congo (Léopoldville) [2]	20. 9.1960
Cuba	6. 8.1928
Cyprus [3]	23. 9.1960
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 [4]	18. 9.1928
Ghana [5]	20. 5.1957
Greece	30. 5.1936
Haiti	19. 4.1955
Hungary	19. 4.1928
India	30. 9.1927
Indonesia [6]	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
Malaya [7]	11.11.1957
Mexico	12. 5.1934
Morocco [8]	13. 6.1956
Netherlands	13. 9.1927
Nicaragua	12. 4.1934
Nigeria [5]	17.10.1960
Norway	11. 6.1929
Pakistan [9]	30. 9.1927
Peru	8.11.1945
Poland	28. 2.1928
Portugal	27. 3.1929
Somalia [10] (ex-Trust Territory)	18.11.1960
Spain	22. 2.1929
Sudan	18. 6.1957
Sweden	8. 9.1926
Switzerland	1. 2.1929
Tunisia [11]	12. 6.1956
Union of South Africa	30. 3.1926
United Arab Republic: Egypt	29.11.1948
Syria	26. 7.1960
United Kingdom	6.10.1926
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

See footnotes opposite.

Haiti.

See under Convention No. 17.

Israel (First Report).

National Insurance Law of 18 November 1953 (*L.S.* 1953—Isr. 3), as amended.

The law makes no distinction between nationals, and the nationality of the claimant is not even ascertained in taking the claim. Under section 62 *(a)* the Minister of Labour has regulatory power to make special provisions with respect to nationals of other countries whose national legislation discriminates against Israeli citizens. To date no such regulations have been issued.

Approval is required for the payment of benefits to persons who are absent from the country for more than six months (section 62 *(b)*). Such approval is usually granted to victims of industrial accidents, and the necessary financial transfer permit is issued. This applies to Israeli citizens as well as to foreign workers, and to their dependants.

Sweden.

Royal Order No. 600 of 18 November 1960 respecting exemption of nationals of the United Arab Republic from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

The above Order of 18 November 1960 extends equality of treatment respecting employment injury compensation to nationals of the United Arab Republic.

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

[1] See footnote 2 to Convention No. 1.
[2] See footnote 6 to Convention No. 4.
[3] See footnote 2 to Convention No. 15.
[4] See footnote 2 to Convention No. 2.
[5] See footnote 4 to Convention No. 15.
[6] 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.
[7] See footnote 2 to Convention No. 17.
[8] See footnote 8 to Convention No. 4.
[9] See footnote 3 to Convention No. 1.
[10] See footnote 6 to Convention No. 16.
[11] See footnote 4 to Convention No. 13.

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.

Argentina.

The Government has forwarded the texts of the legislative provisions governing the authorisation of temporary exceptions in mechanical bakeries applicable in two provinces and has undertaken to reply at a later date to the requests made by the Committee of Experts in 1958 and 1959 and to forward legislation applicable to the remaining provinces.

Spain.

Decree No. 1556 of 2 June 1960 (*Boletin Oficial del Estado*, 23 June 1960).

This Decree prohibits the night work of young persons. In this connection night work means all work performed between 8 p.m. and 7 a.m.

Sweden.

Act of 28 May 1959 (*Svensk Författningssamling*, 1959, No. 298) to amend the Bakery Act, 1930.

The Bakery Act, 1930 as amended by the Act of 28 May 1959 no longer applies to the preparation of crispbread *(spis-eller knäckebröd)*, biscuits and other similar bakers' wares. As regards other types of bread, the Act has introduced greater flexibility in respect of certain forms of preparatory work. It permits work to be carried out in bakery and confectionery establishments between 5 a.m. and 6 a.m. on the week-night immediately preceding a holiday or Sunday and permits work in these establishments to be carried out on weekdays between 8 p.m. and 11 p.m., where such work is organised in regular shifts.

Increased power to grant exceptions to the prohibition in section 1 of the Act, beyond those provided for in sections 2 and 3, have been given to the National Workers' Protection Board.

* * *

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

Chile, Finland, Ireland, Israel.

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

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

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

The report from *Denmark* 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, Australia, Austria, Belgium, Bulgaria, Burma, Finland, India, Ireland, Japan, Mexico, Netherlands, Norway, Pakistan, Sweden, 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
Pakistan [3]	31.10.1932
Poland	8. 8.1931
Somalia [4] (ex-Trust Territory)	18.11.1960
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.
[4] See footnote 6 to Convention No. 16.

China.

Under existing legislation an agreement entered into for a voyage is terminated either by mutual consent of the parties or by the death of the seaman who is a party to the agreement. An agreement may also be terminated by the loss or unseaworthiness of the vessel.

* * *

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

Argentina, Luxembourg, Nicaragua.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Countries	Date of registration of ratification
Argentina	14. 3.1950
Belgium	3.10.1927
Bulgaria	29.11.1929
China	2.12.1936
Colombia	20. 6.1933
Cuba	7. 7.1928
France	4. 3.1929
Federal Republic of Germany [1]	14. 3.1930
Ireland	5. 7.1930
Italy	10.10.1929
Luxembourg	16. 4.1928
Mexico	12. 5.1934
Netherlands	5. 5.1948
Nicaragua	12. 4.1934
Philippines	17.11.1960
Poland	8. 8.1931
Somalia [2] (ex-Trust Territory)	18.11.1960
Spain	23. 2.1931
Switzerland	21. 4.1960
Uruguay	6. 6.1933
Yugoslavia	30. 9.1929

[1] See footnote 2 to Convention No. 2.
[2] See footnote 6 to Convention No. 16.

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 :

Luxembourg, Nicaragua.

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.

Haiti.

See under Convention No. 17.

Hungary.

In reply to a direct request made by the Committee of Experts the Government states that the cost of care provided in a health establishment to insured persons who have gone abroad to receive special treatment is covered if such treatment is provided in an institution mentioned in the relevant bilateral agreement concluded by the Hungarian authorities and the competent insurance authorities of the country concerned.

In case of sickness or traumatism suffered in the course of a temporary stay abroad, the Hungarian Social Insurance Centre reimburses 85 per cent. of the effective cost of benefit in kind, on condition that the insured person is on mission for his employer. If the stay abroad is for other reasons, the insured person may, on returning to Hungary, claim a sum corresponding to the cost of similar benefit granted in Hungary. While abroad, the insured person has no right to sickness insurance benefits as he is entitled to full salary. That is also the reason why only 85 per cent. of the expenditure incurred during a stay abroad is reimbursed.

* * *

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

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
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.

Haiti.

See under Convention No. 17.

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
Cameroun [1]	7. 6.1960
Canada	25. 4.1935
Central African Republic [1]	27.10.1960
Chad [1]	10.11.1960
Chile	31. 5.1933
China	5. 5.1930
Colombia	20. 6.1933
Congo (Léopoldville) [2]	20. 9.1960
Congo (Brazzaville) [1]	10.11.1960
Cuba	24. 2.1936
Czechoslovakia	12. 6.1950
Dahomey [1]	12.12.1960
Dominican Republic	5.12.1956
Ecuador	6. 7.1954
France	18. 9.1930
Federal Republic of Germany [3]	30. 5.1929
Gabon [1]	14.10.1960
Ghana	2. 7.1959
Guinea [1]	21. 1.1959
Hungary	30. 7.1932
India	10. 1.1955
Ireland	3. 6.1930
Italy	9. 9.1930
Ivory Coast [1]	21.11.1960
Luxembourg	3. 3.1958
Malagasy Republic [1]	1.11.1960
Mali [4]	22. 9.1960
Mexico	12. 5.1934
Morocco	14. 3.1958
Netherlands	10.11.1936
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Niger [1]	27. 2.1961
Norway	7. 7.1933
Portugal	10.11.1959
Senegal [4]	4.11.1960
Spain	8. 4.1930
Sudan	18. 6.1957
Switzerland	7. 5.1947
Togo [1]	7. 6.1960
Tunisia	15. 5.1957
Union of South Africa	28.12.1932
United Arab Republic	10. 5.1960
United Kingdom	14. 6.1929
Upper Volta [1]	21.11.1960
Uruguay	6. 6.1933
Venezuela	20.11.1944
Viet-Nam	14. 6.1955

[1] See footnote 4 to Convention No. 4.
[2] See footnote 6 to Convention No. 4.
[3] See footnote 2 to Convention No. 2.
[4] See footnote 7 to Convention No. 4.

Brazil (First Report).

Constitution of 18 September 1946 (*Diário Oficial*, Vol. LXXXV, 15 Oct. 1946, No. 236) (*L.S.* 1946—Braz. 3) section 157 (1).
Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diário Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184) (*L.S.* 1943—Braz. 1).

Article 1 of the Convention. This article is applied by sections 7 and 76-128 of the Consolidation of Labour Laws, which guarantee a minimum wage to all employees.

Article 2. The minimum wage-fixing machinery is of general application and there is therefore no occasion to make the decision referred to in this Article.

Article 3. Minimum wages are fixed under section 77 of the Consolidation of Labour Laws by minimum wage-fixing boards consisting of a chairman and an equal number of representatives of the employers and employees concerned, selected by the Minister of Labour. Minimum wage rates fixed by these boards are compulsory for all employees throughout the region concerned.

In reply to a direct request made by the Committee of Experts in 1960 the Government states that the minimum wage rates may be revised more rapidly than is provided for by the procedure laid down in sections 105 to 116 of the Consolidation of Labour Laws, which is only followed when it is necessary to undertake a general inquiry into the cost of living.

Minimum wage rates have been revised four times in the last six years.

Article 4. The Ministry of Labour, Industry and Commerce is responsible not only for fixing minimum wage rates, but also for enforcing minimum wage decisions throughout the country.

Section 118 of the Consolidation of Labour Laws provides the employee with a means of redress in case of underpayment; if the employer refuses to pay, the employee has access to a special Labour Court.

Canada.

Prince Edward Island.

Women's Minimum Wage Act, 1959, Ch. 33.
Act respecting a Minimum Wage for Women, 1960, Ch. 27.

The above legislation establishes a tripartite board to recommend the fixing of minimum wage rates for either men or women or both.

China.

The Government states in reply to the direct request made by the Committee of Experts in 1959 that minimum wages were fixed on 5 November 1955 at 300 Taiwan dollars a month or 10 Taiwan dollars a day for adult workers and at one-half of these figures for young workers.

In view of the difficulty of enforcement, there is no immediate plan to set up machinery for fixing minimum wages for commercial workers at present.

Czechoslovakia.

Constitution of 11 July 1960 (*Sbirka Zákonů*, 11 July 1960, No. 40, Text No. 100), article 21.

In reply to the direct request made by the Committee of Experts in 1959 the Government supplied the following information.

(1) The provisions of section 5 of Act No. 244/1948 concerning exemptions from wage regulations are no longer practical and are not now used. Exceptions from wage regulations are not permitted by the State Commission on Wages nor are Ministries authorised to permit exceptions from approved wage adjustments. In the event of the need for fixing special wages for certain operations, for reasons of economy, these wages are discussed on the basis of a draft of the Ministry, central authority, or organ responsible, as a special adjustment in remunerations for that operation and not as an exception from wage regulations in force.

(2) Wage policy is directed and implemented in agreement with the Trade Union Organisation. Draft wage adjustments are prepared by the respective Ministries in active co-operation with the trade union concerned. Draft wage tariffs are approved by the State Commission on Wages and the approved version is issued by the Ministry concerned as an ordinance which is binding.

(3) Wage tariffs are fixed and approved by the State Commission on Wages. The system of collective agreements is not used for fixing wage tariffs.

Dominican Republic.

Decree No. 5100 of 29 August 1959 changing the composition of the National Wages Board as regards participation by officials (*Gaceta Oficial*, No. 8404).

In reply to the requests of the Committee of Experts the Government states that the minimum wage provisions apply, on the same conditions and at the same rates, both to home-workers and to factory workers employed on the same work.

India.

Article 2 of the Convention. The discrepancy pointed out by the Committee of Experts in a direct request in 1959, regarding consultation with the employers' and workers'organisations concerned, was considered by the Minimum Wages Central Advisory Board, which has recommended that sections 3 (1A), 26 (2) and 26 (2A) of the Minimum Wages Act, 1948, be amended to oblige the appropriate governments to consult employers' and workers' organisations before granting exceptions from fixing minimum wages under these sections. The matter is being pursued.

Italy.

Act No. 741 of 14 July, 1959 (*Gazzetta Ufficiale*, No. 225, 18 Sep. 1959), containing transitional provisions to guarantee minimum remuneration and standards for workers.

The above-mentioned Act introduces the principle of a general and comprehensive system for the fixing of minimum wages in all sectors of production. It does not apply, however, to home and domestic workers, or to building maintenance workers who are already covered by legislation.

Morocco (First Report).

Dahir of 18 June 1936 respecting the minimum remuneration of wage-earning and salaried employees (*Bulletin officiel (B.O.)*, No. 1234, 19 June 1936, p. 740) (*L.S.* 1936—Mor. 3), as amended by Dahirs of 1 September 1937 (*B.O.*, No. 1299, 17 Sep. 1937, p. 1261) (*L.S.* 1937—Mor. 3A), 23 June 1938 (*B.O.*, No. 1339, 24 June 1938, p. 809) (*Série législative 1938—Mar. 1)*, 16 June 1952 (*B.O.*, No. 2074, 25 July 1952, p. 1025) and 26 January 1956 (*B.O.*, No. 2258, 3 Feb. 1956, p. 1883).
Dahir of 20 December 1939 on the determination of wages for homeworkers (*B.O.*, No. 1418, 29 Dec. 1939, p. 1883).
Dahir of 31 October 1959 (*B.O.*, No. 2457, 27 Nov. 1959, p. 2001).

Article 1 of the Convention. Minimum-wage legislation applies to all trades and commerce without exception and to the liberal professions.

Article 2. There is a special scheme for workers of either sex employed in home work of certain kinds, but this scheme is now rarely applied. There is also a special scheme for workers employed on public works or construction work by the State, by a public body or by an undertaking carrying on a public service under a concession.

Article 3. The minimum wage is fixed by Decree of the Ministers in Council. Though the law does not require it, the most representative employers' and workers' organisations are consulted on an equal footing.

The minimum wage for homeworkers of either sex is fixed by regional wage committees under the chairmanship of the Governor and composed of five to nine members selected from members of the provincial economic committee, which itself is a joint body.

The minimum wage for workers employed on public works or construction work (by the State, etc.) is determined by regional committees, also under the chairmanship of the Governor and including, in addition, the district Public Works Engineer and an employers' member and a workers' member proposed by their respective organisations. The decisions of these committees become enforceable only after approval by the Office of the President of the Council.

An indexing system linking wages with cost of living has also been set up and applies to all wages, including the various minimum wages. Wage re-evaluations are effected by decree on proposal of the Minister of Labour, acting on the advice of the Central Committee on Wages and Prices. This Committee includes representatives of the Moroccan Workers' Union and representatives of employers' organisations, in equal numbers.

An agreement on wage rates below the legally-fixed minimum cannot be valid.

Article 4. Measures relating to the minimum wage are made known by publication in the *Bulletin officiel*, in the Moroccan press, by direct notification to all employers' and workers' organisations and, in the case of public works and construction work (by the State, etc.), by posters displayed at the provincial headquarters. The observance of the law is supervised by officials of the Inspectorate of Labour, local authorities and officers of the judicial police. Employers must conserve evidence of payments made for at least one year and produce it on demand. Payment of wages below the legal minimum is punishable by fines.

Any worker receiving a wage below the minimum may apply to the Labour Court to recover the amount by which he has been underpaid. Such applications are barred by limitation at the end of 365 days (but one month only for homeworkers). It is also possible to have recourse to the Inspectorate of Labour to request the observance of the law.

Article 5. Morocco has been divided into four areas for the implementation of minimum-wage legislation. Lower rates are provided for workers under 18 years of age and a reduction of one-sixth is also made in the rate for women workers in certain trades.

Sudan (First Report).

Wage Tribunals Ordinance, No. 1 of 5 January 1952 (*L.S.* 1952—A.E.S. 1).

Article 1 of the Convention. Wage-fixing machinery is created by the Wage Tribunals Ordinance, the terms of which permit its application to any class of worker.

Article 2. Section 3 (1) of the Ordinance provides that the Commissioner of Labour may establish a wages tribunal either on his own initiative or at the request of a body representative of the employers or workers concerned. Where no representative organisations exist, the Commissioner consults individual employers.

Article 3. This article is applied by sections 4, 10 (3), 11 and 12. Under section 10 (3) no order under the Ordinance may prejudice rights conferred by or under any other organisation. The Government indicates that, by virtue of this provision, an agreement made between a trade union and an employer under the Trade Union Disputes Ordinance would take precedence over a minimum wage order. The Commissioner of Labour is responsible for the application of the Convention within the territory.

United Kingdom.

Terms and Conditions of Employment Act, 1959, 7 & 8 Eliz. 2, Ch. 26.
Wages Councils Act, 1959, 7 & 8 Eliz. 2, Ch. 69 (*L.S.* 1959—U.K. 2).

Viet-Nam.

In reply to a request by the Committee of Experts the Government states that, in practice, the representatives of employers' and workers' organisations participate directly in the creation of wage-fixing machinery.

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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, Australia, Belgium, Bulgaria, Burma, Cameroun, Chile, France, Federal Republic of Germany, Mexico, New Zealand, Nigeria, Norway, Senegal, Switzerland, Togo, Union of South Africa, Venezuela.

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

Guinea, Ireland, Netherlands, Spain, Tunisia.

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
Congo (Léopodville)[2]	20. 9.1960
Cuba	7. 9.1954
Czechoslovakia	26. 3.1934
Denmark [3]	18. 1.1933
Finland	8. 8.1932
France	29. 7.1935
Federal Republic of Germany [4]	5. 7.1933
Greece	30. 5.1936
Hungary	6.12.1937
India	7. 9.1931
Indonesia [5]	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 [6]	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 [3]	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] See footnote 6 to Convention No. 4.
[3] Conditional ratification.
[4] See footnote 2 to Convention No. 2.
[5] See footnote 6 to Convention No. 19.
[6] See footnote 3 to Convention No. 1.

Argentina.

In reply to the request made by the Committee of Experts the Government states that the draft legislation amending the Commercial Code has been submitted for the approval of the competent authorities.

Finland.

Act No. 299 of 28 June 1958 respecting the protection of labour (*L.S.* 1958—Fin. 1).

Section 41 of the above-mentioned Act contains the provisions that govern the marking of weight on heavy packages transported by ship, and replace those of the 1932 Act on the subject, now repealed. The observance of these provisions is supervised by inspectors of labour. Infringements are punishable by fines, or, in serious cases, by imprisonment.

Hungary.

In reply to the request made by the Committee of Experts in 1959 the Government states that the Labour Inspectorate will examine the practical application of the Convention and if necessary will take immediate action in cases of inadequate application.

India.

In reply to a direct request made by the Committee of Experts in 1959 the Government states that it is proposed to introduce in Parliament, as soon as possible, a Bill to amend the Marking of Heavy Packages Act, 1951.

Mexico.

In reply to the direct request made by the Committee of Experts in 1959 the Government stated, in respect of point *(a)* of the request made in 1958, that the obligations contained in the instructions for harbour masters, which are appended to the report, are of a constitutional character and are thus binding for harbour masters as well as for private persons.

As regards point *(d)* of the request, in case of contravention, fines of between 100 and 1,000 pesos may be imposed in conformity with the chapter of sanctions, article 34, of the Laws and Regulations on Communications.

Chapter VIII of the same legislation deals with transport on inland waterways and mixed shipping.

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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, Indonesia, Netherlands, Norway, Portugal.

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

Australia, Austria, Bulgaria, Burma, Canada, Chile, China, Czechoslovakia, Federal Republic of Germany, Greece, Ireland, Italy, Japan, Morocco, Pakistan, Rumania, Spain, Sweden, Switzerland, Venezuela, Viet-Nam, Yugoslavia.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932

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

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

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

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Date of registration of ratification
Albania	25. 6.1957
Argentina	14. 3.1950
Australia	2. 1.1932
Austria	7. 6.1960
Belgium	20. 1.1944
Brazil	25. 4.1957
Bulgaria	22. 9.1932
Burma	4. 3.1955
Byelorussia	21. 8.1956
Cameroun [1]	7. 6.1960
Central African Republic [1]	27.10.1960
Ceylon	5. 4.1950
Chad [1]	10.11.1960
Chile	31. 5.1933
Congo (Léopoldville) [2]	20. 9.1960
Congo (Brazzaville) [1]	10.11.1960
Costa Rica	2. 6.1960
Cuba	20. 7.1953
Cyprus [3]	23. 9.1960
Czechoslovakia	30.10.1957
Dahomey [1]	12.12.1960
Denmark	11. 2.1932
Dominican Republic	5.12.1956
Ecuador	6. 7.1954
Finland	13. 1.1936
France	24. 6.1937
Gabon [1]	14.10.1960
Federal Republic of Germany	13. 6.1956
Ghana [4]	20. 5.1957
Greece	13. 6.1952
Guinea [1]	21. 1.1959
Haiti	4. 3.1958
Honduras	21. 2.1957
Hungary	8. 6.1956
Iceland	17. 2.1958
India	30.11.1954
Indonesia [5]	31. 3.1933
Iran	10. 6.1957
Ireland	2. 3.1931
Israel	7. 6.1955
Italy	18. 6.1934
Ivory Coast [1]	21.11.1960
Japan	21.11.1932
Liberia	1. 5.1931
Malagasy Republic [1]	1.11.1960
Malaya [6]	11.11.1957
Mali [7]	22. 9.1960
Mexico	12. 5.1934
Morocco	20. 5.1957
Netherlands	31. 3.1933
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Niger [1]	27. 2.1961
Nigeria [3]	17.10.1960
Norway	1. 7.1932
Pakistan	23.12.1957
Peru	1. 2.1960
Poland	30. 7.1958
Portugal	26. 6.1956
Rumania	28. 5.1957
Senegal [7]	4.11.1960
Somalia [8]	18.11.1960
Spain	29. 8.1932
Sudan	18. 6.1957
Sweden	22.12.1931
Switzerland	23. 5.1940
Togo [1]	7. 6.1960
Ukraine	10. 8.1956
U.S.S.R.	23. 6.1956
United Arab Republic : Egypt	29.11.1955
Syria	26. 7.1960
United Kingdom	3. 6.1931
Upper Volta [1]	21.11.1960
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	4. 3.1933

[1] See footnote 4 to Convention No. 4.

[2] See footnote 6 to Convention No. 4. The Republic of the Congo has also renounced the amendment made in the Belgian Government's earlier declaration.

[3] See footnote 2 to Convention No. 15.

[4] See footnote 4 to Convention No. 15.

[5] See footnote 6 to Convention No. 19.

[6] See footnote 6 to Convention No. 17.

[7] See footnote 7 to Convention No. 4.

[8] Has confirmed the obligations under this Convention which had previously been declared applicable by Italy in respect of the Trust Territory on the one hand, and by the United Kingdom in respect of British Somaliland, on the other.

Brazil (First Report).

Constitution of 18 September 1946 (*Diário oficial*, Vol. LXXXV, 15 Oct. 1946, No. 236) (*L.S.* 1946—Braz. 3).
Penal Code.

The Constitution provides, under article 141, paragraph 2, that " no one shall be compelled to do anything, or to cease doing anything, except by virtue of the law ". There is no law authorising forced labour and hence no special measures are necessary to give effect to the provisions of the Convention.

Under the Penal Code, section 146, it is a crime against individual liberty to compel anyone to do anything not required by law, and section 149 of the same Code provides for penalties to be imposed on anyone who " reduces another to the condition of a slave ".

Bulgaria.

Act respecting compulsory military service (*Izvestiya*, No. 13, 14 Feb. 1958).
Decree to amend the Act respecting compulsory military service (ibid., No. 58, 21 July 1959).
Decree respecting special labour services (ibid., No. 26, 30 Mar. 1954).
Decree amending the special labour services (ibid., No. 86, 25 Oct. 1955).

In reply to the request made by the Committee of Experts in 1960 the report states that any work or services performed by the army are purely military in character. Military service is compulsory for all citizens. However, not all citizens may be admitted to military service in view of the provisions of the Peace Treaty of 10 February 1947. Therefore, under the Decree respecting special labour services, young persons who cannot be enrolled in the army are directed to formations coming under the central administration of the special labour services.

No person may be obliged to perform corrective labour except as a result of conviction by a court of law.

In principle the personal performance provided for under the law is fixed in the form of payment in cash. When such performance is fixed in the form of work every citizen is entitled to pay cash compensation instead. Any sums not paid within the prescribed period are levied subject to the conditions laid down in the Ordinance respecting tax and duty collection.

Burma (First Report).

Constitution.
Penal Code.

Section 19 of the Constitution prohibits forced labour in any form except in execution of a sentence duly pronounced in respect of a criminal offence; however, the State may impose compulsory service in the public interest, without any discrimination on grounds of birth, race, religion or class.

Article 1 of the Convention. No recourse to forced or compulsory labour in any form is authorised.

Article 2. So far there has been no necessity to take advantage of the exceptions provided under paragraph 2 of this Article.

Article 4. Prison labour is not used for the benefit of companies or associations.

Article 5. No concessions involving any form of forced or compulsory labour are granted to private individuals, companies or associations.

Article 18. Officials of the administration, when they are on government tours in the rural areas, use the services of porters, boatmen, etc., but they are not employed in the sense of forced or compulsory labour as defined in the Convention.

Article 19. There has been no recourse to compulsory cultivation.

Article 21. Forced labour in any form is not employed above or below ground in the mines.

Article 25. Section 374 of the Penal Code prescribes penalties for unlawfully compelling any person to labour against his will.

Greece.

Legislative Decree No. 4090 (*Ephemeris tes Kyberneseos*, Vol. A, No. 125, 12 Aug. 1960).

Section 29 of the above-mentioned Legislative Decree prohibits convict labour for the benefit of third parties, whether private individuals or groups. Any provision to the contrary is repealed.

Hungary.

In reply to the direct request by the Committee of Experts the Government has supplied the following information :

1. In cases where the worker may terminate the employment relationship only with the employer's consent, section 30 of the Labour Code provides that the worker may apply for that consent through the joint committees which settle labour disputes. Section 28 of the Code is very far-reaching in effect, since in the overwhelming majority of cases where the worker terminates the employment relationship, such termination is by mutual consent. Thus, these legal provisions cannot be looked upon as coercive. The situation is similar in regard to the transfer of a worker to another undertaking. If such transfer may prove prejudicial to the worker, he can apply to the joint committee for cancellation thereof, or, in virtue of section 28, he can terminate the employment relationship.

2. Work performed by persons in the course of their military service is connected with the service or with military instruction, as for instance the construction of a temporary camp or range for firearms practice, etc.

3. Temporary labour service under section 139 of the Code can be considered to constitute a normal civic obligation.

4. The provisions regarding compulsory labour following conviction in a court of law are in no way at variance with the text of the Convention. Section 150 of Act No. II of 1939 on residence ban and committal to police supervision or custody, and Decrees Nos. 8130/ME of 1 September 1939 and 760/BM of 1 September 1939 are out of

date. The cases where the preceding legal rules prescribe or permit residence ban are now governed by the provisions of the general part of the Penal Code relating to expulsion (Act No. II, 1950, section 45). Only a criminal court is entitled to order expulsion as a " supplementary penalty ", which in any case consists of a change of residence only and does not include the assignment of a mandatory place of work.

5. Section 139 of the Labour Code on temporary compulsory labour service may be applied in case of flood, earthquake, epidemic, war, etc. More detailed rules of an executory nature have been issued in only one instance so far—in Decision No. 1048/MT*h* of 23 November 1952, respecting the removal of accumulations of snow.

6. Section 43 of the Code and sections 70 and 136 of the Regulations issued under it deal with questions concerning what is known as standby service. This is a notion akin to that of supplementary labour except that in the former case the worker does not actually work, but stands by for the order to proceed with the supplementary labour. Restrictive provisions concerning supplementary labour also apply to standby service.

7. There is no compulsory labour corresponding to section 2, subsection 2, paragraph *(e)*, of the Convention. However, it happens that by voluntary decision part of the population will devote its leisure to work of interest to the community, to the layout of gardens and playgrounds for children.

8. The provisions of the Labour Code on the compulsory period of internship were repealed by Legislative Decree No. 46 of 1957 which—like Legislative Decree No. 31 of 1958—retained this period of internship only for those completing their studies in medical schools and training schools for nurses, ancillary personnel, etc., the purpose being to meet the needs of the health service for specialists with adequate experience. This compulsory period of internship is in fact merely the continuation of their professional training.

Iceland (First Report).

Constitution of 17 June 1944.
Act No. 80 of 5 June 1947 respecting maintenance obligations.

Article 69 of the Constitution provides that no restriction may be imposed upon individual freedom of employment, unless legislated for as being required in the common interest.

Forced or compulsory labour is unknown in Iceland, except in so far as prisoners are compelled to work, receiving some remuneration.

Under the Maintenance Act, local authorities may obtain a magistrate's order empowering them to direct to appropriate work an able-bodied recipient of maintenance who does not himself seek employment, or to require a person to perform work in a work institution in return for amounts paid out of parochial funds for the maintenance of children. These provisions are considered to fall within the exceptions provided for in the Convention.

Israel.

In reply to requests made by the Committee of Experts the Government states that pioneer groups undergoing agricultural training in co-operatives or collective villages during military service remain autonomous units. Their time is divided between agricultural work, education and military training. For the latter they are usually taken to camps. While they work in settlements, discipline is regulated by social influence; the most severe penalty would be return to ordinary military service. Conscripts join pioneer groups at their own request; there is no compulsion and the law is being amended every year to make the division of military service into agricultural training and actual service optional. The military authorities decide whether to shorten the period of service *de facto* for the benefit of agricultural training.

A state of emergency can be proclaimed only by the Knesseth. Emergency regulations remain in force for a maximum three months unless extended by a law of the Knesseth. The 1948 Manpower Regulations were applied during the War of Independence and shortly thereafter, mainly for fortification works and emergency roads.

Nigeria.

In reply to a request by the Committee of Experts the Government states that it is proposed to repeal section 117 in the revised text of the Labour Code Ordinance.

Sudan (First Report).

Penal Code.
Local Government Ordinance, 1951.
Locusts Destruction Ordinance, 1907.

Articles 1 and 2 of the Convention. Under section 7 (2) of the Local Government Ordinance, 1951, local authorities may require able-bodied Natives to work for not more than ten days a year in making or maintaining water courses or flood-protecting works for the benefit of their community. This Ordinance also permits obligatory labour by able-bodied males on work essential for the well-being or preservation of the community, including maintenance of communications and work to deal with emergencies.

Under sections 3, 4, 5 and 8 of the Locusts Destruction Ordinance, persons capable of labour may be required to assist in locust destruction within a reasonable distance of their residence.

Compulsory services have been demanded in the southern frontier provinces for maintenance of roads, river cleaning, building of court houses, etc. Such work, local and often performed by members of the localities concerned, may be considered a normal civic obligation.

Article 4. Since ratification of the Convention, no labour has been exacted for the benefit of private individuals, companies or associations.

Articles 7 to 9. Forced labour is exacted administratively by delegation of power from the Minister of Interior to local authorities for work on road maintenance, river cleaning, etc. The authorities are satisfied that such work is

necessary and of importance and in the direct interest of the community concerned. In most cases such work lays no burden upon the population, as its duration is short and there is always enough labour to perform it.

Articles 11 to 17. Only able-bodied male adults are required to work. Civil servants, students, teachers, etc., are usually exempted. Normal local conditions of work in respect of hours of work, wages, weekly rest, etc., are observed, and the Workmen's Compensation Ordinance would apply. Remuneration is at prevailing local rates and is paid through chiefs and sheikhs. Full measures are taken to safeguard the workers' health.

The Government has been making intense efforts to abolish this type of labour. It is restricted to the remote southern and western frontier provinces, which are less civilised than Central and Northern Sudan. Their inhabitants lead a subsistence life. As they become used to working for money, compulsory labour is rapidly diminishing.

Articles 18 to 21. Recourse is not made to forced labour for any of the purposes mentioned in these Articles.

Article 25. Section 311 of the Penal Code prescribes penalties for illegal execution of forced labour.

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The report from *Malaya* merely refers to the information previously supplied.

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
Nicaragua	12. 4.1934
Norway	29. 6.1953
Panama	16. 2.1959
Spain	29. 8.1932
United Arab Republic	10. 5.1960
Uruguay	6. 6.1933

[1] Conditional ratification.

Norway.

Act No. 2 of 7 December 1956 respecting the protection of workers (*Norsk Lovtidend (N.L.)*, No. 45, 31 Dec. 1956, p. 1235) (*L.S.* 1956—Nor. 2).
Act No. 1 of 28 November 1958 to amend the above Act (*N.L.*), No. 42, 20 Dec. 1958, p. 945) (*L.S.* 1958—Nor. 2).
Royal Decrees of 19 December 1958 and 20 January 1959.

Article 1 of the Convention. The Act of 7 December 1956 covers the public administration except for the cases defined, under this same Act, by the Royal Decrees of 19 December 1958 and 20 January 1959, enclosed with the report.

The daily and weekly hours of work in public administrations are generally fewer than those stipulated in the 1956 Workers' Protection Act, as amended on 28 November 1958 (nine hours per day and 45 hours per week).

The postal service is entitled to arrange the working hours of its employees, in consultation with them, in such a way that they average not more than 45 hours per week calculated over a period of six weeks. The system applicable to this administration is described in detail in the " Instructions for the Postal Service " based on the 1956 Act, which were enclosed with the report.

Article 6. The dispensation offered in section 23, subsection 2, of the Act of 7 December 1956 (section 24, subsection 1, of the amended text) has never been availed of in practice, but should the occasion arise the limit of ten hours per day would be observed.

Article 7. The option provided in section 24, subsection 3, of the 1956 Act has not been availed of in the case of employees covered by the Convention; the dispensations previously granted (for chemists' shops among others) under the corresponding provisions of the Act of 19 June 1936 (*L.S.* 1936—Nor. 1) set a limit to the number of hours' overtime authorised per day and any future dispensations would do likewise.

The limits imposed by section 26, subsection 2, of the 1956 Act also apply in the cases covered by subsection 1 of this same section.

The adoption of a standing limitation of the number of hours of *daily* overtime is meeting with opposition from both employers' and workers' organisations. In practice the latter see to it that the number of hours' overtime authorised per week is in fact distributed over several days as recommended by law.

Spain.

For the Government's reply to the observation of the Committee of Experts see *Report of the Committee* (1960), pp. 617-618.

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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, Chile, Finland, Haiti, Israel, New Zealand, Norway.

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

Bulgaria, Mexico.

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

This Convention came into force on 30 October 1934

Countries	Date of registration of ratification
Argentina	14. 3.1950
Belgium	2. 7.1952
Bulgaria	29.12.1949
Canada	6. 4.1946
Chile	18.10.1935
China	30.11.1935
Cuba	7. 9.1954
Finland	23. 8.1949
France	27. 5.1955
India	10. 2.1947
Italy	30.10.1933
Mexico	12. 5.1934
New Zealand	29. 3.1938
Norway	23. 6.1956
Pakistan [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.

Belgium.

Royal Order of 8 May 1959 (*Moniteur belge*, No. 137, 25 May 1959, p. 3935).

The above-mentioned Order of 8 May 1959 states that the precautions to be taken under the General Labour Protection Regulations, in the vicinity of dangerous openings, do not apply to inland navigation.

Bulgaria.

Safety Regulations, 1959, for Water Transport, issued by the Ministry of Transport and Communications.

A copy of the above-mentioned Regulations is annexed to the report.

China.

In reply to the observations of the Committee of Experts the Government indicates that the Ministry of Communications has instructed the transport office of the province of Taiwan to direct the port authorities of Keelung and Kaohsiung to prepare regulations for the protection of dockers in accordance with the provisions of the Convention.

The Minister has received comments from those port authorities concerning the value of the certificates presented by certain vessels, as well as suggestions concerning the protection of dockers working in refrigerated holds and at work stations where the air is polluted.

Finland.

Referring to some criticism from various unions on the inspection of the loading and unloading of ships from the safety point of view, the Government states that the labour inspection legislation, which dates from 1927, is no longer adequate. An *ad hoc* committee set up in 1958 is now studying this legislation with a view to making it more effective. Meanwhile the Ministry of Social Affairs has prepared provisional instructions for labour inspectors responsible for the security and health supervision of ports.

United Kingdom.

Article 18 of the Convention. Certificates of test and examination of lifting machinery and gear used in loading and unloading of ships were amended to ensure that they are in conformity with the standard international forms approved by the International Labour Office.

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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, India, Italy, New Zealand, Norway, Sweden.

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

Canada, Pakistan, Spain.

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
Cameroun [1]	7. 6.1960
Central African Republic [1]	27.10.1960
Chad [1]	10.11.1960
Congo (Brazzaville) [1]	10.11.1960
Cuba [2]	24. 2.1936
Dahomey [1]	12.12.1960
France	29. 4.1939
Gabon [1]	14.10.1960
Ivory Coast [1]	21.11.1960
Guinea [1]	21. 1.1959
Malagasy Republic [1]	1.11.1960
Mali [3]	22. 9.1960
Netherlands	12. 7.1935
Niger [1]	27. 2.1961
Senegal [3]	4.11.1960
Spain	22. 6.1934
Togo [1]	7. 6.1960
Upper Volta [1]	21.11.1960
Uruguay [1]	6. 6.1933

[1] See footnote 4 to Convention No. 4.

[2] Convention denounced as a result of the ratification of Convention No. 60.

[3] See footnote 7 to Convention No. 4.

Argentina.

In reply to the request made by the Committee of Experts in 1959 the Government states that it has taken into account the suggestions made, but has not found it imperative to effect an amendment of the law, since current practice is in complete harmony with the provisions of the Convention. The Executive will take the measures it may consider necessary to bring about legislative conformity.

Austria.

For the reply of the Government to the observations of the Committee of Experts in 1960 see the *Report of the Committee* (1960), p. 602.

The new draft amendment to the Federal Act respecting the employment of children and young persons has been forwarded to the central offices concerned and to the workers' and employers' representatives for their comments. Because of the wide differences of opinion which have arisen concerning the draft amendment, the Government has not yet been able to submit it to the legislature.

Cameroun.

In reply to the request made by the Committee of Experts in 1959 the Government states that use has not been made of the exceptions provided for in Order No. 983 of 27 February 1954 ; that section 2 of the said Order fixes at 14 years the age for admission to employment in centres where schooling is normally provided. In view of the extension of educational facilities in Cameroun the Order thus constitutes an adequate safeguard of childhood. The Government also indicates that a redrafting of the Order is planned, to bring it completely into line with the provisions of the Convention.

Chad.

Order No. 627/ITT-LS of 3 December 1953.
Order No. 631/ITT-LS of 3 December 1953.
Order No. 1244/IT.AFF.SOC of 5 September 1959.

In reply to the request made by the Committee of Experts in 1959 the Government states that sections 2, 12 and 15 of Order No. 631 mentioned above provide that children must not work on Sundays and public holidays and that Order No. 1244 has amended Order No. 627, imposing a ban on any form of night work for children.

Congo (Brazzaville).

In reply to the direct request by the Committee of Experts in 1959 the Government states : *(a)* young persons aged under 15 who are still at school may not be employed ; *(b)* apprentices may not be obliged to work on Sundays and public holidays ; *(c)* young persons aged under 18 may not be engaged in night work.

Guinea.

Act No. 1 of 30 June 1960 to establish a Labour Code.

Sections 150 and 151 of the Labour Code reproduce to a substantial degree the provisions of sections 118 and 119 of the Labour Code (Overseas Territories), which formerly governed the questions dealt with by the Convention.

Ivory Coast.

In reply to the request made by the Committee of Experts in 1959 the Government states that it is intended to amend Decree No. 3151/ITLS/CI of 28 April 1954, providing for exceptions to the age of admission of children to certain types of employment, with a view to making such exceptions subject to the guarantees provided for in Article 3 of the Convention.

Niger.

In centres where schooling is normally provided the age of admission to employment is 14 years. Employment of children over 12 years of age on light work and domestic work is under the supervision of the labour inspector, who grants individual licences, which are personal and revocable. No child may be employed at night, or on Sundays or public holidays.

Senegal.

Order No. 3723 of 17 September 1954.

In reply to the request made by the Committee of Experts in 1959 the Government states that permits are never issued to young persons under 14 years of age so long as the possibility is open to them to attend an educational establishment. Section 4 of the abovementioned Decree prohibits night work of children (night being defined as 11 consecutive hours including the period between 10 p.m. and 5 a.m.).

With respect to the prohibition of light work on Sundays and public holidays and the restriction of such work to four-and-a-half hours per day in areas where there is no compulsory school attendance, the report states that even though there are no specific plans to incorporate them in the legislation, these provisions are observed in practice. Furthermore, a new Labour Code is under consideration and the texts implementing it will take into account the provisions of ratified Conventions.

Spain.

Decree No. 1119 of 2 June 1960 prohibiting the employment in domestic work of young persons under 14 years of age and young persons who are required by law to attend primary school (*Boletín Oficial del Estado*, No. 143, 15 June 1960).

Under the above Decree children under 14 years of age and young persons under 16 who have not obtained the certificate of primary studies may not be employed as domestic servants outside their own homes. It is laid down that the ban on employing young persons under 18 years of age on night work or dangerous work also covers young persons who may be asked to perform such work in the course of domestic service.

Togo.

In reply to the request of the Committee of Experts the Government states that it has prepared a draft Order to amend Order No. 16/MTAS-FP of 6 December 1958 and bring it into line with the provisions of Article 3 of the Convention.

Upper Volla.

In reply to the request made by the Committee of Experts in 1959 the Government states that Ordinance No. 545/ITLS/HV of 2 August 1954, which authorises certain exceptions permitting light work for young persons of from 12 to 14 years of age, stipulates, in section 2, that children under 14 years of age who attend a public or private educational establishment may not be employed during school hours. The Ordinance further limits, in section 4, to four-and-a-half hours the duration of light work by children under 14 years of age, and, in section 5, prohibits such work on Sundays, on public holidays and at night.

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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 :

Cameroun, Chad, Central African Republic, Congo (Brazzaville), France, Malagasy Republic, Netherlands, Niger, Senegal, Togo, Volta.

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

35. Old-Age Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Argentina	17. 2.1955
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

In reply to a direct request made by the Committee of Experts in 1959, concerning cases involving suspension of the right to a pension, the Government of Bulgaria states the following.

Article 8 of the Convention. In virtue of section 21 *(a)* of the Regulations implementing the Pensions Act the pension may be suspended following a conviction. Such withdrawal of entitlement to a pension is a supplementary penalty provided for under section 28 of the Penal Code ; the courts can or should impose it for a period not exceeding by more than three years the term of the main sentence in the cases listed in the Penal Code (certain crimes against individuals, private property or the national economy) ; this is distinct from cases of suspension of benefit due to the person concerned having acted fraudulently towards the insurance institution.

Article 12, paragraph 5. Under section 4 *(a)* of the above-mentioned Regulations the pension may be suspended where the insured person, being a foreign national, leaves the country. This provision is applicable even in the case of insured persons who are nationals of countries where the Convention is in force, with the exception of Poland and Czechoslovakia, which have concluded bilateral agreements with the People's Republic of Bulgaria. Where an insured person has been deprived of, or has lost, Bulgarian nationality and is not residing in the country, his pension may be suspended in virtue of section 22 (1) of the Regulations. Such cases have not arisen in practice.

Chile.

In reply to a request for information from the Committee of Experts the Government states in its report that the situation referred to by the Committee, to the effect that railwaymen received a lump sum and not an old-age pension as provided for under Article 4 of the Convention, was an exceptional situation which existed for a time and which was terminated by Decree No. 2259 of 26 December 1931. In consequence thereof, railwaymen are entitled to a pension at 60 years of age or when they become completely incapacitated for work as a result of illness, provided that they have at least ten years' service.

The report also points out that the old-age insurance scheme for railway workers is administered by the State Railways and concludes by stating that old-age insurance for workers in industrial and commercial undertakings in the public sector is governed by the general provisions of the welfare scheme under which each individual is insured.

France.

Decree No. 60-452 of 12 May 1960 respecting the organisation and operation of social security.

In reply to the request made by the Committee of Experts the Government states that the additional allowance paid out of the National Solidarity Fund under the terms of Act No. 56-639 of 30 June 1956 and subsequent Acts, does not come within the scope of Article 12, para-

graph 3, of the Convention. These Acts established protective measures, particularly in favour of elderly persons, consisting of additional allowances granted to persons receiving old-age benefit or social assistance. Although this additional allowance is paid to some beneficiaries through the intermediary of old-age insurance institutions and services, it is not part of the benefit derived from compulsory insurance. Moreover, the term " reciprocal international Conventions " in section 25 of the Act dated 30 June 1956 should be taken as applying to individual agreements regarding the additional allowance. It does not refer to the international Conventions concluded within the framework of the International Labour Organisation nor to reciprocal international Conventions in the field of social security.

Furthermore, since the issue of an Ordinance dated 30 December 1958, the additional allowance received by persons entitled to basic benefits under the general social security scheme is the responsibility of that scheme and is paid from its funds.

Poland.

Act of 28 March 1958 to amend the dispositions concerning pensions.
Act of 13 April 1960 respecting the establishment of the Council on Labour and Wages and modifying competency in the field of social security.

The new legislative provisions have introduced several changes of which the more important are as follows.

(1) Increase of pension rates, namely of old-age pensions, and increase of pensions granted under previous legislation.

(2) Introduction of minimum amounts of pensions.

(3) Introduction of more favourable conditions for retaining the right to a pension for wage earners who have worked 35 years (men), or 30 years (women), even if more than five years elapse between the date of cessation of work and the date they reach pensionable age.

(4) Provision of a survivors' pension to a widow even if she was not being maintained by her husband prior to his death.

(5) Introduction of the principle of total or partial suspension of a pension during the period when the beneficiary is entitled to remuneration or other income.

(6) Changes in the organisation of social insurance, which is now entirely the responsibility of the Institute of Social Insurance, with the exception of medical care which continues to be provided by the Health Service.

United Kingdom.

The National Insurance Act, 1959.
The National Insurance Act (Northern Ireland), 1959.

Within the period under review, legislation to establish, as from April 1961, a scheme of graduated contributions and pensions related to earnings has been adopted. The scheme will also introduce certain changes in amounts of contributions to the general scheme. In addition, increased rates for pensions earned by deferred retirement were introduced, as also were new earnings rules.

Agreements with Canada, Denmark, Finland, Switzerland and Yugoslavia were concluded at various dates.

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

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

36. Old-Age Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Argentina	17. 2.1955
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23 .8 1939
Italy	22.10.1947
Peru	1. 2.1960
Poland	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 35.

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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, France, Italy.

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

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

This Convention came into force on 18 July 1937

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

Bulgaria.

See under Convention No. 35.

Chile.

In reply to the request for information made by the Committee of Experts the Government states, with respect to point *(a)*, that in virtue of Decree No. 2259 of 26 December 1931 employees of the State Railways are entitled to an invalidity pension in case of total incapacity for work resulting from illness, provided that they have ten years' service. The same Decree also provides for the payment of an invalidity pension where the total incapacity for work is the consequence of an accident at work, and for the granting of a survivors' pension, in the event of death due to an industrial accident, to the widow and children of the victim, or in default, to relatives in the ascending line or other persons who were dependent on the victim at the time of the accident.

As concerns point *(b)* of the request of the Committee of Experts the Government states that wage earners, apprentices and salaried employees in industrial and commercial undertakings in the public sector are covered by the general provisions of Acts Nos. 10383 of 1952 (wage earners) and 10475 of 1952 (salaried employees).

France.

Decree No. 60-452 of 12 May 1960 respecting the organisation and operation of social security.

In reply to the request made by the Committee of Experts the Government states that the additional allowance paid out of the National Solidarity Fund established by Act No. 56-639 of 30 June 1956 and subsequent Acts does not come within the scope of Article 13 of the Convention.

See also under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

For new legislation see under Convention 102 (Parts II and III of the Convention).

Rates of contribution towards the National Health Service have been increased. Unification of the adjudication arising under the Family Allowances Act, the National Insurance Act and the Industrial Injuries Act has been achieved by transfer of such adjudication to the insurance officer, local tribunal and national insurance officer.

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

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France	23. 8.1939
Italy	22.10.1947
Peru	1. 2.1960
Poland	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 37.

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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, France, Italy.

39. Survivors' Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 8 November 1946

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Czechoslovakia	1. 7.1949
Italy	22.10.1952
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

Family Allowances and National Insurance Act, 1959.
Family Allowances and National Insurance (Northern Ireland) Act, 1959.
National Insurance Act, 1959.
National Insurance Act (Northern Ireland), 1959.

See under Convention No. 35.

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

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

Bulgaria.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 39.

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The report from *Italy* 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
Central African Republic [3]	27.10.1960
Ceylon	2. 9.1950
Chad [3]	10.11.1960
Congo (Brazzaville) [3]	10.11.1960
Dahomey [3]	12.12.1960
France [1]	25. 1.1938
Gabon [3]	14.10.1960
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
Ivory Coast [3]	21.11.1960
Malagasy Republic [3]	1.11.1960
Mali [4]	22. 9.1960
Morocco [5]	13. 6.1956
Netherlands [1]	9.12.1935
New Zealand [1]	29. 3.1938
Niger [3]	27. 2.1961
Pakistan [1 6]	22.11.1935
Peru	8.11.1945
Senegal [4]	4.11.1960
Switzerland [1]	4. 6.1936
Togo [3]	7. 6.1960
Union of South Africa [1]	28. 5.1935
United Arab Republic (Egypt)	11. 7.1947
United Kingdom [7]	25. 1.1937
Upper Volta [3]	21.11.1960
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 7 to Convention No. 4.
[5] See footnote 8 to Convention No. 4.
[6] See footnote 3 to Convention No. 1.
[7] Has denounced this Convention.

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

Burma, Hungary.

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
Congo (Léopoldville) [1]	20. 9.1960
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

[1] See footnote 6 to Convention No. 4.

Burma (First Report).

Workmen's Compensation Act, No. VIII, of 5 March 1923 (*L.S.* 1923—Ind. 1).
Act No. XXIX of 3 September 1926 further to amend the Workmen's Compensation Act, 1923 (*L.S.* 1926—Ind. 3A).
Notification No. L.1125 of the Department of Industries and Labour (*Gazette of India (G.I.)*, No. 22, Part I, 29 May 1926, p. 659) (*L.S.* 1926—Ind. 3B).
Act No. V of 29 March 1929 further to amend the Workmen's Compensation Act, 1923 (*G.I.*, No. 14, Part IV, 6 Apr. 1929, p. 7) (*L.S.* 1929—Ind. 3).
Act No. XV of 9 September 1933 further to amend the Workmen's Compensation Act, 1923 (*L.S.* 1933—Ind. 2).
Notifications No. L.1821 of the Department of Industries and Labour, dated 28 and 29 January 1937 (*G.I.*, No. 5, Part I, 30 Jan. 1937) (*L.S.* 1937—Ind. 2).
Act No. VII of 4 March 1937 further to amend the Workmen's Compensation Act, 1923 (*L.S.* 1937—Ind. 4).
Workmen's Compensation (Amendment) Act, No. LII, of 27 October 1951 (*Burma Gazette (B.G.)*, 10 Nov. 1951, p. 829) (*L.S.* 1951—Bur. 3).
Social Security Act No. LXVII of 22 October 1954, (*B.G.*, 6 Nov. 1954) (*L.S.* 1954—Bur. 1).
Workmen's Compensation (Amendment) Act No., XXII, 1957 (*B.G.*, 20 Apr. 1957).

Article 1 of the Convention. The same general principles govern compensation for occupational diseases as for industrial accidents. However, in the majority of cases the occupational nature of the illness is not recognised unless the person concerned has been engaged for a minimum of six months on work deemed to be dangerous.

The rate of compensation is the same for occupational diseases as for industrial accidents.

Compensation for permanent incapacity (total or partial) or death takes the form of a lump-sum payment.

Article 2. The schedule of occupational diseases lists not only the ten mentioned in this Article of the Convention but also 20 other diseases or poisonings.

The application of the law is supervised by Commissioners appointed for each region and assisted by Deputy Commissioners.

Haiti.

Act of 19 September 1951 to organise social insurance and to attach the Social Insurance Institution to the Department of Labour while endowing it with separate legal personality (*L.S.* 1951—Hai. 2), amended by the Act of 14 July 1955 (*Le Moniteur*, 19 Aug. 1955), and the Act of 11 October 1957 (ibid., 17 Oct. 1957).
Order of 4 August 1952 regulating the functions of the Social Insurance Institution (ibid., 18 Aug. 1952), amended by the Order of 14 June 1956.

In reply to the requests made by the Committee of Experts in 1958, 1959 and 1960 the Government states the following.

Article 1 of the Convention. Compensation for occupational disease is paid in the same way as industrial accident compensation. Apart from whatever kind of medical care the state of health of the person concerned may require, compensation amounting to two-thirds of his basic salary is payable beginning on the fourth day of incapacity for work.

Article 2. The list of occupational diseases has not been amended. It is, however, expected that this list will shortly be revised in order to bring it into line with the schedule contained in the Convention.

The Social Insurance Institution is responsible for the enforcement of the laws and regulations respecting industrial accidents and occupational diseases.

See also under Convention No. 1.

Spain (First Report).

Act of 13 July 1936 respecting occupational diseases (*Gaceta de Madrid*, No. 197, 15 July 1936) (*L.S.* 1936—Sp. 2).
Order of 7 March 1941 to institute insurance against silicosis (*L.S.* 1941—Sp. 2).
Decree of 24 November 1945 respecting the extension of the compulsory family allowance scheme to holders of pensions in respect of industrial accident or occupational disease insurance.

Order of 29 March 1946 to approve the consolidated text of the Occupational Disease (Silicosis) Insurance Regulations (*Boletin Oficial del Estado (B.O.E.)*, No. 99, 9 Apr. 1946) (*L.S.* 1946—Sp. 2).
Decree of 10 January 1947 to establish a system of insurance against occupational diseases (*B.O.E.*, No. 21, 21 Jan. 1947) (*L.S.* 1947—Sp. 1).
Order of 19 July 1949 to approve the Occupational Disease Insurance Regulations (*B.O.E.*, No. 231, 19 Aug. 1949) (*L.S.* 1949—Sp. 3).
Decree of 31 March 1950 respecting the extension of the Sickness Insurance Scheme to holders of pensions in respect of industrial accident and occupational disease insurance.
Order of 6 October 1951 to establish a compulsory scheme of insurance against the occupational disease known as " miners' nystagmus ".
Decree of 22 June 1956 to approve a consolidation text of the legislation relating to industrial accidents (*B.O.E.*, No. 197, 15 July 1956) (*L.S.* 1956—Sp. 1).
Regulations under the above Decree (*B.O.E.*, 15 July 1956).
Instrument of ratification of the Convention, dated 12 May 1958 (*B.O.E.*, No. 201, 22 Aug. 1959).

Article 1 of the Convention. The Decree of 10 January 1947 and the Order of 19 July 1949 laid down compensation standards for occupational disease similar to those governing compensation for industrial accidents. This legislation expressly provides that, as regards matters not covered by the special occupational disease regulations in force, the legislation governing industrial accidents shall apply (section 18 of the Decree of 10 January 1947, supplemental and transitional provisions of the Order of 19 July 1949 and supplemental provisions of the Decree of 22 June 1956). The Government also indicates that, according to the precedents established by the Supreme Court of Justice for the interpretation of section 1 of the Act of 8 October 1932, compensation for occupational disease is based on the general principles applicable to industrial accident compensation.

Article 2. The schedule of occupational diseases and the corresponding trades, industries or processes, annexed to the Decree of 10 January 1947, is more extensive than the one appearing in the Convention. This schedule is not intended to be restrictive; the competent bodies may consider as an occupational disease any affection contracted in industries or processes not listed, provided such affection has been shown to be of an occupational character.

The management of the insurance system is entrusted to the National Welfare Institution, an independent body. As regards occupational diseases in particular, compensation is payable through the National Industrial Accident and Occupational Disease Insurance Fund which is also responsible, as a secondary charge, for the application of the legal provisions in force. However, it is the Labour Inspectorate which is finally responsible for supervising such enforcement; it is assisted in this task by the staff of inspectors attached to the National Welfare Institution.

The report also contains detailed information concerning the practical application 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 :

Burma, Spain.

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.

For the reply of the Government to the observation made by the Committee of Experts in 1960 see *Report of the Committee* (1960), p. 619.

Mexico.

Article 3 of the Convention. All overtime up to and including three hours is remunerated by the payment of six hours' wages at the ordinary rate; over and above three hours the remuneration is either eight hours' wages at the ordinary rate or proportional to the length of time worked.

Furthermore, in reply to a direct request from the Committee of Experts in 1958 the Government annexed to its report the text of some collective agreements in force in the state glassworks of Nuevo León.

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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 :

Belgium, France, Ireland, Norway.

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
Cyprus [1]	23. 9.1960
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 [2]	20. 5.1957
Greece	30. 5.1936
Guatemala	7. 3.1960
Haiti	5. 4.1960
Honduras	20. 6.1960
Hungary	19.12.1938
India	25. 3.1938
Indonesia [3]	20. 2.1937
Ireland	20. 8.1936
Italy	22.10.1952
Japan	11. 6.1956
Luxembourg	3. 3.1958
Malaya [4]	11.11.1957
Mexico	21. 2.1938
Morocco	20. 9.1956
Netherlands	20. 2.1937
New Zealand	29. 3.1938
Nigeria [2]	17.10.1960
Pakistan [5]	25. 3.1938
Panama	16. 2.1959
Peru	8.11.1945
Poland	15. 6.1957
Portugal	18.10.1937
Somalia [6] (ex-Trust Territory)	18.11.1960
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
Syria	26. 7.1960
United Kingdom	18. 7.1936
Uruguay	18. 3.1954
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	21. 5.1952

See footnotes opposite.

Hungary.

Regarding previous observations by the Committee of Experts the Government refers to its report for the period 1958-59. It states once again that women are not employed underground in any mines in Hungary. As regards the publication of a Labour Code, the Government refers to the note appended to its report on the application of Convention No. 3.

Spain (First Report).

Decree of 26 July 1957 respecting the industries and employments prohibited to women and young persons on account of their dangerous or unhealthy nature (*Boletín Oficial del Estado*, No. 217, 26 Aug. 1957, p. 785) (*L.S.* 1957—Sp. 1).

Article 1 of the Convention. The term " mine " as defined in the Convention corresponds to the third group of industries listed in the schedules appended to the above-mentioned Decree.

Article 2. Article 1 of the Decree prohibits to females of all ages work in the activities and industries listed in the first schedule to this Decree. This schedule lists, in the third group of industries (extractive industries), presence in mines of all kinds and quarries, owing to the arduous and dangerous nature of the work.

Article 3. Article 3 of the Decree provides for exceptions to be authorised in connection with vocational training, subject to previous authorisation by the Labour Inspectorate.

The National Labour Inspectorate is charged with the enforcement of this Decree.

Data on the activities of labour inspectors are included in the annual report submitted by the Ministry of Labour.

[1] See footnote 2 to Convention No. 15.
[2] See footnote 4 to Convention No. 15.
[3] See footnote 6 to Convention No. 19.
[4] See footnote 2 to Convention No. 17.
[5] See footnote 3 to Convention No. 1.
[6] See footnote 6 to Convention No. 16.

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

Byelorussia.

Act of 28 July 1960 to amend article 94 of the Constitution.

The change-over to a seven-hour day for all workers (six hours for workers employed in mines or in other industries where work is performed under arduous conditions) was completed in 1960.

In reply to the direct request made by the Committee of Experts in 1959 the Government specifies that hours of work are limited not only with respect to the working day, but also with respect to the working week. Early in 1961 the average duration of the working week was less than 41 hours. In 1962 all workers now having a seven-hour working day will work a 40-hour week. From 1964 a 35-hour, five-day week will gradually be introduced for workers and employees (30 hours for work underground and work performed under arduous conditions).

Article 94 of the Constitution was amended by an Act promulgated in July 1960. Under the new provisions, workers' rest is safeguarded by various measures, including the introduction of a seven-hour day (six hours and even less for workers performing strenuous work).

The reduction of hours of work does not entail any reduction in wages and some categories of workers have even had their wages increased (workers in the cement manufacturing and chemical industries and workers at the lowest step of the wage scale). New wage scales and wage rates have been established for this purpose. Higher production and higher wages, despite the reduction in working hours, are made possible by increased productivity due to the introduction of modern techniques and better production organisation.

In principle, overtime work is prohibited and may be permitted only as an exception in cases provided for by the law and with the prior consent of the trade unions. In such cases, overtime work is remunerated at a rate 50 per cent. higher than the normal wage for the first two hours and 100 per cent. higher for subsequent hours.

U.S.S.R.

Constitution, article 119 (amended).
Order of 19 September 1959 of the Central Committee of the Communist Party, the Council of Ministers and the Central Council of Trade Unions respecting the dates when the reduced working day will come into force in the various branches of the national economy and the various regions of the territory.
Act of 7 May 1960 respecting the introduction in 1960 of the seven-hour or the six-hour day for workers and employees (*Vedomosti*, No. 18, 12 May 1960).

According to the Economic Development Plan 1959-65, the seven-hour day (six hours for work underground) will come into force in 1960 for all workers and employees. The target for 1960 having been reached, it now appears that, in 1960, 6½ million workers underground, representing 10 per cent. of the total number of workers and employees, had a working week of 36 hours or less. The principle of the 40-hour week has still to be applied to approximately 42 million workers. Towards the end of 1960 the average duration of the working week was 40.2 hours. In accordance with the Plan, article 119 of the Constitution of the U.S.S.R. was amended and now embodies various measures to safeguard workers' rest, including the introduction of a seven-hour day for workers and employees (six hours and even less for work performed in arduous conditions).

For work done in excess of the reduced working hours (continuous work and work in certain industries or trades where the length of the shift or of a working day preceding a holiday cannot be reduced), compensatory rest days are provided.

The legislation covering hours of work, including the provisions with respect to the reduction of the working day to seven or to six hours, applies to all the workers referred to in articles 1 and 2 of the Labour Code of the R.S.F.S.R., including home workers, seasonal workers and temporary workers and employees, persons engaged in lumbering and log-rafting, etc.

The reduction of working hours did not entail a decrease in wages, which have even increased in some branches of the economy. New wage scales and rates have been established for this purpose. Wages have been readjusted in industry generally, in the building industry and to some extent in transport. In 1959 the average wage in the coal-mining industry had increased 26 per cent. over the 1956 figure, with an increase of 21 per cent. in the non-ferrous metals industry and 13 per cent. in the chemical industry. The introduction of new conditions of remuneration, the application of modern technology and the better organisation of production all contributed to improve productivity and make it possible, despite the reduction in working hours, not only to maintain the wage level, but even to raise it. Towards the end of the current year, approximately 30 million workers will be benefiting from the new wage conditions.

In 1962 the 40-hour week will be introduced for all workers at present working seven hours a day. From 1964 onwards a 35-hour, five-day week will gradually be introduced for workers and employees (30 hours for work underground and work performed under arduous conditions).

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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 :

Byelorussia, New Zealand, U.S.S.R.

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

Hungary.

In reply to an observation of the Committee of Experts the Government draws attention to the fact that territorial changes which occurred after the Second World War, together with the migration which took place, make it impossible to apply the Convention directly without bilateral agreements, which would clarify the complicated situation. The Government points out that the Convention has been ratified, apart from Hungary, by only six other member States. Hungary was obliged to conclude bilateral agreements with three of the Members to be able fully to apply the provisions of the Convention. The Government is of the opinion that the problems involved in the application of the Convention are the major reason why the number of States which ratified it has been so small.

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.

Mexico.

See under Convention No. 43.

* * *

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 :

France, Ireland, New Zealand, Norway.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Date of registration of ratification
Argentina	14. 3.1950
Belgium [1]	26. 7.1948
Congo (Léopoldville) [2]	20. 9.1960
Ghana [3]	20. 5.1957
Japan	8. 9.1938
Malaya [4]	11.11.1957
New Zealand [1]	8. 7.1947
Nigeria [3]	17.10.1960
Norway	7. 7.1937
Somalia [5] (ex-British Somaliland)	18.11.1960
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 6 to Convention No. 4.
[3] See footnote 4 to Convention No. 15.
[4] See footnote 2 to Convention No. 17.
[5] Has confirmed its obligations under this Convention which the United Kingdom had previously declared applicable to British Somaliland.

Ghana.

Article 7, paragraph 1, *of the Convention.* With reference to a request made by the Committee of Experts the Government states that the recruitment of a head of a family does not involve the recruitment of any member of his family. Recruitment is no longer practised and no licences have been issued since 1956.

Article 10. Deletion of section 8 (2) of the Labour Ordinance is under consideration.

* * *

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

Argentina, Japan, Malaya, New Zealand, Norway, United Kingdom.

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	14. 3.1950
Brazil	22. 9.1938
Bulgaria	29.12.1949
Burma	21. 5.1954
Byelorussia	6.11.1956
Cuba	20. 7.1953
Czechoslovakia	12. 6.1950
Denmark	22. 6.1939
Dominican Republic	5.12.1956
Finland	23. 8.1949
France	23. 8.1939
Greece	13. 6.1952
Hungary	8. 6.1956
Iraq	12. 5.1960
Israel	22. 8.1951
Italy	22.10.1952
Mexico	9. 3.1938
Morocco	20. 9.1956
New Zealand	10.11.1950
Panama	3. 6.1958
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
Syria	26. 7.1960
Uruguay	18. 3.1954
Viet-Nam	6. 6.1953
Yugoslavia	26. 3.1953

Finland.

Act No. 199 of 30 April 1960 respecting annual holidays for workers (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1960, p. 483) (*L.S.* 1960—Fin. 2).

The Government states that the above Act considerably improves the workers' holiday benefits and that it removes the causes for the observations made in past years by the Committee of Experts.

* * *

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

The report from *Hungary* merely 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
Liberia	9. 5.1960
Mexico	1. 9.1939
New Zealand	29. 3.1938
Norway	7. 7.1937
Philippines	17.11.1960
United Arab Republic : Egypt	20. 5.1939
Syria	26. 7.1960
United States	29.10.1938

Liberia (First Report).

Maritime Law (Title 22 of the Code of 1956, as amended with effect from 7 April 1960).
Maritime Regulations of 9 April 1960, promulgated by the Commissioner of Maritime Affairs pursuant to the provisions of the Maritime Law, as amended.

According to Title 14, Chapter 3, section 80 of the 1956 Code the force of national law is given to treaties to which the Republic of Liberia is a party.

Article 1 of the Convention. The provisions concerning officers' certificates apply to all vessels registered in Liberia.

Article 2. Liberian laws and regulations are consistent with this Article.

Article 3. Certificates are issued to Master, Chief, Second and Third Mate and to Chief Engineer, First, Second and Third Assistant Engineer. Certificates issued by foreign maritime nations on the basis of a comprehensive written examination, coupled with experience and medical qualifications, may be acceptable for the issuance of equivalent Liberian certificates, subject to the qualifications and procedures set forth in section 1.17 of the Maritime Regulations. The principle of *force majeure* is recognised.

Article 4. The prescribed minimum age is 19 years. Minimum periods of professional experience are set forth in Form RLM—105 (Application for Licence of Competence). Section 1.17 of the Maritime Regulations lays down in detail the nature of the examinations for the various certificates and the subject-matters covered. Although examinations may be taken at any one of the 32 centres established throughout the world, the actual test papers are prepared by the Bureau of Maritime Affairs and

forwarded to the centre selected, where the examination is taken subject to the invigilation and instructions of the official in charge of the centre. With respect to paragraph 3 of this Article, no licence may be issued on the basis of experience alone.

Article 5. Under Title 22 of the 1956 Code, as amended, the facilities of the Commissioners of Maritime Affairs and the Liberian consular authorities throughout the world are used for the purposes indicated in this Article. However, there are no provisions in Liberian law whereby a Liberian flag vessel may be detained by the authorities of another Member.

Article 6. Sections 17 and 32, Chapter 1 of the Maritime Law and section 2.81 of the Maritime Regulations provide for penalties in case of violation of provisions of the Convention as incorporated into statutes and regulations.

Every vessel is required to submit an annual report on its officers. These reports must state the name, period of service, capacity and licensing data of each deck, engineer and radio officer. Penalties and fines are provided for failure to submit this report or for having on board improperly-licensed officers. Inspections and other official visits which disclose violations may result in administrative action against the vessel, its master and owner.

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
Liberia	9. 5.1960
Mexico	15. 9.1939
Morocco	14. 3.1958
United States	20.10.1938

Liberia (First Report).

Maritime Law (Title 22 of the Code of 1956, as amended with effect from 7 April 1960).
Maritime Regulations of 9 April 1960 promulgated by the Commissioner of Maritime Affairs pursuant to the provisions of the Maritime Law, as amended.

Article 1 of the Convention. The Maritime Law applies to all seamen regardless of nationality on Liberian flag vessels registered in Liberia, in accordance with the provisions of Title 22 of the 1956 Code.

Article 2. The owner of a Liberian vessel is liable in the event of disabling sickness or injury occurring while a seaman is on board the vessel under signed articles of agreement or off the vessel pursuant to an actual mission assigned to him by, or under the authority of, the master. A shipowner is released from liability if: *(a)* the injury or sickness did not occur while the seaman was engaged in an actual mission ashore assigned to him by, or under the authority of, the master; *(b)* such sickness or injury resulted from the seaman's wilful act, default or misconduct; and *(c)* such sickness or injury developed from a condition which was concealed from the employer at or prior to the seaman's engagement.

If a seaman refuses any medical examination which the employer desires him to undergo prior to such engagement, or subsequent to the occurrence of such sickness or injury, the shipowner is also relieved of liability.

Article 3. The shipowner is liable for subsistence, lodging and care until the sick or injured seaman is medically declared to have reached a maximum cure or to be incurable, but in no event shall this liability exceed 30 weeks. There is no limitation as to the total or maximum rate of expenditure.

Article 4. The period of 30 weeks mentioned above is the maximum period of liability. Seamen on registered ships are not at present covered by statutory schemes providing for compulsory insurance or workmen's compensation.

Article 5. Wages are paid to the end of the voyage or until the seaman is discharged as fit for duty, whichever occurs first.

Article 6. All four destinations listed with respect to repatriation expenses are provided for. Provision is made to permit the employer to choose the destination.

Article 7. The employer is liable for reasonable burial expenses in case of the death of a seaman if at the time of death he was entitled to medical care and maintenance.

Article 9. The facilities of the Commissioner and Deputy Commissioners of Maritime Affairs, as well as of Liberian consular authorities throughout the world, are available for the purposes specified in this Article.

Article 10. No legislation has been enacted relating to the exemption of the shipowner from liability under Articles 4, 6 and 7 of the Convention.

Article 11. Title 22 of the Code of laws applies to all seamen, regardless of their nationality.

Article 12. Agreements embodying standards not less favourable than those prescribed by Liberian law may be entered into between shipowners and seamen.

Morocco (First Report).

Maritime Commerce Code of 31 March 1919, Annex I (sections 189 to 194).
Dahir of 9 July 1945 to make applicable to seamen the Dahir of 25 June 1927 respecting industrial accidents.

Article 1 of the Convention. The Maritime Commerce Code applies to all persons, whatever their sex, serving on board ships other than those of less than 50 tons gross tonnage, equipped for fishing or coastal navigation. National legislation is applicable to foreign seamen if they are in regular employment on board a Moroccan ship.

Article 2. The law lays down that a seaman shall be cared for at the expense of the shipowner if he is the victim of an accident sustained in the service of the ship or if he contracts an illness during the voyage, i.e. *after the ship has left the port of embarkation*, on the condition that the illness or injury has not been caused by an intentional act or inexcusable error on the part of the seaman, or by an act of indiscipline, or while he was under the influence of alcohol.

Sickness or infirmity cannot be concealed, since seamen must undergo a medical examination at the time of their engagement.

Article 3. Provision is made under the law for medical treatment and for the supply of medicines and other therapeutical requirements, as well as board and lodging pending repatriation.

Article 4. The shipowner's liability for the care to be provided ceases when the seaman is cured or when the injury heals, or when the condition of the sick person, after passing through a crisis period, assumes a chronic character.

Care and wages are due only for a maximum period of four months as from the date on which the sick person is put ashore. There is no compulsory sickness insurance scheme in Morocco. However, the workmen's accident compensation scheme is applicable to seamen, insurance against accidents being compulsory for the owners of ships and vessels with a gross loading capacity of more than 5 tons.

Article 5. In case of sickness or accident the seaman is entitled to his wages so long as he remains on board and, after he has disembarked, during the time he is in hospital. As concerns sickness, if the seaman is not in hospital he is entitled to his full wages plus the maintenance allowance during the ten days following disembarkation, and to half his pay plus half the maintenance allowance as from the eleventh day ashore. The period during which all or part of the wages are payable may not exceed four months as from the day on which he is landed.

In case of accident, compensation is awarded in accordance with the statutory provisions on the subject, as laid down in the Dahir of 25 June 1927.

Article 6. Every seaman who is landed in consequence of sickness or injury, for the treatment of which the shipowner is liable, is entitled to be repatriated. Moroccan legislation does not specify which should be the port of repatriation. Although not stated in the legislation, repatriation expenses comprise in practice all charges for the transportation, accommodation and food for the sick or injured seaman.

Article 7. In the event of the death of a seaman in consequence of sickness or injury, for the treatment of which the shipowner is liable, the latter must defray burial expenses and the cost of returning the body to the port of embarkation or the place of repatriation.

Article 8. Moroccan legislation makes no provision for the safeguarding of property left on board by a deceased seaman.

Article 9. When a dispute occurs in a Moroccan port it is brought for conciliation purposes before the mercantile marine officer who is chief of the maritime section in which the port is situated. In other cases the dispute is brought before the mercantile marine officer who is chief of the maritime section wherein is situated the port at which the ship customarily fits out.

Article 10. Liability always rests with the shipowner, since Moroccan legislation makes no provisions for the obligations referred to in Articles 4, 6 and 7 to be assumed by the public authorities.

Article 11. No distinction as to nationality, domicile or race is made between seamen.

Article 12. Such laws, customs or agreements as ensure to seamen more favourable conditions than those provided by the Convention remain in force.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Date of registration of ratification
Belgium	3. 8.1949
Bulgaria	29.12.1949
France	9.12.1948
Federal Republic of Germany	12.12.1956
United Kingdom	30. 9.1944
Yugoslavia	13.10.1958

Yugoslavia (First Report).

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

Decree in application of the Act respecting health insurance (*Sl.L.*, No. 55/54).

Decree respecting the financing of social insurance (ibid., No. 12/55).

Decree respecting the organisation of social insurance institutions (ibid., No. 12/55).

Article 1 of the Convention. All employed persons, whatever the employment relationship and in all sectors or trades, are entitled to health care and compensation in lieu of remuneration in case of sickness.

Article 2. Insured persons are entitled to such compensation whether or not they have com-

pleted a qualifying period and for the whole duration of the incapacity for work.

An insured person forfeits his right to compensation : if his incapacity is due to a punishable act ; if he intentionally brought about his incapacity in order to obtain benefit under the Act ; if he deliberately hinders his recovery or training for employment ; and lastly, if he fails without good cause to appear for a medical examination (in such case, the forfeiture is temporary).

Article 3. The right to health care continues during the whole period of incapacity as long as the insured person has the status entitling him to insurance.

Insured persons who have completed a qualifying period receive additional benefits (dental prostheses, orthopaedic aids, treatment in health resorts).

Medical assistance and care are free of charge. If the nature of the sickness is such that the sick person must be landed and hospitalised, the cost of treatment is borne by the insurance institution concerned.

Article 4. When an insured person who has family responsibilities receives care and board in a residential establishment, he is entitled to partial compensation in lieu of wages, the amount varying according to the number of dependants. The family of the insured person is entitled to sickness insurance benefits in kind.

Article 5. The wife of an insured person is also entitled to medical assistance. An insured woman is entitled to compensation in lieu of wages during maternity leave ; she also receives an allowance for the layette.

In case of pregnancy and confinement, an insured woman is entitled to medical assistance and other specialised care before, during and after confinement in a medical establishment or in her home.

Article 6. On the death of an insured person, his family is entitled to cash benefit to defray the funeral expenses ; if the funeral is not arranged by the family, the institution or person who arranges it receives the allowance.

Article 7. Sickness insurance benefits in kind are granted even in the case of sickness occurring during the month following the end of the insured period : treatment commenced during the insurance period is continued for a month after termination of such period, regardless of the degree of capacity for work of the insured person. If during that month the insured person suffers temporary incapacity for work due to illness, the treatment is continued during the whole period of incapacity. Incapacity for work occurring within 30 days after termination of the insurance and caused by an illness for which the insured person was receiving treatment immediately before the termination of his insurance gives entitlement to compensation in lieu of remuneration for the duration of the temporary incapacity.

Article 8. The social insurance scheme draws its funds from the contributions of undertakings, state bodies, social and occupational organisations and private employers' organisations. Placement offices pay the contributions on behalf of persons temporarily unemployed and who are insured under the sickness insurance scheme.

Article 9. All branches and types of social insurance are administered by the social insurance institutions. These institutions, which are independent and self-managing, exist at three levels : district, people's republic and federal.

The institutions are administered by representative bodies elected by secret ballot from among the insured persons. The members of the district assembly are elected by direct vote ; the members of the assemblies of the institutions at the people's republic and federal levels are then elected from among the members of the lower-ranking assemblies.

The federal institution supervises the activity of the institutions of the republics to ensure that it is in accordance with the provisions of the law ; they in turn supervise the district institutions.

Article 10. An insured person is entitled to appeal against a refusal to grant him all or part of the compensation or assistance as requested ; his appeal receives consideration by the insurance institution of the people's republic concerned.

The decision of that body is final ; however, it is an administrative act against which an appeal can be made to a court of law.

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
Liberia	9. 5.1960
Mexico	18. 7.1952
Netherlands	8. 7.1947
New Zealand	7. 6.1946
Norway	7. 7.1937
Sweden	6. 1.1939
Switzerland	21. 4.1960
Turkey	29. 9.1959
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 4 to Convention No. 15.

Belgium.

Further to an observation by the Committee of Experts, the Government states that the Bill which is to bring the Act of 5 June 1928 on maritime employment into conformity with the Convention was approved by the Senate on 16 June 1960. It was submitted to the Chamber of Representatives on the same day.

France.

Decree No. 60-865 of 6 August 1960 replacing certain sections of the Maritime Labour Code (*Journal officiel*, 17 Aug. 1960, No. 190, p. 7664).

A child who has not attained his fifteenth birthday, but is over 14, may, in exceptional cases, be engaged on board ship when such engagement is in the interest of the child. A medical certificate is required (section 8 of the Decree).

Iraq.

Labour Code of 1958 (*Al-Waqayi'u al' Iraqiya*, 16 Mar. 1958).

Articles 1 and 2 of the Convention. Section 24 *(c)* of the Code provides that the conditions under which children and young persons are engaged on maritime navigation shall be governed by regulation. This regulation, embodying the principles of the Convention, has been drafted and submitted to the competent authority for consideration and enactment.

Article 3. School-ships and training-ships are supervised by the Iraqi Port Directorate.

Article 4. Section 48 of the Code requires employers to keep registers, forms, and other documents prescribed by the Labour Department.

Application of the Code is supervised and enforced by labour inspectors who visit the establishments covered by law, examine their documents, and investigate contraventions.

Liberia (First Report).

Liberian Maritime Law (Title 22 of the Code of 1956, as amended with effect from 7 April 1960).

According to section 315 of the Maritime Law, effective 1 March 1958, children under the age of 16 years shall not be engaged on Liberian vessels of 1,600 tons or more engaged in trade between foreign ports or between Liberian ports and foreign ports.

Yugoslavia (First Report).

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

The above-mentioned Act lays down that every person entering an employment relationship must have reached the age of 15 years. The exception contained in the Decree concerning seafarers' books (*Službeni List* 5/54), in favour of young persons of more than 14 years engaged on board ships on which only members of the same family were employed, is no longer in force, after the enactment of the Act concerning employment relationship.

The work of pupils of vocational training schools is supervised by the competent authority.

Section 4 of the regulations concerning documents and books to be kept on board merchant vessels (ibid., 13/51) lays down the obligation of recording in the crew list the names and the dates of birth of all members of the crew.

* * *

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

Byelorussia, Japan, Netherlands, U.S.S.R., United States.

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

Argentina, Brazil, Bulgaria, Canada, Denmark, Ghana, Iceland, Italy, Mexico, New Zealand, Norway, Sweden.

59. Minimum Age (Industry) Convention (Revised), 1937

This Convention came into force on 21 February 1941

Countries	Date of registration of ratification
Albania	3. 6.1957
Bulgaria	22. 7.1960
Byelorussia	6.11.1956
China	21. 2.1940
Cuba	7. 9.1954
Ghana [1]	20. 5.1957
Iraq	5. 7.1960
Italy	22.10.1952
Luxembourg	3. 3.1958
New Zealand	8. 7.1947
Norway	26. 8.1938
Pakistan	26. 5.1955
Philippines	17.11.1960
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

[1] See footnote 4 to Convention No. 15.

Byelorussia.

Order No. 629 of 29 August 1959 of the State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions respecting the employment of young persons.

China.

With respect to the Government's reply to the observations of the Committee of Experts see *Report of the Committee* (1960), p. 620.

Ghana.

In reply to the direct request by the Committee of Experts in 1959 the Government states that the term " transport undertakings " covers the handling of goods at docks, quays, wharves and warehouses.

Italy.

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee* (1960), p. 620.

Pakistan.

In reply to the direct request made by the Committee of Experts in 1959, concerning the draft Bill to amend the Mines Act so as to provide for a medical certificate of fitness for young persons under 17 years of age employed above and below ground in mines, the Government states that the amendment of the Mines Act would require more time, as the entire Act is now being thoroughly revised.

U.S.S.R.

Order No. 629 of 29 August 1959 of the State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions respecting the employment of young persons.

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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 :

Byelorussia, U.S.S.R.

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

New Zealand, Norway.

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

Italy.

See under Convention No. 59.

New Zealand

Referring again to the great complexity of the work of legislation that would have to be undertaken to give full effect to the Convention, the Government reaffirms its intention of denouncing the Convention. It also refers to a Bill now under consideration which would relax the school attendance requirements and which, if adopted, would widen the gap between New Zealand legislation and the Convention.

U.S.S.R.

In reply to the requests of the Committee of Experts the Government has supplied the following additional details.

The participation of children and adolescents in film-making in all the republics of the Union is regulated on the basis of the circular issued jointly by the Ministry of Culture of the U.S.S.R. and the Central Committee of the Union of Cultural Workers, No. 29-36/01 of 12 April 1958, supplementing the regulations of 12 July 1933 currently in force and mentioned in the previous report.

Children and adolescents participate, as individuals, in other public entertainments only in altogether exceptional circumstances and never at night. They are covered by the provisions of the Soviet legislation on adolescent labour and in particular by those of article 130 of the Labour Code of the R.S.F.S.R., which prohibits night work by young persons under 18 years of age.

* * *

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

Byelorussia, U.S.S.R.

The report from *Bulgaria* 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
Congo (Léopoldville) [1]	20. 9.1960
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

[1] See footnote 6 to Convention No. 4.

Federal Republic of Germany.

The following reply was given to the request made by the Committee of Experts.

Article 7, paragraph 2 *(a)*, *of the Convention.* The words " substantial alteration " will be inserted in the text of section 28 (1) of the Safety Regulations for Scaffolds. This amendment will be made during a revision of the relevant provisions at an early date.

Paragraph 8. Sections 31 and 32 of the Safety Regulations for Scaffolds are not binding safety regulations as defined in section 1 thereof. A footnote to section 32 clarifies that, as regards responsibilities, section 4 (2) of the Safety Regulations for the Building Industry must be applied.

Article 13. The report gives a definition of the term *Arbeitsmaschinen* which is in general use and which is comprehensible to employers and workers alike. The degree of a hazard, particularly in construction work, can only be assessed in the light of the circumstances.

Thus, only the employers decide which work is to be considered dangerous or not. Furthermore, workers and employers generally know what type of work is dangerous in the sense of the Safety Regulations.

Articles 16 and 17. Necessary amendments concerning personal protective equipment will be made during the next revision of the Safety Regulations for the Building Industry.

Mexico.

Instructions to the Confederation of Industrial Chambers of Mexico must be complied with in virtue of the Presidential Decree and of section 89, subsection I, of the Constitution, section 23, subsection I, subparagraphs (2) and (3), and subsection II, subparagraphs (4) and (24) of the Act setting up the Department of the Federal District.

The instructions in question have not been transmitted to employers who are not members of the above-mentioned Confederation.

Spain (First Report).

Order of 31 January 1940 of the Minister of Labour respecting general regulations on safety and health in employment (*Boletin Oficial del Estado*, 3 Feb. 1940, and corrigendum of 28 February).

Order of 20 May 1952 respecting regulations on safety and health in employment in the building industry (Ibid., 15 June 1952).

The Ministry of Labour lays down the standards for safety in employment in virtue of the Act of 27 July 1957 establishing the legal system governing state administration.

Sections 1 and 2 of the Regulations of 20 May 1952 give effect to Articles 2 and 7-10 of the Convention.

Article 3 of the Convention. Section 101 of the Regulations of 31 January 1940 provides that the statutory provisions be brought to the notice of the workers by being posted in a visible spot on the work site. Section 16 of the Act of 16 October 1942 lays down standards of safety and health. Subparagraphs *(b)* and *(c)* of Article 3 are applied in virtue of section 5 of the consolidated text of the Contracts of Employment Act, which establishes who is the employer, the nature and extent of his obligations and of the penalties in the event of failure to fulfil them.

Article 4. The National Labour Inspectorate is responsible for the enforcement of safety legislation in the building industry.

Article 5. The provisions of this Article do not apply to Spain.

Article 6. The statistical information referred to will be supplied.

Articles 11 to 15. Effect is given to these Articles by the Regulations of May 1952 and by Chapter 3 of the Regulations of 31 January 1940.

Articles 16 to 18. These Articles are applied through sections 1-19 of the Regulations of 1952 and through Chapter 9, section 100, of the Regulations of January 1940.

Disputes are handled by the labour courts.

Statistical data on labour inspection may be found in the reports submitted annually by the Ministry of Labour.

There has not been time for trade unions to submit observations on this report, since it was only recently communicated to the National Organisation of Spanish Trade Unions.

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

Belgium, *Finland*, *France*, *Mexico*, *Netherlands*, *Switzerland.*

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 2]	26.11.1958
Burma	4. 3.1955
Canada	6. 4.1946
Ceylon[2]	25. 8.1952
Chile[3]	10. 5.1957
Cuba	7. 9.1954
Czechoslovakia	12. 6.1950
Denmark[3]	22. 6.1939
Finland[3]	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[3]	29. 3.1940
Sweden[3]	21. 6.1939
Switzerland[2 3]	23. 5.1940
Union of South Africa[1 2]	8. 8.1939
United Arab Republic : Egypt[2 3]	5.10.1940
Syria[2 3]	26. 7.1960
United Kingdom	26. 5.1947
Uruguay	18. 3.1954

[1] Excluding Part II.
[2] Excluding Part IV.
[3] Excluding Part III.

Austria (First Report).

Ordinance of 18 June 1947 of the Federal Ministry of Social Affairs (*Bundesgesetzblatt*, No. 32, 30 July 1947, p. 663).

PART I

Article 1 of the Convention. Statistics covering the principal mining and manufacturing industries, including building and construction, with regard to time rates of wages and to normal hours of work are compiled and published by the Central Statistics Office. The relevant publications will in future be issued every six months and will be communicated regularly to the I.L.O.

Article 2. Parts II and IV of the Convention have been excluded from acceptance. However, efforts to prepare wage statistics have been made for some time.

Article 4. Statistics cover a representative selection of the classes of workers concerned, chosen by the Central Statistics Office in consultation with the Federal Ministry of Social Affairs and central employers' and workers' organisations.

PART III

Article 13. See above under Articles 1 and 4.

Articles 14 and 15. The statistics show the time rates of wages and normal hours of work fixed by collective agreements. The wage rates are minimum rates. Subject to certain exceptions mentioned in the report, the normal hours are those fixed by the collective agreement between the Federal Chamber of Commerce and Industry and the Austrian Trade Union Federation.

Article 17. Separate figures have been given by sex wherever collective agreements contain the necessary information. Separate rates by age are not contained in the collective agreements, but compilation of wage rates for young workers is now being prepared.

Articles 18 and 19. Relevant particulars are appended to the report.

Article 20. Allowances in kind are provided for in only a few collective agreements in the coal, iron, mining and brick-making industries; the agreements do not contain indications of the amount or value of such allowances. However, they do not represent any considerable part of total earnings.

Article 21. The Institute for Economic Research is at present preparing an index of net wages, based on minimum hourly wages in industry and manufacturing for normal hours of work. The Central Statistical Office will prepare an index of hourly wage rates laid down in the collective agreements for the representative selection of occupations.

Netherlands.

The Netherlands Catholic Trade Union has indicated that its observation concerning the report for the period 1958-59 may be considered withdrawn.

Sweden.

For the Government's reply to observations by the Committee of Experts see *Report of the Committee* (1960), p. 621.

The Board of Trade is working on the preliminary draft programme for statistics on production in the building industry. It is hoped that it will be possible to point to further progress in the next report.

* * *

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

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

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
Congo (Léopoldville) [2]	20. 9.1960
Ghana [3]	20. 5.1957
Malaya [4]	11.11.1957
New Zealand [1]	8. 7.1947
Nigeria [3]	17.10.1960
Somalia [5] (ex-British Somaliland)	18.11.1960
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 6 to Convention No. 4.
[3] See footnote 4 to Convention No. 15.
[4] See footnote 2 to Convention No. 17.
[5] See footnote 5 to Convention No. 50.

Ghana.

Article 4, paragraph 1, *of the Convention.* With reference to a request made by the Committee of Experts the Government states that it has never been the practice to approve contracts which have clauses binding on the family or dependants of the worker.

* * *

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

Malaya, New Zealand, United Kingdom.

68. Food and Catering (Ships' Crews) Convention, 1946

This Convention came into force on 24 March 1957

Countries	Date of registration of ratification
Argentina	24. 9.1956
Belgium	5.12.1951
Bulgaria	29.12.1949
Canada	19. 3.1951
France	9.12.1948
Ireland	12. 6.1956
Italy	22.10.1952
Netherlands	17. 6.1958
Norway	28. 1.1957
Poland	13. 4.1954
Portugal	13. 6.1952
United Kingdom	6. 8.1953

Belgium.

In reply to a direct request made in 1959 by the Committee of Experts the report states that thorough studies of measures for ensuring a satisfactory food supply to crews were carried out by the competent government officials, in consultation with shipowners' and seafarers' representatives, when the Royal Decree of 12 December 1957 concerning food on board merchant vessels and fishing boats was being drafted. After this Decree was enacted, no other such studies were made.

The competent authority is kept fully informed on nutrition and methods of storing, preserving, cooking and serving food by means of regular inspections undertaken by the harbour masters, ship inspectors and the maritime boards.

Because of the multiplicity of information services and the widespread knowledge of the regulations and their application, it has not been deemed necessary to provide special manuals and brochures for the use of seafarers and shipowners.

Canada.

In reply to a direct request from the Committee of Experts, regarding Article 2 of the Convention the Government indicates that the Nutrition Division of the Department of National Health and Welfare makes available on request all its publications. As part of its normal functions this Division maintains a continual review of nutrition research and food technology, the benefits of which are always available on a consultative basis.

In reply to other inquiries by the Committee of Experts the Government declares that the competent authority works in co-operation with another government department which is staffed by professional engineers who are, by training and experience, qualified within the meaning of Article 4 of the Convention. Reports submitted to the competent authority following each inspection by professional persons are based on the Potable Water Regulations and on other administrative regulations concerning food-handling establishments under federal jurisdiction, as well as provisions contained in the Ships' Crews Food and Catering Regulations. In connection with the requirements contained in Article 6, subparagraph *(d)*, the Government indicates that only ships' cooks are affected by existing regulations which require certification of qualifications.

France.

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

Article 3 of the Convention. The Mercantile Marine Administration works in co-operation with the organisations of shipowners and seamen, which are represented by their members on the various committees dealing with this particular matter.

Article 6, paragraph *(d)*. The report states that the Order of 29 July 1953 regulates the qualification of ships' cooks and that the maritime authorities must ascertain that persons employed as cooks on board ship possess the required qualifications.

Article 7, paragraph 1, *(a)* and *(b)*. Under section 74 of the Seamen's Code, delegates of the crew are present at the daily distribution of provisions. Under section 14 of the Act respecting the Safeguarding of Human Life at Sea, dated 6 January 1954, the navigation and maritime labour inspectors make a call on board all vessels which put in at ports where such inspectors are on duty, inspecting in particular the preservation of food and drink.

Article 9, paragraphs 1 and 2. The report states that the navigation inspectors are empowered to make an official report on any infringement observed and to prohibit the sailing of any vessel which does not comply with the requirements. The inspectors cannot be prevented from carrying out their duty since they are civil servants with powers conferred on them by law.

Paragraph 3. Every year, the inspectors make an over-all report on their work, part of which deals with food on board ships.

Article 11, paragraph 2. The Government states that the circumstances peculiar to sea-going vessels make it difficult to organise such training courses.

Article 12. The navigation and maritime labour inspectors are responsible for ensuring that there is no wastage of food.

Ireland.

In reply to a direct request by the Committee of Experts the report indicates that facilities for the training of catering personnel are available at three approved schools which are authorised to certify ships' cooks and that the material referred to in Article 12 is made available at the course of instruction in the approved schools, as well as through health inspectors. Where necessary, notices regarding the proper provisioning of vessels are issued to the industry.

Italy.

In reply to a direct request made in 1959 by the Committee of Experts the Government has supplied the following information.

Article 6 of the Convention. Whenever a seafarer wishes to go to sea as a ship's cook, the maritime authority inspects his seaman's booklet to ensure that the bearer holds a certificate of proficiency as a ship's cook obtained in conformity with the relevant legislation.

Article 7. The Ministry of Merchant Marine has issued a circular ordering that, on foreign-going vessels or those engaged in coastal trading, the first mate, accompanied by the ship's cook, must make the inspection provided for in this Article every week during the voyage. The results of each such inspection must be recorded in writing.

Article 9, paragraph 2 *(b)*. As the persons responsible for carrying out the inspection visits on board merchant vessels are always public officials, anyone attempting to obstruct such persons in the discharge of their duty would be guilty of the offences covered by sections 336 and 337 of the Penal Code.

Article 10. Work is proceeding on the compilation of the annual report to be submitted on the application of the Convention.

Article 12. An appeal has been made to the main shipowners' associations to prevail upon their members to purchase two publications which seem to meet the requirements of this Article of the Convention. All these associations have given assurances that they will arrange to have the publications in question placed on board vessels owned by their members. In addition, a special committee was set up with a view to improving the existing schedule of foodstuffs for seafarers and to bringing it into greater conformity with the most modern theories in the field of nutrition. The conclusions of this committee will be submitted to the shipowners and seafarers' organisations for their consideration.

Norway.

In reply to a direct request by the Committee of Experts, for information concerning the availability to interested parties of annual reports described in Article 10, the Government states that, while a number of practical difficulties have so far been encountered in obtaining and compiling these reports, endeavours are now being made to establish a satisfactory system.

Portugal.

Legislative Decree No. 42978 of 14 May 1960.

The provisions of the Convention are incorporated in the national legislation under section 1 of the above-mentioned Legislative Decree.

Further sections of the Legislative Decree contain detailed provisions for the implementation of the Convention.

Article 1 of the Convention. Sea-going vessels are defined as vessels engaged in sea navigation for the purpose of trade.

Article 2. The competent authority is the maritime authority, which discharges its functions through the intermediary of the medical practitioners in its service. Section 4 of the Legislative Decree gives effect to subparagraph *(a)* of this Article of the Convention. The inspection called for in subparagraph *(b)* is carried out by the master, accompanied by a member of the general services staff. The certificates of competence of seamen assigned to waiting at table and serving in the kitchen

are awarded in virtue of Decrees Nos. 23764 of 13 April 1954 and 41643 of 23 May 1958. Vessels must have adequate supplies and equipment.

Article 3. The employers' and workers' organisations were represented on the committee which drafted Legislative Decree No. 42978.

Article 4. The inspectors are medical practitioners in the service of the maritime authority.

Article 5. Annexed to Legislative Decree No. 42978 is a schedule listing the specifications regarding the supply of food to crews. Catering arrangements are handled by a general service member of the crew.

Article 7. The results of the inspections carried out by the master must be recorded in writing.

Article 8. A special inspection is carried out following a complaint made by an organisation of employers or workers. Such complaints must be submitted at least 24 hours before the scheduled time of sailing of the ship.

Article 9. Inspectors have authority to make recommendations with a view to the improvement of the culinary and messing facilities on board. Section 49 of the Merchant Marine Penal and Disciplinary Code prescribes penalties for seamen who obstruct or attempt to obstruct the inspections mentioned above. The reports on the inspections made by the maritime authority and by the master are submitted to the Directorate for the Merchant Marine. Copies of these reports are sent to various authorities and organisations.

Article 11. Vocational training courses are governed by Legislative Decree No. 41643.

Article 12. Penalties are prescribed for seamen who commit specified contraventions.

United Kingdom.

In reply to a direct request by the Committee of Experts, the Government states that the reports submitted annually to the Ministry of Transport are freely available on request.

In connection with the application of Article 12, paragraph 2, of the Convention the Government states that the Article is applied by means of courses and other information provided by industry, as well as information furnished through government sources.

* * *

The report from the *United Kingdom* 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, Netherlands.

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
Philippines	17.11.1960
Poland	11.12.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Luxembourg (First Report).

On 1 December 1956 a Bill was brought in concerning the organisation of occupational safety and health and health supervision in undertakings.

The Bill, which was amended in November 1959 in order to take into account the obligations deriving from the Convention, provides for health supervision, under the reponsibility of a medical officer with the rank of labour inspector, of all workers, employees and apprentices in industrial, artisan and commercial undertakings subject to supervision by the Inspectorate of Labour and Mines.

Under the Bill, health supervision consists of a medical examination for fitness for employment, subsequent periodical re-examination, known as " protective " examinations, for young persons under the age of 21, and case-finding examinations for workers exposed to the risk of occupational disease.

Such examinations are carried out by the medical service of the undertaking or by a joint service operated by a group of undertakings, or else by a medical service external to the undertaking. However, in the case of undertakings where the health of workers is exposed to special hazards because of the nature or conditions of production or the number of workers employed, the establishment of a medical service within the undertaking or of a joint service for a group of undertakings is compulsory. Public administration regulations will be issued to define such undertakings.

In special cases, and for examinations other than clinical ones, medical services may call upon the state bacteriological laboratory and other specialised state medical services, either without charge or on terms to be established by Ministerial order.

The Bill is being given top priority so that the Chamber of Deputies may consider it as soon as possible.

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

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
Honduras	20. 6.1960
Hungary	8. 6.1956
Iraq	5. 7.1960
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

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

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

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

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

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Date of registration of ratification
Argentina	17. 2.1955
Austria	30. 4.1949
Belgium	5. 4.1957
Brazil	25. 4.1957
Bulgaria	29.12.1949
Ceylon	3. 4.1956
Costa Rica	2. 6.1960
Cuba	7. 9.1954
Cyprus [1] [2]	23. 9.1960
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	13. 1.1951
Ireland [1]	16. 6.1951
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
Nigeria [1] [3]	17.10.1960
Norway	5. 1.1949
Pakistan	10.10.1953
Panama	3. 6.1958
Peru	1. 2.1960
Spain	30. 5.1960
Sweden	25.11.1949
Switzerland [1]	13. 7.1949
Tunisia	15. 5.1957
Turkey	5. 3.1951
United Arab Republic: Egypt	11.10.1956
Syria	26. 7.1960
United Kingdom [1]	28. 6.1949
Yugoslavia	18. 8.1955

[1] Excluding Part II.
[2] See footnote 2 to Convention No. 15.
[3] See footnote 4 to Convention No. 15.

Brazil (First Report).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diario Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (L.S. 1943—Braz. 1).

Under Article 71 of the Federal Constitution ratification of a Convention gives force of law to its provisions throughout the country.

Article 1 of the Convention. The Consolidation of Labour Laws regulates conditions of work and the protection of workers in both industry and commerce.

Article 2. The labour inspection system applies to all workplaces in which labour inspectors are responsible for enforcing the legislation concerning conditions of work and the protection of workers in the course of their employment (Part VIII). Mining and transport undertakings are not exempt from inspection.

Article 3. The provisions of the Consolidation of Labour Laws are enforced by inspections undertaken by the services of the Ministry of Labour, Industry and Commerce, in accordance with section 626.

The labour inspection service is empowered to advise those responsible on how to comply with the legislation on labour protection. Section 627 provides for double visits of inspection, exclusively for the purpose of such instruction, on the promulgation or issue of new laws and regulations or ministerial instructions, and on the occasion of the first inspection of establishments or workplaces which have been recently inaugurated or transferred. Labour inspectors are not assigned functions other than supervising the application of the legislation respecting labour protection.

Article 4. The Labour Inspectorate is placed under the supervision and control of the Regional Labour Directorate in the individual states and of the Director of the National Labour Department in the Federal District. Section 638 of the Consolidation of Labour Laws empowers the Minister of Labour, Industry and Commerce to require questions relating to supervision of application of the rules contained in the Consolidation to be referred to him for examination and decision within 90 days of the final decision in the case or during the course of the proceedings. As regards young workers, in addition to the inspection services under the authority of the Ministry, there are minors' welfare visitors (women) and welfare officers (under the authority of the judges of the Juvenile Court) who hold certain powers under the Minors' Code.

Article 5. Section 631 of the Consolidation of Labour Laws gives every public official and every local representative of an industrial association the right to report any contravention which he may observe to the competent authority of the Ministry of Labour which is then required to make the necessary investigations and prepare the appropriate reports.

Article 6. The officials responsible for labour inspection enjoy the same rights, benefits and privileges as are guaranteed to all public officials under Act No. 1711 of 28 October 1952. In addition, article 188 of the Federal Constitution fixes a certain period of time after which all officials become established (two years for officials appointed on the basis of competition, and five years for others). Under article 189, established officials can only be removed from office as a result of a sentence of a court of law, or if their posts are abolished, or if they are dismissed by due administrative process. In the case of abolition of posts, officials are placed on a reserve list, with pay, until appointed to a new post.

Article 7. The recruitment of labour inspectors is effected by means of competitions organised by the Civil Service Commission and intended to ascertain the abilities of the candidates for the tasks which they will have to perform. Before the successful candidate begins his duties he is given detailed instruction by his immediate chief in the most effective manner of performing them.

Article 8. As there is no restriction on the performance of public functions by women, they can perform the duties of labour inspectors. In practice, women inspectors deal with such matters as questions relating to the employment of women and young persons.

Article 9. The provisions of Part II, Chapter V, of the Consolidation of Labour Laws (protection of the health and safety of workers) are enforced in the Federal District by the Industrial Hygiene and Safety Division, and in the states by the inspectors attached to the regional directorates. Persons with specialised knowledge, e.g. doctors, engineers and chemists are recruited for this purpose. As a result, extensive knowledge of the experience gained by employers in ensuring satisfactory conditions of health and safety for their workers has been acquired. The Industrial Hygiene and Safety Division also recruits technicians for medical, radiological, dental and laboratory work.

Article 10. The total number of labour inspectors is 447 and the number of labour controllers is 318. In determining these numbers the considerations mentioned in this Article were taken into account so as to secure the effective discharge of the duties of the Inspectorate.

Article 11. In both the Federal District and the individual states the labour inspection services have suitably-equipped premises, to which the public has access. Where the service has no suitable public transport facilities at its disposal, its officials are given free transportation by transport undertakings in the areas in which they perform their duties. In addition, employees of the inspection service are entitled, when travelling, to daily allowances to cover the cost of board and lodging.

Article 12. Section 630 of the Consolidation obliges inspectors to produce their official identity card, countersigned by the competent authority, before exercising their powers or performing their duties. This section 630 also states that they shall have free access to all parts of the establishments subject to the rules down in Chapter I of Part VII of the Decree. Employers or their agents shall be bound to give them all necessary explanations

in order to ensure strict compliance with those rules.

Article 13. Section 155 of the Consolidation of Labour Laws lays down that no industrial establishment shall begin operations until its installations have been inspected and approved by the authority competent in matters of industrial hygiene and safety. Section 156 gives inspecting officials the power to specify the work which must be carried out and the alterations which must be made in each workplace in pursuance of the provisions of Chapter V of Part II and to approve the plans and specifications for the said work and alterations.

Article 14. Under Legislative Decree No. 7036 of 10 November 1944 concerning industrial accidents the Ministry of Labour is responsible for the enforcement of its provisions. In consequence, labour inspectors learn of industrial accidents and cases of occupational disease. In addition, the same Decree obliges employers, on learning of an accident, to send a written report on it to the competent judicial authority within 24 hours.

Article 15. The regulations governing federal civil service officials forbid them to take part in the management or administration of an industrial or commercial undertaking, except as a public function or in a teaching capacity, or to carry on trade or to have any connection with a commercial company except as a shareholder or sleeping partner. The same regulations provide for the dismissal of an official who reveals secrets which come to his knowledge in the course of his duties. In addition the Penal Code imposes sanctions of imprisonment and fines on public officials who divulge any confidential information which comes to their knowledge in the course of their duties.

Article 16. Under Instruction No. 78 of the Ministry of Labour inspectors are required to submit daily reports on visits of inspection.

Article 17. Section 628 of the Consolidation of Labour Laws provides for the drawing up of contravention reports in cases of violation of a statutory provision.

Article 18. In addition to the fines laid down in the Consolidation of Labour Laws for breaches of its provisions, the Penal Code punishes certain offences against public officials.

Article 19. The local inspection offices keep themselves informed of the results achieved by their visits. At the end of the year the regional directorates of the Ministry of Labour and the National Labour Departments have to submit to the Minister a detailed report on their respective activities, including the work of the labour inspection service.

Article 20. During the first quarter of each year the Ministry of Labour, Industry and Commerce publishes a general report covering all its activities during the preceding year, including a chapter on the work of the inspection service.

Article 21. The annual report of the Ministry contains information on all the items mentioned in this Article of the Convention.

Articles 22 to 24. The labour inspection system covers commercial as well as industrial establishments.

Article 27. The awards of labour courts given in the settlement of disputes and establishing new conditions of work are mandatory, provided they comply with sections 868 to 871 of the Consolidation of Labour Laws. Collective labour agreements also have mandatory force if they comply with sections 612, 616 and 617 of the Consolidation.

Article 29. The provisions of the Convention cover the whole country.

No decisions have been given by a court of law involving questions of principle relating to the application of the Convention or of any other statutory instrument on the subject. The application of the Convention has not given rise to any practical difficulties.

No observations have been made by employers' or workers' organisations.

Bulgaria.

Article 6 of the Convention. In reply to the observation made by the Committee of Experts in 1960 the Government has supplied the following information.

The provisions of the Labour Code with respect to the conclusion, amendment and suspension of contracts of employment, and to other matters concerning the status and employment conditions of wage earners and salaried employees in the various undertakings, establishments and organisations are equally applicable to labour inspectors. Provisions respecting the status and conditions of employment of labour inspectors may be found in the Regulations concerning the Labour Protection Organs within the Occupational Unions, which are applied in addition to the provisions of the Labour Code, without being contradictory thereto.

Denmark (First Report).

Act No. 226 of 11 June 1954 respecting workers' protection generally (*Lovtidende A (Lov. A)*, 30 June 1954, No. XXIII, p. 535) (*L.S.* 1954—Den. 1).

Act No. 227 of 11 June 1954 respecting workers' protection in employment in commercial establishments and offices (*Lov. A*, 1954, No. XXIII, p. 572) (*L.S.* 1954—Den. 2).

Regulations issued under the above-mentioned Acts.

The Bill of 1951 forming the basis of the Acts now in force was drawn up with a view, *inter alia*, to enabling Denmark to ratify the Convention.

Article 2 of the Convention. Workplaces in industry and commerce are alike subject to labour inspection.

Article 3. The labour inspection service functions on the lines of this Article. Labour inspectors have not been given any other duties preventing the effective discharge of their functions.

Article 4. The application of legislation on occupational safety, health and welfare is supervised by the State Labour Inspection Service headed by a Director in the Ministry of Social Affairs. Most of the occupational fields come directly under this Director. There is also a municipal inspection service which supervises undertakings where no serious danger is supposed to exist.

Article 5. The general Act No. 226 empowers the Minister of Social Affairs to prescribe, after consultation with the competent Minister, rules for co-operation between the Labour Inspection Service and other public authorities. School commissioners and other public authorities must report conditions contrary to the provisions of the Act to the Labour Inspection Service. Physicians, hospitals, etc., are required to notify specified occupational diseases.

The general Act requires the police to assist the Labour Inspection Service in the application of legislation on occupational safety, health and welfare. Although detailed rules on the subject are to be laid down after consultation between the Minister of Social Affairs and the Minister of Justice, no such rules have so far been issued. Regulations provide for an extensive co-operation between the Labour Inspection Service and a number of other institutions. A Workers' Protection Fund has been set up for the purpose of informing the public of accident and health risks. Close co-operation exists between this Fund and the Labour Inspection Service for the solution of problems related to occupational safety and health.

The co-operation of the Labour Inspection Service with employers' and workers' organisations takes the form of consultation, the Director submitting particular problems to the organisations for comment; the Director and the local inspection services also consult these organisations on difficult questions of principle. The Labour Council established under section 61 of the general Act, and which includes representatives of employers and workers, submits statements on occupational safety and health problems to the Ministry of Social Affairs and to the Labour Inspection Service.

Article 6. Although the inspection staff is not exclusively composed of public officials coming under the Danish Civil Service Act, the status and conditions of service of all its members are such that the conditions of this Article are satisfied.

The machinery examiners employed by the municipal inspection service cannot, however, be regarded as public officials within the meaning of the Convention, the discharge of their functions being a civic duty.

Article 7. Appointment as a factory inspector or civil engineer in the Labour Inspection Service requires successful final examination at the Technical University of Denmark or other similar technical training, in addition to at least two years' practical experience. Appointment as assistant inspector at the Labour Inspection Service requires adequate technical training. During the initial period of employment the work of the individual inspectors is so arranged to provide additional training.

Article 8. Appointment to the Labour Inspection Service is open to both men and women.

Article 9. The following institutions or specialists are attached to the Labour Inspection Service: *(a)* The Industrial Medical Service. Its officers operate in Copenhagen, the neighbouring areas, and the provinces, and carry out investigations relating to occupational diseases, and assist the Inspection Service in matters of hygiene. *(b)* The State Institute of Industrial Hygiene carries out investigations and controls in order to assist the national service, the local inspection service and the industrial medical officers in the prevention and reduction of accidents and conditions injurious to health. *(c)* Three mobile special inspectors, two supply inspectors and two building and construction inspectors are concerned with special matters of occupational safety and health.

Article 10. For the purposes of labour inspection Denmark is divided into 28 areas. In each area there is a factory inspector, who may be assisted by an additional factory inspector and by one or more civil engineers and, in all cases, by one or more assistant inspectors. At 1 October 1960 the total staff employed in the provincial areas consisted of 25 factory inspectors, 14 civil engineers and 38 assistant inspectors, while in the Copenhagen area the staff consisted of six factory inspectors, 12 civil engineers and nine assistant inspectors. In the provincial areas the Inspection Service exercises the direct supervision of all undertakings not assigned to the municipal machinery inspection. In Copenhagen the inspection of bakeries has been assigned to a Bakeries Inspection Service; that of steam boilers and lifts to a Steam Boiler Inspection Service and a Lift Inspection Service, respectively.

Article 11. All administrative officers of the Labour Inspection Service are furnished with offices, which, during specified daily hours, are open to callers. The local inspection staff make use of their own motor vehicles. The expenses involved in the discharge of their duties, including the use of their own motor vehicles, are reimbursed by the State.

Article 12. Sections 53 (1) and 57 (2) of the general Act grant the inspection staff the powers set out in paragraph 1 of this Article. The Danish legislation on occupational safety, health and welfare does not provide for the factory inspectors to notify the employer or his representative of their presence.

Article 13. The general Act requires the Inspection Service to enter in the inspection book of the undertaking the defects noted and the orders given, together with the date by which the orders must be carried out. In order to avert any imminent grave danger to the lives or health of the workers or other persons the inspection service may order the necessary action to be taken immediately or, in appropriate cases, order that the use of the technical equipment concerned or the operation of the particular parts of the undertaking be discontinued.

Article 14. The general Act provides that accidents, and serious incidents that might have led to accidents, be noted by the undertaking in its inspection book, with mention of precautions taken to prevent repetitions. Accidents, cases of poisoning, and occupational diseases of a serious character must be reported immediately to the factory inspector concerned.

Article 15. The general Act requires that the inspection staff have no direct or indirect business interest in the undertakings subject to their inspection. The inspection staff must not

take advantage of their position to obtain any information other than that required for carrying out their duties, nor are they allowed to divulge, publicly or privately, any matter relating to the workplaces liable to inspection or to persons working there which has come to their knowledge in the performance of their duties and which can reasonably be regarded as confidential. The duty to preserve secrecy applies also after they have left the Service. The general Act provides that reports made by workers and shop stewards, concerning any defects or divergences from the provisions of the Act in the undertaking where they are employed, be treated as strictly confidential, and that the inspector may not inform the employer or his representative that an inspection is undertaken as a result of complaints received.

Article 16. The Labour Inspection Service makes its inspections as frequently as possible, having regard to the nature of the undertakings concerned. The general Act provides for regular inspections to be carried out in undertakings where the work or the circumstances in which it is carried out are liable to give rise to serious accidents or disease. In other cases inspection is carried out either in the form of a sample survey, or when reports are received, or when other special circumstances tend to indicate that the legal provisions are not being complied with. Accidents of a serious nature (including cases of acute poisoning) are investigated immediately, if possible.

In the case of dangerous technical equipment, such as steam boilers, lifts, etc., the frequency of inspection visits has been laid down by special regulations. Under regulations for the municipal inspection service, agricultural undertakings, grain mills and feedstuff undertakings inspections are made once a year, while other undertakings are inspected only every three years.

Article 17. The general Act provides for proceedings to be instituted without previous warning against persons or undertakings violating the legal provisions respecting occupational safety, health and welfare. In the event of grave or repeated violations the Director takes immediate steps for the offender to be prosecuted. In the case of less serious violations a warning is given; this may be given either by the factory inspector, as a rule in the form of an entry in the inspection book of the undertaking, or by the Director in the form of a letter.

Article 18. Violations are punishable by fine, provided no more severe penalty is prescribed by general legislation.

Article 19. Once a month the factory inspectors submit a report to the Director indicating the number of inspection visits and other work. The local areas submit an annual report to the Director.

Article 20. The Director of the Labour Inspection Service submits an annual report to the Minister of Social Affairs on the work of the Labour Inspection Service.

Article 21. The Director prepares an annual report on the work of the Labour Inspection Service; this report is communicated to institutions and undertakings particularly concerned and is also published. The annual report meets the requirements of the Convention, except that no complete statistics can be given of industrial accidents and occupational diseases. As from 1959, however, the report includes a table of the number of industrial accidents notified to the Director.

Articles 22 to 24. The rules governing the organisation of the Labour Inspection Service apply to industrial and commercial workplaces alike.

No decisions involving questions of principle relating to the application of the Convention have been given by the courts of law or by other public authorities.

Morocco (First Report).

Dahir of 2 July 1947 (13 Shaaban 1366) to regulate employment (*L.S.* 1947—Mor. 1), amended and supplemented by Dahirs of 21 September 1949 (27 Kaada 1369), 5 August 1950 (21 Shawaal 1369), 10 August 1952 (18 Kaada 1371) and 27 April 1953 (13 Shaaban 1372).

Dahir of 8 July 1957 (10 Hija 1376) respecting the organisation of industrial medical services.

Order of the Vizier of 14 July 1948 (7 Ramadan 1367) prescribing the status of the Labour Inspectorate, amended and supplemented by Orders of 3 December 1948 (1 Safar 1368), 15 November 1949 (23 Moharrem 1369) and 20 August 1953 (9 Hija 1372) and by Decree of 2 September 1958 (17 Safar 1378).

Order of the Director of Labour and Social Affairs of 15 July 1948 (8 Ramadan 1367) prescribing the conditions of recruitment of male and female labour inspectors, as amended by Orders dated 21 September 1949 (27 Kaada 1368), 5 January 1955 (11 Jumada I 1374), 18 May 1955 (25 Ramadan 1374) and 11 December 1957 (18 Jumada I 1377).

Order of the Vizier of 9 September 1953 (29 Hija 1372) respecting the application of labour legislation to state and municipal establishments.

Circular No. 57-19 TR/Cab. of 16 August 1957 respecting instructions concerning the organisation and operation of the external branch of the Labour Inspectorate.

Articles 1 and 2 of the Convention. Industrial establishments and ancillary buildings of whatever character, whether public or private, lay or religious, even if they are of a co-operative nature or used for vocational training or welfare purposes, are subject, under section 1 of the Dahir of 2 July 1947, to the provisions of the Dahir.

Section 51 of the above-mentioned Dahir stipulates that the Head of the Labour Office and the labour inspectors and controllers are responsible for enforcing the Dahir and the Order issued thereunder, and for enforcing labour legislation in general.

In mines and quarries the responsibilities defined in section 51 fall to the mining engineers. In establishments subject to technical supervision by the Ministry of Public Works the duties of the labour inspectors are assigned to the appropriate officials of the Ministry. The enforcement of the labour regulations on board ship is carried out by the naval area commanders and by the merchant shipping inspectors. State and municipal establishments in which work of an industrial character is performed under public supervision are subject to the Labour Inspectorate in respect of workshops, factories, warehouses, building sites and offices.

Article 3. The laws and regulations make the Labour Inspectorate responsible for enforcing the statutory provisions respecting the conditions and protection of the workers in the exercise of their occupation, especially those concerning hours of work, wages, safety, health, welfare, the employment of children and young persons, etc. The labour inspectors and controllers have an educational part to play in addition to enforcing the law.

The Labour Inspectorate acts as a conciliator in collective or individual labour disputes. Its members also assist the vocational training service. In addition, they periodically make surveys and collect statistics. These duties, taken as a whole, do not in any way prevent them from carrying out their principal duty of inspection.

Article 4. The external branch of the Labour Inspectorate is subject to a Divisional Labour Inspector who derives his authority from the Minister of Labour and Social Affairs.

Article 5. The labour inspectors are the representatives of the Minister of Labour and Social Affairs at the local and provincial levels. In this capacity they are required to sit on a number of different committees. They also maintain continuous contact with the trade unions and employers' and workers' organisations. They are members of conciliation boards and of any other tripartite bodies.

Article 6. The staff of the Labour Inspectorate is subject to the general civil service regulations ; this ensures stability of employment and makes them independent of any change of government or improper external influence.

Article 7. Persons wishing to secure appointment as labour inspectors must either take a special competition or possess the diploma of the Moroccan School of Administration (social section). Labour controllers must have been successful in a competition and have passed a qualifying examination at the end of one year's probationary service. The Ministry of Labour and Social Affairs is responsible for the training of members of the Inspectorate : this includes both theoretical instruction and refresher courses.

Article 8. Women can join the Labour Inspectorate on the same footing as men, provided they fulfil the same conditions.

Article 9. The medical labour inspectors, who work in co-operation with the Ministry of Health while coming under the Ministry of Labour, assist the Labour Inspectorate in enforcing the legislation respecting workers' health and safety. Mining engineers, certain specially qualified officials in the Ministry of Public Works, naval area commanders and inspectors of merchant shipping, either individually or in conjunction with the labour inspectors, are responsible for enforcing labour legislation in the establishments under their supervision. The Labour Inspectorate can also call upon the services of experts or technicians, especially in checking electric installations, hoisting-equipment and boilers.

Article 10. The 20 labour inspection areas, each under an area superintendent (a labour inspector or controller) are staffed by 28 labour inspectors and 38 labour controllers, in addition to auxiliary personnel. The Medical Labour Inspectorate, which has been in operation since 1 March 1959, is at present headed by a Divisional Medical Inspector stationed at Rabat. The staff of the mining and shipping labour inspectorates is not included in the foregoing figures.

Article 11. The central and regional offices of the Labour Inspectorate are adequate in number, properly laid out and open to anybody having business with them. All travelling and out-of-pocket expenses incurred by labour inspectors are refunded on the same scale as for other civil servants.

Article 12. Under section 56 of the Dahir of 2 July 1947, labour inspectors are entitled, on production of their official cards, to enter any establishment covered by the statutory provisions they are responsible for enforcing, in order to make appropriate checks and inquiries. They also have the right to enter premises where homeworkers are engaged on jobs which, because of the dangers they involve to health, may only be carried out under the conditions prescribed by law. Inspectors are authorised to enter any premises by day if they have reasonable grounds for believing that they are subject to their supervision.

Although there is no statutory provision to this effect, members of the Inspectorate are empowered to question the employer or his employees, either alone or in the presence of witnesses, about any matters relating to the operation of the law. The laws and regulations require employers or their representatives to produce at the request of members of the Inspectorate any records, lists or other documents needed to check that the law has been complied with. Members of the Labour Inspectorate must insist on the posting up of announcements required to be displayed by law. In practice, members of the Labour Inspectorate take, for analysis, samples of materials and substances used or handled in undertakings.

On instructions from the Minister, members of the Labour Inspectorate are required, when visiting an establishment, to call on the person in charge and to produce evidence of their authority. However, they may refrain from doing so if they think that their inspection would be less effective as a result.

Article 13. Under the Dahir of 2 July 1947 and the Regulations issued thereunder, labour inspectors are empowered to require measures to be taken to correct any shortcomings discovered in an installation, layout or process. An inspector who discovers a breach of a statutory safety or health regulation may insert a written warning in a special register and fix a time limit for complying with the law. If this warning (which the employer can contest) has no effect, the inspector makes a report. If no warning is given, the inspector's instructions must be carried out immediately.

Article 14. The Labour Inspectorate is automatically informed of cases of employment injury or occupational disease.

Article 15. The general civil service regulations (to which labour inspectors are subject) forbid any official to have an interest calculated

to compromise his independence in any undertaking within the purview of his department or service, or connected with his department or service. Members of the Labour Inspectorate are under oath not to disclose manufacturing secrets or processes with which they become acquainted in the course of their duties. Instructions are given to labour inspectors to treat the source of any complaint as absolutely confidential.

Article 16. Each labour inspector or controller is required, by order of the Minister, to make 50 visits a month. Assistant divisional inspectors may accompany members of the Labour Inspectorate in their area on their tours of establishments in order to keep a check on the standards of inspection and to keep themselves generally informed.

Article 17. Members of the Labour Inspectorate report breaches of the legislation. In the case of regulations dealing with workers' safety and health, employers are sometimes given a time limit within which to set the matter right or to take preventive measures.

Article 18. Legislation specifies the penalties to which employers are liable if they break the laws and regulations, and also the penalties for those who obstruct a member of the Labour Inspectorate in the discharge of his duties.

Article 19. Labour inspectors and controllers are required to inform the central authorities of the results of their activities, surveys or periodical investigations.

Articles 20 and 21. The latest report by the central Inspectorate covers the period from 1 July 1956 to 30 June 1957. The Inspectorate has been asked to submit a report for the year 1960; a copy of this will be forwarded to the Director-General of the International Labour Office when it appears.

Articles 22 to 24. All the provisions relating to labour inspection in industrial establishments also apply to commercial establishments.

Article 26. Labour inspectors and controllers are entitled to inspect all industrial and commercial establishments.

Article 27 The Minister of Labour and Social Affairs may, at the joint request of the parties to a collective agreement, instruct members of the Labour Inspectorate to ensure that its terms are complied with. In such cases the labour inspectors have the same powers as when enforcing labour legislation.

Nigeria.

In reply to the request made by the Committee of Experts in 1960 the Government indicates that the amended text of the Labour Code Ordinance is to give effect to Article 12, paragraph 1 *(c)* (iv) of the Convention and that the annual reports of the Ministry of Labour are in future to be published within 12 months after the end of each financial year and transmitted to the I.L.O. (Article 20 of the Convention).

Pakistan.

As regards the observations made by the Conference Committee on the Government's reply to the Committee of Experts, the revision of the Mines Act, 1923, and the Factories Act, 1934 is being expedited. An issue of the *Pakistan Labour Gazette*, containing annual reports on the working of five labour laws, is attached to the report. All efforts are being made to publish the reports on the various laws within the time limit.

Panama (First Report).

Constitution (section 118).
Labour Code of 11 November 1947 (*Gaceta Oficial (G.O.)*, Vol. XLIV, 26 Nov. 1947, No. 10459, p. 1) (*L.S.* 1947—Pan. 1).
Decree No. 31 of 14 August 1945 (*G.O.*, 30 Aug. 1945, No. 9788, p. 1).
Regulations of the Labour Department of January 1957.
Act No. 20 of 29 January 1958 (*G.O.*, No. 13470, 17 Feb. 1958, p. 6).

In the Republic of Panama, in accordance with section 118 of the Constitution, ratification by the Legislature has force of law. The whole text of this Convention is covered in legislation and every provision has been applied in practice since 1956.

Articles 1 and 2 of the Convention. Section 594 of the Labour Code extends the inspection service to all industrial, commercial and agricultural establishments. Since 1957 the inspection service has provided comprehensive enforcement for all the above branches of activity.

Article 3. The provisions of this Article are covered by sections 594 and 617 of the Labour Code. There is no corresponding provision to paragraph 2, but the terms are applied by internal procedures followed within the Labour Department.

Article 4. The central authority is the General Labour Inspectorate.

Article 5. Co-ordination with other similar services is normally established with the agencies responsible for national security, social health, sanitary engineering, social insurance and social welfare.

Although measures for co-operation with employers and workers have been proposed, lack of suitable personnel has so far prevented their being put into practice.

Article 6. There were no such provisions in force before adoption of Act No. 20 of 1958 ratifying the Convention. Under the Constitution, a Convention ratified by legislation becomes a Legislative Act of the Republic.

The new Government submitted this matter for consideration by the Advisory Juridical Committee, which recommended that the provisions of the Article be put into effect for the reasons outlined.

The requirements for the office of General Labour Inspector are set out in section 599 of the Labour Code; the requirements for the post of inspector are given in sections 357 and 600. In the case of the General Labour Inspector, the provisions cited have been met, and the provisions relating to inspectors have been applied in certain cases. The Juridical Committee of the new Government has recommended that only those inspectors satisfying the requirements should be irremovable. The Labour Code specifies the circumstances in which inspectors may be dismissed or suspended.

Training of some inspectors has been carried out directly by the General Inspectorate.

Article 7. Sections 357 and 600 of the Labour Code lay down the appropriate requirements. In both cases the General Labour Inspector intervenes, personally, in training for a probationary period of three months, after which candidates must pass an examination. Preliminary theoretical training is accompanied by practical experience; inspectors are accompanied by an experienced colleague on routine visits during the three-month training period.

Article 8. A woman inspector and the woman Inspector-General have been appointed.

Article 9. If the inspector finds that specialised personnel, such as engineers or physicians specialising either in safety or social health, are required, the services of such personnel are requested.

Article 10. There are eight inspectors for the capital, working in the districts assigned to them. There are six provincial inspectors for the nine constituent provinces.

Article 11. The local office satisfies requirements with regard to accessibility, but not with regard to equipment.

At present, inspectors use public transport facilities and travelling expenses are reimbursed.

Article 12. Labour inspectors are provided with an identification card and may make inspection visits in accordance with sections 608-610 of the Labour Code. Paragraphs 1 *(c)* (iii) and (iv) of this Article are not covered by any legislative provisions, but may be applied where required.

Article 13. Elimination of defects is authorised by section 609 of the Code. Section 628 states that orders may be given in accordance with the particular requirements, since it stipulates the penalty applicable for failure to comply with an order given by a labour official. Inspectors are authorised to bring all such matters to the notice of the judicial authorities (sections 540 and 541).

Article 14. Section 263 of the Code requires the employer to notify " the competent labour authority "; this means that notification shall be made to the judicial authority and not to the General Inspectorate.

Article 15. These provisions are covered by sections 615 and 616 of the Labour Code.

Article 16. Section 617 of the Code covers the requirements of this Article. The regulations of the Labour Department also contain such provisions. Inspectors are required to make routine visits every day and submit their reports not more than three days later. Where a breach of regulations is notified to them, the established order of inspection may be interrupted.

Article 17. Chapter VI, Part I, Book II of the Labour Code (sections 540-544) lays down the procedure to be followed, but it has not been possible to carry out these arrangements successfully in practice. In accordance with the procedure for cases where inspectors submit evidence of violation of regulations, the General Inspectorate has brought proceedings before the labour judges, but despite the large number of cases brought it has never been possible to secure imposition of a penalty in respect of violations. As it was found impossible to continue to supervise the application of labour standards without being able to ensure their enforcement in practice, the General Labour Inspector had to lay down administrative procedures which, notwithstanding certain shortcomings, represent an effort to enforce the legal requirements.

Thus, having regard to the provisions of sections 626 and 628 of the Code, the General Inspectorate requires the undertaking to remedy any irregularities admitted by employers on signing the inspector's report. In this way sanctions are imposed not directly for violation of the law, but for failure to comply with an order. The defect of this method is that, once the course of persuasion has been exhausted and a fine imposed, the decision may be appealed to the Minister, and although there is generally no reversal of the decision the matter is, on the other hand, shelved.

Article 18. Section 626 lays down a maximum fine of 50 balboas for " unjustifiable failure to comply with an order legitimately given by a labour official or authority ". Sanctions may also be imposed on employers obstructing the work of inspectors in the discharge of their functions (section 619).

Article 19. The central authority convenes meetings throughout the year, attended by all inspectors and at which there is discussion of problems arising.

Article 20. The Ministry is responsible for publishing reports, copies of which are attached for the years 1957 and 1958. Reports for 1959 and 1960 will be sent shortly.

Article 21. It has proved impossible to organise a statistics section which could satisfactorily collate the data envisaged by the provisions of this Article. However, some statistical data on inspections were annexed to the 1959 report and will be sent also.

Articles 22 to 24. Inspection of commercial establishments is on the same lines as for industrial undertakings.

Article 26. There has never been any doubt on this point.

Article 27. There are only two collective agreements in existence.

Article 29. The Convention is applicable to the whole national territory.

The labour tribunals have repeatedly expressed the desire that labour inspectors should serve as assessors in individual cases. As far as possible, any findings within the competence of the General Inspectorate are transmitted to the tribunals, but the Inspectorate has not accepted that its members should serve as assessors in individual cases brought before the tribunals.

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

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).

Central African Republic.

Since the Central African Republic has become an independent State, the Convention is no longer applicable.

Moreover, upon applying for admission to the I.L.O., the Government of the Central African Republic undertook to ratify the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Ghana.

The Government declares that the Convention does not apply to Ghana, which is now an independent State and is not responsible for the administration of any non-metropolitan territory.

Ivory Coast.

Act No. 56-416 of 27 April 1956 to guarantee freedom of association and protection of the right to organise (*Journal officiel de l'Afrique occidentale française,* 1956, p. I. 114).

Orders of 16 October 1959 establishing joint committees for the conclusion of national collective agreements in certain sectors (*Journal officiel de la Côte d'Ivoire,* 31 Oct. 1959).

Nigeria.

In reply to a request made by the Committee of Experts the Government indicates in its report that Rule 6 of the first schedule of the Trade Union Ordinance might appear to suggest that casual or seasonal workers were not entitled to join or form a trade union, but that in practice no case had ever arisen where the legality of a trade union or the membership of any person in a trade union had been challenged on grounds covered by the Rule. The Government intends to consider an amendment of the rule cited in order to harmonise the legislation with Article 2 of the Convention.

Upper Volta.

The Overseas Labour Code of 15 December 1952 is shortly to be revised and some amendments of principle will doubtless be effected.

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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 :

Ivory Coast, Malagasy Republic, Niger, Nigeria.

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

Cameroun, Togo.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Date of registration of ratification
Australia	30. 9.1954
Belgium	27. 1.1955
France	26. 7.1954
United Kingdom	27. 3.1950

Ivory Coast.

In reply to a request made by the Committee of Experts the Government states that, under section 154 *(a)* of the Labour Code, 1952, labour inspectors may enter by day any premises, including dwellings, which they may have reasonable cause to believe to be liable to inspection.

* * *

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

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).

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

Guatemala, United Kingdom.

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
Burma	4. 3.1955
Byelorussia	6.11.1956
Cameroun [1]	7. 6.1960
Central African Republic [1]	27.10.1960
Chad [1]	10.11.1960
Congo (Brazzaville) [1]	10.11.1960
Costa Rica	2. 6.1960
Cuba	25. 6.1952
Dahomey [1]	12.12.1960
Denmark	13. 6.1951
Dominican Republic	5.12.1956
Finland	20. 1.1950
France	28. 6.1951
Gabon [1]	14.10.1960
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
Ivory Coast [1]	21.11.1960
Luxembourg	3. 3.1958
Malagasy Republic [1]	1.11.1960
Mali [2]	22. 9.1960
Mexico	1. 4.1950
Niger [1]	27. 2.1961
Nigeria [3]	17.10.1960
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
Senegal [2]	4.11.1960
Sweden	25.11.1949
Togo [1]	7. 6.1960
Tunisia	18. 6.1957
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Arab Republic : Egypt	6.11.1957
Syria	26. 7.1960
United Kingdom	27. 6.1949
Upper Volta [1]	21.11.1960
Uruguay	18. 3.1954
Yugoslavia	23. 7.1958

[1] See footnote 4 to Convention No. 4.
[2] See footnote 7 to Convention No. 4.
[3] See footnote 4 to Convention No. 15.

Albania (First Report).

Constitution (sections 20 and 21).
Labour Code of 3 April 1956 (*L.S.* 1956—Alb.2).
Penal Code (section 205).

Article 20 of the Constitution guarantees all citizens, without distinction, freedom of speech, press, association, assembly and public demonstration. Article 21 guarantees to all citizens the right to combine to form social organisations. The Albanian trade unions are voluntary mass social organisations comprising wage earners and salaried employees in all occupations without distinction of race, nationality, sex or religion. Their purpose is to promote and safeguard the interests of the workers as recognised by law. Their tasks include negotiation of collective agreements with managements and representation of the workers in dealings with all state agencies on matters affecting the living and working conditions of wage earners and salaried employees.

The trade unions are entitled to put forward proposals and to take part in the drafting of legislation affecting production, wages, the workers' life and culture, labour protection, etc. (section 229 of the Labour Code). They also administer the state social insurance scheme and help to put forward candidates for election to state bodies.

The Government may not take any decision on any matter directly affecting the living and working standards of wage earners and salaried employees without first consulting the Central Council of Trade Unions (section 230).

The managements of undertakings, institutions or organisations are required to supply the unions, on request, with any information or documents concerning the living and working conditions of wage earners and salaried employees and to give them any other assistance which may help the unions in the discharge of their duties (section 231).

It is forbidden for the managements of undertakings, institutions or organisations to obstruct the activities of trade union bodies (section 235).

Under section 227 of the Labour Code the trade unions are corporate bodies; they are formed freely without prior authorisation; they are at liberty to exercise their rights and to organise internal administration and activities in accordance with their own by-laws. The public authorities are not entitled to interfere in the internal affairs of trade unions and may not intervene for the purpose of restricting or hampering their activities or the exercise of their rights.

The trade unions are free to affiliate to international workers' organisations.

The Public Prosecutor's Office, the State Control Commission and the unions themselves (through the labour inspectors) are responsible for enforcing the above provisions.

Persons who obstruct the activities of trade unions or prevent workers from exercising their trade union rights are liable to the penalties laid down in section 205 of the Penal Code.

Burma.

In reply to the direct request made by the Committee in 1959 the Government gives the following information.

Tea and rubber plantation workers have established trade unions, some of which are registered under the Trade Unions Act, 1926. All registered trade unions enjoy the immunities provided for in the Act. Other agricultural workers, especially those engaged in rice cultivation, have formed associations but these have not chosen to register under the Trade Unions Act, although most of them are affiliated to the powerful All-Burma Peasants' Organisation.

The definition of " workman " in section 2 of the Trade Unions Act does not exclude non-wage-earning workers; such workers have the right to form trade unions.

Officials and workers of boards and corporations established under Acts of Parliament have the right to form trade unions and to register them under the Trade Unions Act. Officials and employees of government departments who are classified as government servants have the right to establish associations, subject to the restrictions contained in Rule 24 of the Civil Service Conduct Rules, 1940. This Rule provides that no government servant shall be a member, representative or officer of any association representing, or purporting to represent, government servants or any class of government servants, unless membership of the association is confined to a distinct class of government servants and is open to all government servants of that class. The Rule also stipulates that the association shall not issue or maintain any periodical publication except by permission of the President of the Union of Burma, nor shall it publish any representation on behalf of its members, in the press or otherwise, without the previous sanction of the President. Further, Rule 24 prohibits political activities by such associations. Civil service associations must apply for recognition and registration to the Ministry of Home Affairs, which will refuse the application unless the association conforms with the provisions of Rule 24. Where registration or recognition is refused because an association does not conform with Rule 24, the association will not enjoy the privilege of submitting representations to or dealing with the Government, and any government employee continuing to be a member of such an association will be liable to disciplinary penalty.

Section 2 *(h)* of the Trade Unions Act, 1926, according to which the definition of " trade union " includes " any federation of two or more trade unions ", has not been amended.

No definite procedure has been laid down for refusing registration under the Trade Unions Act to workers' or employers' organisations because they have contravened the provisions of article 17 of the Constitution, which provides that " any association or organisation whose object or activity is intended or likely to undermine the Constitution is forbidden ". So far no occasion has arisen for refusing registration on this ground.

Section 144 of the Criminal Procedure Code gives power to a magistrate, in any urgent case of nuisance or apprehended danger, to direct any person to abstain from a certain act or to take certain steps in respect of property in his possession or under his management if the magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance or injury, or risk thereof, to any person lawfully employed, or danger to human life, health or safety, or disturbance of the public peace, or riot, or affray. Except by order of the President of the Union to the contrary, no such direction shall remain in force for more than two months.

No Acts or regulations are applicable to the holding of general meetings by workers' and employers' organisations.

With respect to section 24 of the Trade Unions Act dealing with the amalgamation of existing trade unions, which the Committee had regarded as not being in complete conformity with Article 3, paragraph 1, of the Convention, no consideration has so far been given by the Government to the question of possible amendment.

Byelorussia.

The national Constitution, which is the basic law, grants all citizens of the republic the right to combine and to organise trade unions. The legislation makes no distinction between the different categories of workers. Occupational organisations may be established freely without previous authorisation by state organs and are not subject to registration in any state agencies. The only organs empowered to register occupational organisations are the occupational federations.

The All-Union Central Council of Trade Unions is only an organ of the Soviet trade unions and has no dual character. Thus it cannot be said that it may act both as judge and party at the same time. Further, sections 152 and 153 of the Labour Code contain no provision for the refusal or cancellation of registration. Finally, these sections do not provide for supervision of occupational organisations by trade union federations, nor do they prohibit the establishment of new trade union federations.

Sections 156, 157 and 158 of the Labour Code merely provide that workers employed at a given undertaking and belonging to the same trade union shall be represented by a committee from that trade union; these sections do not exclude the possibility of there being more than one committee as organs of different trade unions at one and the same undertaking.

Section 151 of the Labour Code and the Soviet Trade Unions Statute do not contain any provision that members of trade unions must be Soviet citizens. Foreigners are also entitled to join trade unions.

There is no legislative provision limiting the freedom of association of managers of undertakings.

Members of voluntary associations and unions may, in the furtherance of their economic and legal interests, join the appropriate trade unions and they do, in fact, join such unions.

The Decree of 6 January 1930 of the Central Executive Committee and the Council of People's Commissars of the U.S.S.R. does not relate to trade unions or co-operative organisations such as collective farms. Members of collective farms who wish to set up an organisation for the furtherance of their economic and legal interests would not find their activities limited by this Decree.

The decree concerning the rights of factory committees states that such committees shall be entitled to hold meetings, conferences and discussions without any authorisation from state authorities.

The Soviet trade unions are a mass non-party organisation, grouping on voluntary principles employees of all occupations, without distinction.

The legislation contains no restrictions on the establishment or activities of workers' organisations. Trade unions are completely independent in drafting their rules and regulations and in electing their leaders.

Following the liquidation of the capitalist system, the abolition of private ownership of the means of production and the consolidation of the Socialist system, there is no basis for the existence of any party other than the Communist Party, which has no interests beyond those of the workers; the policy of this Party is approved and supported by all the workers. It is the trade unions themselves which directly and voluntarily recognise and approve the dominant position of the Communist Party. The Trade Unions Statute declares that Soviet trade unions shall carry out all their work under the leadership of the Communist Party which organises and directs the forces of Socialist society.

The Communist Party exerts its influence on trade union organisations through Communists who belong to trade unions. The strength of Soviet trade unions lies in the fact that they are guided by the policy of the Communist Party which constitutes the vital foundation of Socialist society.

Cameroun.

Act No. 59-34 of 27 May 1959 to amend section 91 of the Penal Code (*Journal officiel de l'Elat du Cameroun*, 27 May 1959, p. 637).

Ordinance No. 60-52 of 7 May 1960 to declare the law applicable to the state of emergency (*Journal officiel de la République du Cameroun*, 12 May 1960, p. 679).

Central African Republic.

Act No. 60-106 of 9 September 1960 to repeal certain provisions of the Act of 15 December 1952 respecting trade unions and to supplement the said Act by new provisions.

The new section 5 of the Act of 15 December 1952, as amended, provides that when a trade union is formed its statutes must be deposited with the municipal authorities or the administrative authorities of the district.

Copies of the statutes and of the deposit receipt must be sent to the Minister of Internal Affairs, the Minister of Labour, the Procurator of the Republic and the competent labour inspector. The Procurator of the Republic and the labour inspector may, on their own initiative or at the request of the Minister of Internal Affairs or the Minister of Labour, invite the leaders of the trade union to delete or amend any clause of the statutes which may be contrary to law. The civil courts are empowered to dissolve any trade union whose aims are not confined exclusively to defending the occupational, economic, industrial, commercial or agricultural interests of the trade in question.

Under the new paragraph 1 of section 6, trade union officers must have been engaged in their current occupation for at least five years.

Chad.

Resolution No. 98-57 to establish the general conditions of public employees (*Journal officiel de l'Afrique équatoriale française*, 1 Apr. 1958, p. 523) (section 6).

For legislation see also under Convention No. 11.

Denmark.

The Ministry of Internal Affairs has drawn up new Model Regulations applicable to local public employees, which are annexed to the circulars dated 19 August 1959 and 8 December 1959. Bargaining rights of local public em-

ployees are covered by sections 12 to 14 of the Model Regulations. Sections 13 and 14 concerning the extent of bargaining rights are modelled on sections 22 and 23 of the Public Employees Act, 1958.

Dominican Republic.

In reply to the direct request by the Committee of Experts the Government states that section 8 of the Constitution and the fairly wide definition of a trade union in section 293 of the Labour Code cover persons employed in domestic service, homeworkers, persons exercising a liberal profession, workers in agricultural undertakings employing not less than ten workers and public servants and non-manual workers employed in autonomous bodies.

Regarding section 333, which the Committee considers as limiting the right of free election, this does not refer to re-election but only to the period of office of the governing bodies.

Federal Republic of Germany.

In reply to the requests made by the Committee of Experts the report gives the following information.

In view of the steps contemplated at present by the Government, any additional information that could now be given concerning organisations contrary to the penal law, which are referred to in section 9, paragraph 2, of the Constitution, or in the Act of 19 April 1908 respecting associations, might become worthless in the near future.

The report also lists the general legal provisions which also apply to trade unions. Most of these provisions came into force a long time ago and consideration is at present being given to their amendment.

Guatemala.

The Government states in its report that Congress has not yet approved the Bill to reform the Labour Code, presented by the Ministry of Labour and Social Welfare on 31 July 1959, but that the competent Minister and the President of the Republic himself have requested its early promulgation by Congress, and it is hoped that this will take place during the current year.

Guinea.

Article 3 of the Convention. Trade union members responsible for the administration or management of a union must be citizens or nationals of the Republic of Guinea, must be in possession of their civil rights and must never have been convicted of an offence entailing the loss of those rights or sentenced to penal servitude or any imprisonment with dishonour; offences committed by negligence are excepted, save when coupled with an attempt to abscond.

Union members responsible for the administration or management of a trade union may be released from work in order to carry out their duties.

Honduras.

Labour Code of 1 June 1959 (*La Gaceta*, 15-18 and 20-23 July 1959) (*L.S.* 1959—Hon. 1).

Article 2 of the Convention. Section 471 of the Code classifies workers' trade unions as follows: works unions, industrial unions, craft unions and general unions. Under the terms of section 475 at least 90 per cent. of the members of every trade union organisation must be Honduran nationals. Section 480 states that a trade union organisation shall be deemed to be lawfully constituted and to have legal personality as from the date on which it is registered with the Ministry of Labour and Social Welfare. Public officials may form trade union organisations only under certain conditions as set forth in Chapter IX of Part VI of the Labour Code. Section 534 stipulates that "the right of association shall be enjoyed by all persons employed by the State, with the exception of members of the armed forces and the various types of police forces", but imposes certain limitations with regard to the functions of such unions, which in the case of public employees must be confined to those specifically laid down in the said section. Among the limitations imposed on trade unions of public employees are an expressly stated ban on the submission of claims and the conclusion of collective agreements. Trade unions of other persons employed by the State are subject to only one limitation: they are not permitted to declare or conduct a strike (section 536).

Article 3. Section 478 of the Labour Code sets forth the various provisions which union by-laws should contain as an essential minimum. These provisions include the following: the number, titles, period of office and duties of members of the central and branch committees, the method of appointing or electing them, the rules governing their meetings and the grounds and procedure for removing them from office. Other provisions deal with the organisation of the union's administration and activities. Union programmes are covered by the statement of the functions of a trade union contained in sections 491 and 492.

Article 4. The Ministry of Labour and Social Welfare is empowered, in cases where a trade union organisation is indulging in activities contrary to its lawful objectives, to apply to the labour judge for the area where the union has its registered offices or, in the absence of such judge, to the civil judge, for the said organisation to be dissolved and wound up.

As regards *suspension*, section 500, subparagraph (2) *(c)*, of the Labour Code lays down that where sanctions have been imposed on a union in consequence of an infraction of the provisions of Part VI of the Code and the violation persists despite such sanctions, the Ministry of Labour and Social Welfare may arrange for the suspension of the legal personality of the union for such time as the infraction continues. It might be thought that the foregoing provision constitutes a violation of Article 4 of the Convention; however, the Government points out in its report that the Convention, on being approved and ratified by the competent authority, became a law of the Republic and, in consequence, imposes the

obligation on the judicial and administrative labour authorities to take account of each and every one of its provisions in matters involving its application.

Article 5. Section 537 accords to trade unions the right to unite in federations and confederations. Such federations and confederations may exercise the same powers as trade unions, except that they may not declare a strike. Any organisation of workers or employers is free to affiliate with international organisations of workers or employers with no other requirement than that notice thereof be given to the Ministry of Labour and Social Welfare.

Article 6. The provisions of Articles 2, 3 and 4 of the Convention and the equivalent provisions of the national legislation are applicable to federations and confederations.

Article 7. Legal personality is granted on the registration of the organisation with the Ministry of Labour and Social Welfare (section 480 of the Labour Code). An application for such registration must be accompanied by certain documents illustrating the identity and method of operation of the organisation (section 481); the procedure followed is simple (sections 482 and 483).

Section 483 of the Code empowers the Ministry of Labour and Social Welfare to withhold legal personality when the statutes of the union are in conflict with the Constitution of the Republic, with law or custom or infringe special provisions of the Labour Code.

Article 8. Section 500 of the Labour Code sets forth the sanctions applicable in case of contravention of the provisions of Part VI thereof. Among these sanctions, which are put into effect by the Ministry of Labour and Social Welfare, those under subparagraph 2 *(b)* consist in the suspension of the members responsible from the performance of their trade union duties, and those under subparagraph 2 *(c)* in the suspension of the legal personality of the union.

Article 9. The guarantees provided for in the Convention do not apply to the armed forces nor the police, which are subject to the provisions of the Act constituting the armed forces and to the other legislation and regulations governing the functioning thereof, as laid down by the Constitution. Section 534 of the Labour Code is also worded in this sense.

Hungary.

In reply to requests made by the Committee of Experts the Government gives the following information.

Since the need for a special definition of trade unions has never made itself felt, national legislation does not contain such a definition. However, sections 1 to 3 of Decree No. 53 of 1953 (XI.28) MT, list the rights of trade unions in detail, thus making it possible to determine beyond doubt, on the basis of its programme of activities, whether an association may be considered a trade union or not.

Up to the present time, workers have never felt the need to set up trade unions outside the Central Council of Trade Unions. The existing system of union representation fulfils its role of defending the workers' interests to the satisfaction of all and makes an effective contribution to improving the material, cultural and social circumstances of the workers.

Organisations grouping self-employed workers are not considered to be trade unions. However, their autonomy and their independence of action in favour of all the workers they represent are guaranteed by special rules. The provisions of Legislative Decree No. 18 of 1955 do not apply to such organisations.

In the same way as the organisations just mentioned, employers' organisations are not considered as trade unions in the strict sense of the term, since it refers exclusively to organisations of employed persons. State-owned undertakings have special employers' organisations (for example, the industrial directorates). However, private employers and employers in co-operatives have their own independent organisations which conform to the standards of the Convention. The independence, autonomy and freedom of action of such organisations are guaranteed by special legal provisions (examples are cited in the report).

As regards the authority which is competent to decide whether or not an association comes under the provisions of Legislative Decree No. 18 of 1955, although the need for such a decision has not arisen in practice, no objection is possible unless a corporate body were to style itself a trade union whereas the " administrative service " wished to apply the legislative rules applicable to associations. If such a dispute were to arise, the provisions of Act No. IV of 1957 respecting the general rules of administrative procedure would be applicable. Under this Act, it is possible to appeal to the higher administrative bodies from a decision of the first instance (section 50). Another remedy can be sought by lodging a complaint with the higher administrative body (section 64). Lastly, referring to the possibility of legal action as distinct from an appeal, section 63 of the Act provides that " if the higher administrative body, in the exercise of its right of supervision, finds that a decision or steps taken by the body under its jurisdiction are against the law, its duty is to take steps to rectify the situation ".

Section 68 of Act No. IV of 1957 respecting the Civil Code states that workers' organisations have legal personality. Since the Central Council of Trade Unions is included in the notion of trade unions, it also obviously possesses legal personality.

The scope of section 4 A of the Labour Code is defined in detail by Decree No. 53 of 1953 (XI.28) MT, long extracts from which are given in the report. The Decree stipulates that, as regards matters connected with the living conditions of workers, the Council of Ministers takes its decisions after consulting with the Central Council of Trade Unions. The more important decisions are taken jointly by the Council of Ministers and the Central Council of Trade Unions. The Decree goes on to enumerate the fields in which the Central

Council of Trade Unions and the unions themselves carry on their activity, generally in conjunction with the Council of Ministers. These include promotion of collective agreements and supervision of their execution, promotion of increased production and productivity, improvement of working conditions and the material circumstances of workers, promotion of increased health protection for workers and the constant amelioration of welfare services; other activities relate to social security, holidays for workers and the development of cultural life and sport among the workers. In their role as protectors of the workers, the Central Council of Trade Unions and the unions are empowered to lodge appeals with arbitration committees, make petitions to the various courts and tribunals and make representations to any authority or official body. They are also entitled to determine the extent to which local trade union bodies and works unions may exercise their rights within their sphere of action.

As requested by the Committee of Experts, the Government annexes a number of legislative texts to its report.

Ireland.

In reply to the request made in 1960 by the Committee of Experts the Government states that the procedure relating to recognition of a civil servants' staff association for the purposes of the scheme of conciliation and arbitration for the civil service is governed solely by the terms of the scheme itself and not by statute. In practice, recognition is granted, following consultation with the general staff panel, to representative staff associations which comply with this scheme. Recognition is not required for purposes other than participation in the scheme.

Israel.

In reply to a direct request from the Committee of Experts the Government states that it is not intended to repeal section 18 of the Ottoman Law of Associations so far as trade unions are concerned. This provision was never acted upon. Even if it were, the power it gives to the police is limited to real needs, so that the Supreme Court could always control this power. Any change of this obsolete provision would raise other problems unnecessarily, and the trade unions are not interested in having any changes made. Strictly, speaking, section 18 could not possibly be invoked by obtaining an order from the Minister of Police in Constantinople or from an officer in the " Vilayets ". For similar reasons it is not proposed to repeal section 12 of the said law, which requires only registration (not authorisation) of trade unions, this being automatic; non-registered unions have the same rights as registered unions.

The Criminal Code Ordinance, 1936 defines " unlawful associations "; sections 70 to 73 relate to offences pertaining to unlawful associations. Any such offence would have to be tried by the ordinary courts and the onus of proving an association unlawful would have to be discharged by the prosecution.

Italy (First Report).

Constitution of 22 December 1947 (*L.S.* 1947—It. 5).
Civil Code.
Legislative Decree No. 205 of 24 April 1945.

The right of workers and employers to form trade unions without prior authorisation and to join such unions freely is guaranteed by the principle stated in article 39 of the Constitution and the provisions of article 18. The practical result of these constitutional guarantees is that workers and employers are entitled to form organisations without any intervention by the State and without prior authorisation, even if other organisations already exist for the same category of workers or employers; furthermore, everyone is free to join the organisation of his own choosing or not to join any organisation. The trade unions' freedom of internal organisation is guaranteed by article 36 of the Civil Code. In accordance with the constitutional principles mentioned above, the Government has no power to dissolve or suspend trade unions provided that they act in accordance with the aims for which they were founded. Workers in the public sector enjoy freedom of association in the same way as those in the private sector; any restriction of that liberty would be unconstitutional.

Workers' and employers' organisations are entitled to draw up their own constitutions and rules and to amend them as they choose, the only condition being that such constitutions and rules must be those of a democratic organisation.

There is no restriction of the right of trade unions to affiliate with international organisations of the same nature. Federations and confederations enjoy the same rights and are subject to the same rules as individual trade unions.

Trade unions acquire legal personality by the act of registering, a formality which is not of a nature to restrict trade union freedom. Furthermore, they are free not to do so. To be registered, an organisation must be democratic in character, that is, its constitution and activities must at all times be determined by the collective will of its members, either directly or indirectly. Far from restricting trade union freedom, this requirement is its best guarantee.

Under Legislative Decree No. 205 of 24 April 1945 the guarantees of the Convention are applicable to the police and the armed forces.

There are at present no special legislative provisions aimed at safeguarding the free exercise of the right to organise. However, the trade union movement has reached the stage of development, among both employers and workers, where its strength is an adequate guarantee that the principle contained in Article 11 of the Convention is respected.

Ivory Coast.

Act No. 59-135 of 3 September 1959 to establish the general conditions of public employees (*Journal officiel de la Côte d'Ivoire*, 12 Sep. 1959).
Act No. 59-231 respecting the declaration of a state of emergency by decree (ibid., 14 Nov. 1959).
For legislation see also under Convention No. 84.

Mexico.

The Government states in its report that there is no contradiction between the public employees' statute and the provisions of the Convention.

In reply to a direct request by the Committee of Experts the Government attaches the legislation regarding public service applying in nine states, quotes the legislation applying in one other state and announces the preparation of appropriate legislation in a further state.

Niger.

Constitution of 12 March 1959 (*Journal officiel de la République du Niger*, 15 Mar. 1959), Preamble.

Nigeria.

In reply to the requests made by the Committee of Experts the Government gives the following information in its report.

At the present stage of trade union development in Nigeria, it is not considered advisable to remove the element of supervision exercised by the Registrar of Trade Unions. Although trade unionism was introduced into Nigeria some 20 years ago, most trade union members are illiterate or semi-illiterate and are, therefore, not fitted to control the management of union funds. Moreover, few of the trade union leaders can be said to be beyond reproach. Finally, the actions of the Registrar in refusing to register a trade union or in cancelling the registration of the union are subject to review on appeal to the courts.

Self-employed workers are covered by the Trade Union Ordinance. Federations and confederations of trade unions exist, and employers' or workers' organisations are at liberty to affiliate directly or indirectly with the international organisations of their choice.

See also under Convention No. 84.

Pakistan.

For the Government's reply to the observation made in 1960 by the Committee of Experts, see *Report of the Committee* (1960), p. 622.

The committee entrusted with the examination of the views expressed by the Committee of Experts on the national legislation in relation to Article 2 of the Convention, with a view to recommending suitable action to the Government, will complete its work shortly.

Philippines.

The Bill pending in Congress relates to the elimination of the requirement that union officers submit affidavits stating that they do not belong to an organisation which seeks to overthrow the government. The points raised by the Committee will be brought to the attention of Congress so that a substitute Bill eliminating the undesirable provision will be presented.

Senegal.

Act No. 60-45 of 26 August 1960 to amend the Constitution, sections 9 and 20.

Sweden.

A study on the possibility of applying the general principles of labour laws to public employees has been published and circulated with a request for written comments.

Tunisia.

Replying to a request made by the Committee of Experts the Government indicates in its report that the rules applying to meetings of general assemblies of trade unions are those introduced on 12 November 1932 by the first legislative text to organise trade unions. The wording of these rules is practically identical to that of the statutes of the various trade unions. As there have been no disputes on these points since 1932, it was not considered necessary, when redrafting the legislation governing trade unions (Act of 19 January 1959), to make special provision for meetings of general assemblies of trade unions.

U.S.S.R.

The establishment of occupational organisations is not conditional on any previous authorisation by the Government, nor are occupational organisations required to register with any state body on being founded.

Occupational organisations register with the inter-union organisations, i.e. with the All-Union Central Council of Trade Unions. The opinion expressed by the Committee of Experts with regard to the double character of this body is completely without foundation. The All-Union Central Council of Trade Unions is no more than a federation of Soviet trade unions which act independently in their capacity as wage earners' organisations. In the conditions which prevail under a Socialist régime, the State and the unions work in close collaboration, since they are acting to protect the same interests (those of the workers), even if their methods of action, and the form which their activities take, differ. While they discharge certain functions which have been entrusted to them by the State, the occupational organisations do so on their own behalf in their capacity as workers' organisations, and they have voluntarily accepted these functions in so far as they concern directly the vital interests of the workers.

The statement by the Committee of Experts to the effect that " no trade union may legally exist as such if it is not registered with a body whose powers in this respect are conferred by law " is incorrect. In practice, an occupational organisation established by the workers themselves is already in existence at the time when it registers. It is not the registration which gives birth to the trade union. This is in accordance with section 126 of the Constitution, under which the right to join together in social organisations is guaranteed. The registration of an occupational organisation established by the workers is, then, simply the act which incorporates this organisation into the Soviet trade union movement as it has evolved over the years. Under section 56 of the Trade Union Statutes of the U.S.S.R., it is not the new occupational organisation itself which must be

registered with the Central Council, but its constitution. Such registration is subject to only one condition : that, while giving expression to the individual character of the occupational organisation concerned, the constitution should be in conformity with the Trade Union Statutes of the U.S.S.R. If this requirement is not fulfilled the constitution of the occupational organisation concerned will not be registered with the Central Council. But that does not imply that the said occupational organisation may not exist as such.

The extremely formalised interpretation given by the Committee of Experts to sections 152 and 153 of the Labour Code of the R.S.F.S.R. does not reflect the position as it has come to be in practice. Furthermore, it should be pointed out that these sections are a legal testimony to the trade union movement as it has been moulded by history. If these sections were to be interpreted in the manner adopted by the Committee of Experts, one would have to conclude that in the absence of an inter-union organisation it would be impossible to establish an occupational organisation.

Sections 152 and 153 of the Code make no provision for supervision of occupational organisations by inter-union organisations; it is therefore incorrect to say that, in virtue of these sections, occupational organisations are precluded from drawing up their constitutions and rules, organising their administration and activities and formulating their programmes in full freedom.

The observations of the Committee of Experts as to the difficulty there would be in establishing a new inter-union organisation stem from the erroneous way in which the Committee itself interprets sections 152 and 153 of the Code, and hence are unjustified.

The Committee of Experts makes an erroneous interpretation of sections 156, 157 and 158 of the Labour Code of the R.S.F.S.R., which, according to the Committee, mean that not more than one trade union committee may exist within a single undertaking. In fact, the sole effect of these sections is that the representatives of all workers employed in an undertaking, office or farm who are members of the same occupational organisation form the committee of the said organisation and not another body. There is nothing in the above-mentioned sections to preclude the existence of several committees within a single undertaking if they represent different occupational organisations. In practice it frequently happens, for example, that the medical or canteen staff, who do not belong to the same occupational organisations as the other persons employed in the undertaking, form separate primary trade union bodies. The same is true in some educational establishments as between the staff and the students.

As concerns the possibility of aliens belonging to Soviet trade unions, it should be pointed out that the Trade Union Statutes of the U.S.S.R., approved by the 12th Trade Union Congress, held on 27 March 1959, do not stipulate that only " citizens " may be members of unions. Section 1 of the Statutes lays down that " every wage earner employed in industry, transport, the building trade . . . etc., is entitled to be a member of a trade union ". Furthermore, the trade union journal (No. 9 of 1959) specifically states that aliens have the right to belong to trade unions.

As for the right of managers of undertakings to " establish their own trade unions ", it should be mentioned that national legislation imposes no restrictions in this respect and that the provisions designed to safeguard freedom of association and protect the right to organise are fully applicable to the managers of undertakings.

The voluntary associations and " unions " referred to in the federal Decree of 6 January 1930 and the Decree of 10 July 1932 do not come within the scope of the Convention, as their aims and functions are different from those of the trade unions, which are to defend the legal and economic interests of the workers. It is incorrect to say that the voluntary associations and " unions " mentioned in the 1932 Decree may be " authorised to defend the legal and economic interests of their members ". In fact, section 8 of the Decree in question stipulates exactly the opposite, to wit that " voluntary associations and their unions may not take it upon themselves to assume the functions of the defence of the legal and economic interests of their members except in such cases as may be specified by the law "; no provision is made by the legislation in force for an exception of this kind.

The organisations in question are not occupational organisations; their essential purpose is not to defend the economic and legal interests of the workers but to promote co-operation between members of a specific profession (authors, composers, artists, architects, etc.); the basic characteristics of these associations differ profoundly from those of occupational organisations.

The members of these professions may, however, in certain circumstances be members of appropriate trade unions. In practice, authors, journalists, composers, artists, architects and other workers of this type do not work in virtue of a contract of employment, and the question of the defence of their economic and legal interests in their relations with the management of an undertaking does not therefore arise. The purpose of these associations and unions is to give help to the workers in question in order to satisfy their general and cultural needs.

There is no justification for the declaration that members of collective farms wishing to set up a special organisation for the defence of their legal and economic interests would find themselves handicapped in their actions by the Decrees mentioned above. The right of workers to establish occupational organisations is specifically expressed in section 126 of the Constitution, and there exists no legislative measure forbidding the members of collective farms and production co-operatives to establish trade unions; they have the right to set up occupational organisations and to belong to them; in practice, it so happens that they have not felt the need to do so, their economic, legal and other interests being fully guaranteed by the organisations running the collective farms.

As for the right of occupational organisations to hold meetings, section 7 of the Regulations

on the rights of local and works trade union committees, approved by a decree of the Praesidium of the Supreme Council of the U.S.S.R. on 15 July 1958, lays down that these committees may hold meetings without prior authorisation from the governmental authorities.

United Arab Republic (Egypt).

For the Government's reply to the observations by the Committee of Experts, see *Report of the Committee* (1960), pp. 624-626.

Section 177 of the Labour Code, 1959 provides that notice of any general assembly meeting of a general trade union must be sent by registered letter to the administrative authority concerned at least seven days before the date fixed for the meeting; this notification is a matter of formality—administrative authorities have no right to attend the meeting—and a precautionary measure for the maintenance of order in the event of trouble outside the meeting. Apparently this provision is not applicable to meetings of union executive boards and committees, which are internal meetings.

United Kingdom.

Trade Disputes and Trade Unions Act (Northern Ireland), 1958 (Ch. 30).
Civil Service (Approved Associations) (Revocation) Regulations (Northern Ireland), 1959 (*S. R. & O.*, 1959, No. 45).

On 9 December 1959 the ratification of the Convention was extended to Northern Ireland. Restrictions as to membership of organisations which previously applied to civil servants in Northern Ireland were removed by the Act and the Regulations quoted above.

Upper Volta.

Article 9 of the Convention. Two decrees of 1960 stipulate that the Republican Guard and members of the Republican security forces are not permitted to form trade unions.

* * *

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

Chad, Congo (Brazzaville), Dominican Republic, Italy, Ivory Coast, Malagasy Republic, Mexico, Niger, Nigeria, Pakistan, Senegal, Sweden, Tunisia, United Arab Republic, United Kingdom, Upper Volta.

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

Austria, Finland, France, Iceland, Netherlands, Norway, Togo.

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 [1]	29.12.1949
Canada	24. 8.1950
Costa Rica	2. 6.1960
Cuba	29. 4.1952
Cyprus [2]	23. 9.1960
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
Spain	30. 5.1960
Sweden	25.11.1949
Switzerland	19. 1.1952
Turkey	14. 7.1950
United Arab Republic : Egypt	3. 7.1954
Syria	26. 7.1960
United Kingdom	10. 8.1949
Yugoslavia	23. 7.1958

[1] Has denounced this Convention.
[2] See footnote 2 to Convention No. 15.

Brazil (First Report).

Constitution of 18 September 1946 (*Diário Oficial (D.O.)*, Vol. LXXXV, 15 Oct. 1946, No. 236, p. 14119) (*L.S.* 1946—Braz. 3).
Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*D.O.*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).
Decree No. 13001 of 27 July 1943 to approve the regulations of the National Labour Department.
Ministerial Instruction No. 41 of 25 May 1951.

Under article 56 (i) of the federal Constitution, the provisions of a ratified Convention derive force of national law from approval of the Convention by the National Congress in the form of a Legislative Decree (which is equivalent to an Act). Thus, after being ratified and on coming into force as an international instrument, the Convention becomes part of national legislation and, *ipso facto*, amends all conflicting legislation (section 2 of the Act concerning the establishment of the Civil Code). If further action should be necessary, article 87 *(i)* of the Constitution empowers the federal executive authorities to issue regulations ensuring the proper application of the standards of the Convention.

In accordance with the two above-mentioned statutes, the responsibility for the employment service lies with the National Labour Department and the regional labour directorates; these, assisted by the Economic Corporation and by the Placement of Workers Services of

the Occupational Associations' Tax Board, also co-ordinate and supervise the work of the employment agencies operated by the trade unions. At present the services are rudimentary and of limited scope, owing to lack of funds. However, the Government will make every effort to give full effect to the provisions of the Convention as soon as its financial situation permits.

No courts of law have given any decisions involving questions of principle relating to the application of this Convention.

Cyprus.

In reply to a request made by the Committee of Experts in 1960 the Government indicates that it has not so far felt the necessity to lay down in precise terms the functions and aims of the employment service by statutory means, since the essential duties of this service, as set out in Article 1 of the Convention, are assured by administrative arrangements.

As regards Article 6 *(b)*, the problem is of small importance. In mining areas, workers and their families who come from other districts are provided with accommodation at a nominal rent.

United Arab Republic.

Steps are being taken to extend employment offices similar to those in the Egyptian Region to cover the Syrian Region. Migration offices have been set up in Cairo and Alexandria.

Yugoslavia (First Report).

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

Ukase of 2 July 1960 respecting Workers' Employment Service (*Sl.L.*, No. 27, 1960) (*L.S.* 1960—Yug. 1).

Article 2 of the Convention. The employment service consists of a network of local employment offices (each covering a commune or district) and offices serving republics or regions. These offices are responsible not only for placement of and aid to workers without employment, but also for studying employment problems and tackling them both from the social and economic point of view. To this end the offices put forward suggestions, particularly as regards the siting of undertakings, the opening of new departments and the promotion of public works and other activities providing occupation for a large number of workers; they take note of surplus manpower resulting from economic development or increased productivity; and they handle the vocational guidance, training and retraining of the workers. They provide their services free of charge and act independently, but, to make sure that their activities are within the law, they are supervised by public bodies. At least once a year they must report to the People's Committee for the commune or district or to the Executive Council of the people's republic or region. At the commune or district level the labour and employment subcommittee of the People's Committee and the Producers' Council may make recommendations to the employment offices about their work; in addition the above-mentioned subcommittee examines at least once a year, together with the representatives of the executive boards of the offices, questions of principle and other matters concerning the offices or any institutions set up by them.

Article 3. The service comprises a network of local offices and offices serving republics. The decision to establish a local office is taken by the People's Committee of the commune; the committees of several communes may decide to establish a joint office, which may in its turn open branch offices in the area within its jurisdiction and entrust them with specific activities. At the federal level it is the Secretariat of Labour of the Federal Executive Council which deals with matters related to the employment service.

Articles 4 and 5. Each employment office (local or serving a republic) is run by an executive board consisting of a chairman and at least eight members; the chairman and a specified number of members are appointed by the local People's Committee or by the Executive Council for the republic or region, on the recommendation of economic, social and other organisations. The Trade Union Council nominates at least two members to sit on the Executive Board. These executive boards also determine the policy to be followed by the offices and give rulings on objections raised by unemployed persons in respect of decisions taken by the director of the office. They are not advisory bodies, but have the right of decision on all important questions. The co-operation referred to in Article 4 of the Convention is also assured through compulsory consultations with economic associations, social organisations, etc.

Article 6. The employment offices must collaborate with organisations and other institutions to ensure that workers find suitable employment, and take appropriate steps to this end. They must compulsorily be notified of all vacancies and contemplated dismissals of redundant workers. New posts and vacant posts must compulsorily be filled by unemployed workers sent by the competent employment office, provided that such workers fulfil the conditions required.

Employment offices must arrange for the vocational training or retraining of workers temporarily unemployed; collaborate with the various bodies, social insurance institutions, vocational training and medical rehabilitation institutes, health and social institutions; give vocational guidance, draw attention to unemployment problems and to employment needs and opportunities when the social plan for the commune is being drawn up; keep records of unemployed workers, of vacancies and of aliens in employment; collect information on manpower reserves and requirements; refer workers to undertakings where there are vacancies; take decisions on the rights of unemployed workers and pay them benefits; arrange for the accommodation and feeding of persons seeking employment; and submit reports to the office for the republic on the employment situation and on their operations.

At the level of the republic or region, the functions of the offices consist primarily in

keeping abreast of the employment situation and estimating manpower needs and resources; organising inter-area compensation of employment supply and demand; applying modern methods of vocational guidance, training and retraining; establishing basic programmes for psychological testing in connection with vocational guidance; registering the contracts of employment of aliens; and ensuring that the local offices within their jurisdiction function in a correct manner, and that training is given to staff.

Article 7. The employment offices may contain sections specialising in the placement of specified classes of workers. Hence in a number of towns on the coast there are special placement sections for seamen.

Article 8. The employment offices provide vocational guidance, and for this purpose a vocational guidance board is set up within each office consisting of representatives of the economy, public education, public health, the trade unions, youth organisations and other social institutions. Furthermore, in order to facilitate the employment and vocational training of young people the offices keep a register of juveniles desiring to receive such training as well as a register showing the requirements of undertakings in workers or young people whom they wish to train.

Article 9. The staff of the employment service are public officials, whose conditions are laid down in the Act respecting public officials which came into force on 1 January 1958. This Act established the principle that the appointment and promotion of public officials should be based on their individual capacities and professional experience. In principle they are recruited by means of competitions, except, where necessary, in the case of higher officials appointed by the central public bodies. The Act also determines in what conditions public officials may be transferred or dismissed.

Article 10. Collaboration between the employment service and undertakings is fully guaranteed, particularly in view of the fact that undertakings must notify the service of vacancies and of contemplated dismissals and choose the workers they engage from among those sent by the service. For their part, the offices are required to refer workers to undertakings which have posts to be filled or to advise the undertakings that they have no suitable workers available, even after inquiring in other areas.

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
Congo (Léopoldville) [1]	20. 9.1960
Costa Rica	2. 6.1960
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: Egypt	26. 7.1960
Syria	1.12.1949
Uruguay	18. 3.1954
Yugoslavia	20. 6.1956

[1] See footnote 6 to Convention No. 4.

Brazil (First Report).

Legislative Decree No. 5452, of 1 May 1943 to approve the consolidation of labour laws (*Diário Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).

Legislative Decree No. 24 of 29 May 1956 to ratify the Convention.

Decree No. 41721 dated 25 June 1957 to promulgate the text of the Convention.

The provisions concerning the night work of women contained in the Legislative Decree consolidating the labour laws apply to all undertakings, whether industrial or not, covered by the labour protection laws.

Sections 372 and 379 of the Legislative Decree of 1943 provide for exceptions in the case of women employed in workplaces where only members of their family are employed and for those who occupy posts of management or are employed in nursing, in telephone and telegraph undertakings and in hotels and similar establishments.

Sections 66 and 379 give effect to Articles 2 and 3 of the Convention which deal with the definition of the term " night " and the principle of prohibition.

Enforcement of the provisions of the Convention in the Federal District is the responsibility of the divisional inspectors of occupational safety and health under the authority of the National Department of Labour; in the states, it is the responsibility of the regional delegations of the Ministry of Labour.

Spain (First Report).

Legislative Decree of 15 August 1927 respecting nightly rest for women workers (*Gaceta de Madrid (G.M.)*, 1927, No. 231, p. 1012) (*L.S.* 1927—Sp. 5 A) and Regulations of 6 September 1927 thereunder (*G.M.*, 1927, No. 256, p. 1477) (*L.S.* 1927—Sp. 5 B).

Decree of 24 July 1947 to amend the Legislative Decree of 15 August 1927 (*Boletín oficial del Estado*, 10 Aug. 1947, p. 4496).
Resolution of the General Directorate of Labour of 10 May 1960 (ibid., 17 May 1960).

Article 1 of the Convention. The legislation applies to all types of undertakings, both industrial and commercial, as laid down in section 2 of the Legislative Decree of 15 August 1927 and its Regulations.

Article 2. The term " night " is understood to signify the interval falling between 9 p.m. and 5 a.m., and " employment at night ", work performed during such period (section 1 of the Legislative Decree of 15 August 1927). Sections 2 and 4 prescribe a continuous rest period for women of not less than 12 hours, which must cover the night hours as defined in section 1.

Article 3. Sections 2, 4 and 9 of the Legislative Decree of 1927 give effect to this Article of the Convention. The resolution of 10 May 1960 amends the said section 9.

Article 4. Section 5 of the Regulations of 6 September 1927 deals with exceptions in case of *force majeure*. Exceptions in cases where the work involves raw materials or materials in course of treatment, which are subject to rapid deterioration, are covered by section 6 of the Legislative Decree of 15 August 1927.

Articles 5 to 7. Spanish legislation contains no provisions to cover the exceptional circumstances referred to in these Articles.

Article 8. Section 7 of the Legislative Decree of August 1927 deals with the exception mentioned in subparagraph *(b)* of this Article of the Convention.

The National Labour Inspection Corps is the body entrusted with the application of the provisions of the Decree.

Jurisdiction with respect to disputes concerning labour matters rests with the labour magistrates.

Since this is the Government's first report there has been no practical opportunity to bring it to the notice of the trade union organisations.

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
Costa Rica	2. 6.1960
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

Argentina (First Report).

Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (*L.S.* 1924—Arg. 1).

Section 6 of the above-mentioned Act prohibits the employment of young persons under the age of 18 on night work.

Sections 9, 10 and 11 furthermore prohibit their employment in certain types of dangerous work, either by day or by night.

Section 6 provides for a rest period of 11 hours in winter and ten hours in summer for workers under the age of 18.

Observance of the law is supervised by the Ministry of Labour and Social Security.

Luxembourg (First Report).

Even before approving the Convention by an Act of 10 February 1958, namely on 14 January 1958, the Government had brought in a Bill to guarantee the future application of the Convention. Before debate on it could be opened, the Bill had to be submitted to various trade unions and to the Council of State for their consideration. It would appear furthermore that some of its provisions require revision.

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The report from *Ukraine* supplies information on minor changes in the application of the Convention.

The report from *Czechoslovakia* refers to 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
Costa Rica	2. 6.1960
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

Brazil.

Decree No. 46130 of 2 June 1959 (*Diário Oficial*, 2 June 1959).

The Decree approves regulations concerning crew accommodation in the mercantile marine and gives practically full effect to the provisions of the Convention.

Portugal.

Legislative Decree No. 43026 of 23 June 1960 (*Diário do Governo*, First Series, No. 144, 23 June 1960).

Section 1 of the above-mentioned Legislative Decree stipulates that the provisions of the Convention are incorporated in the national legislation ; all legislative provisions contrary to the Convention and to the regulations relating thereto are repealed.

The Legislative Decree also contains measures for the application of Parts I, II and IV of the Convention.

Article 1 of the Convention. The provisions of the Legislative Decree apply to all mechanically propelled merchant vessels with a gross tonnage of 500 tons or more. Vessels of 200-500 tons must conform as far as possible to the provisions of the Convention. An exception may be made to the application of any of the provisions of the Convention if this should result in conditions of accommodation not less favourable than those which would have been obtained by giving full effect to the Convention (Article 7).

Article 3. The Technical Service of the Mercantile Marine Directorate is responsible for the technical inspection of national merchant vessels being built or refitted or to which major repairs are being made, resulting in alterations to the crew's accommodation. Supervision of the way in which such accommodation is maintained is undertaken by the port authorities in national ports, and by Portuguese consulates in foreign ports.

Article 5. The Technical Service of the Mercantile Marine Directorate is responsible for inspecting vessels, including the crew's accommodation, during the inspection visits to which the vessel is subject, upon receipt of a complaint in the prescribed form and in other cases mentioned in section 14 of the Legislative Decree.

Article 18. Section 6 of the Legislative Decree gives effect to this Article of the Convention.

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
Congo (Léopoldville) [1]	30. 9.1960
Costa Rica	2. 6.1960
Cuba	29. 4.1952
Cyprus [2]	23. 9.1960
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
Nigeria [3]	17.10.1960
Philippines	29.12.1953
Somalia (ex-British Somaliland) [4]	18.11.1960
United Arab Republic : Egypt	26. 7.1960
Syria	7. 6.1957
United Kingdom	30. 6.1950
Uruguay	18. 3.1954

[1] See footnote 6 to Convention No. 4.
[2] See footnote 3 to Convention No. 15.
[3] See footnote 4 to Convention No. 15.
[4] See footnote 5 to Convention No. 50.

Austria.

In reply to the request made by the Government at the 44th Session of the Conference, with a view to overcoming the existing difficulties in the application of this Convention, the International Labour Office, on 12 September 1960, sent the Government a note containing certain indications based primarily on the preparatory work of the Convention. This

note is being examined by the authorities concerned.

The Austrian Congress of Chambers of Labour and the Austrian Federation of Trade Unions have again expressed their profound regret that the negotiations concerning the application of the Convention have not yet led to a final result.

Israel.

In response to the direct request made by the Committee of Experts the Government has forwarded a translation of the relevant provision of the Treasury Regulations and an " approved summary " of article 11 of the Hours of Work Law, 1951 relating to the posting of notices. The Government states that the contents of the prescribed poster are exactly the same as those of the " approved summary ".

The award of public contracts is now confined to contractors included in a list of approved government contractors. A contractor who failed to observe the standards laid down by collective agreement would not be kept on this list.

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
Cameroun [1]	7. 6.1960
Central African Republic [1]	27.10.1960
Chad [1]	10.11.1960
Congo (Brazzaville) [1]	10.11.1960
Costa Rica	2. 6.1960
Cuba	29.4.1952
Cyprus [2]	23. 9.1960
Dahomey [1]	12.12.1960
Ecuador	6. 7.1954
France	15.10.1952
Gabon [1]	14.10.1960
Greece	16. 6.1955
Guatemala	13. 2.1952
Guinea [1]	21. 1.1959
Honduras	20. 6.1960
Hungary	8. 6.1956
Iraq	12. 5.1960
Israel	12. 1.1959
Italy	22.10.1952
Ivory Coast [1]	21.11.1960
Malagasy Republic [1]	1.11.1960
Mali [3]	22. 9.1960
Mexico	27. 9.1955
Netherlands	20. 5.1952
Niger [1]	27. 2.1961
Nigeria [4]	17.10.1960
Norway	29. 6.1950
Philippines	29.12.1953
Poland	25.10.1954
Senegal [3]	4.11.1960
Somalia [5] (ex-British Somaliland)	18.11.1960
Spain	24. 6.1958
Togoland [1]	7. 6.1960
Tunisia	28. 5.1958
United Arab Republic : Egypt	26. 7.1960
Syria	7. 6.1957
United Kingdom	24. 9.1951
Upper Volta [1]	21.11.1960
Uruguay	18. 3.1954

[1] See footnote 4 to Convention No. 4.
[2] See footnote 2 to Convention No. 15.
[3] See footnote 7 to Convention No. 4.
[4] See footnote 4 to Convention No. 15.
[5] See footnote 5 to Convention No. 50.

Brazil (First Report).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diário Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).
Decree No. 41721 of 25 June 1957.

Article 1 of the Convention. The term " wages " is defined by sections 457 and 458 of the Legislative Decree of 1943.

Article 2. Domestic employees and public employees of state and administrative bodies are excluded from the application of the Convention.

Article 3. This Article is applied by section 463 of the Legislative Decree of 1943.

Article 4. Under section 458 of the Legislative Decree of 1943 board, lodging, clothing and other allowances in kind which the employer habitually supplies to the employee under a contract or in conformity with custom are taken to be part of the wages in addition to payments made in cash. A special provision relating to agricultural workers lays down that a contract of employment for agricultural work may contain a clause permitting payment of wages in kind, provided that such payments in kind consist of products obtained by the working of the undertaking and do not exceed one-third of the total wage of the employee (section 506 of the Legislative Decree of 1943).

Article 5. This Article is applied by section 464 of the Legislative Decree of 1943.

Article 6. There is no provision in the legislation to restrict in any way the freedom of the employee in disposing of his wages as he thinks fit.

Article 7. Section 141 (2) of the federal Constitution provides that no one may be required to do or refrain from doing anything except by law. As there are no statutory provisions requiring a worker to buy goods in a particular establishment, they are free to use or refrain from using such stores or services.

Articles 8 and 9. These Articles are applied by section 462 of the Legislative Decree of 1943.

Article 10. This Article is applied by sections 492 and 464 of the Legislative Decree of 1943, in conjunction with section 942 of the Code of Civil Procedure.

Article 11. This Article is applied by section 449 of the Legislative Decree of 1943 and section 102 of the Bankruptcy Act of 1945.

Article 12. This Article is applied by section 459 of the Legislative Decree of 1943. Section 467 of the same decree provides that in the event of a dispute arising out of the cancellation of a contract, the employer must, on the employee's appearance in the labour court, pay the amount not in dispute ; otherwise he may be sentenced to pay double the amount in question.

Article 13. This Article is applied by section 465 of the Legislative Decree of 1943.

Article 14. This Article is applied by sections 13 and 29 of the Legislative Decree of 1943.

Article 15 The Legislative Decree of 1943 is made fully available to all concerned and copies are sent to all occupational associations of employers, employees, self-employed workers and members of the liberal professions.

Responsibility for ensuring enforcement of the legislation rests with the Ministry of Labour, Industry and Commerce and the labour courts, according to the case.

Penalties for breaches of the provisions of the Legislative Decree of 1943 are provided for under title VII of that text (Application of Administrative Sanctions).

The requirements concerning maintenance of adequate records are met by the obligation placed on employers to keep workbooks and send copies of all particulars entered therein to the national Labour Department (section 32 (2) of the Legislative Decree of 1943).

Cyprus.

For the Government's reply to an observation by the Committee of Experts, see *Report of the Committee* (1960), p. 639.

Ivory Coast.

In reply to the observations made by the Committee of Experts, concerning the non-application of Article 6 of the Convention, the Government states that the latitude granted by sections 92 and 93 of the Labour Code to employers in the provision of board and lodging for workers does not preclude workers from demanding and receiving full payment of their wages in cash.

The value attributed to board and lodging in part payment of wages is specified in Order No. 654 of 30 October 1958.

Nigeria.

In reply to a request made in 1960 by the Committee of Experts the Government states that it is proposed to amend section 22 of the Labour Code Ordinance to conform to the provisions of Article 4 of the Convention and to introduce a new section to cover the provisions of Article 15, paragraph *(d)*.

Spain (First Report).

Contracts of Employment Act of 26 January 1944 (*Boletin Oficial del Estado* (*B.O.E.*), No. 55, 24 Feb. 1944 and No. 102, 11 Apr. 1944) (*L.S.* 1944—Sp. 1).

Decree of 21 March 1958 respecting works stores, and Regulations of 14 May 1958 thereunder (*B.O.E.*, No. 90, 15 Apr. 1958 and No. 118, 17 May 1958).

Act of 20 December 1952 to amend certain sections of the Civil Procedure Act (*B.O.E.*, No. 357, 22 Dec. 1952).

Act of 10 February 1943 respecting employment exchanges, and Regulations of 9 July 1959 thereunder (*B.O.E.*, No. 61, 2 Mar. 1943 and No. 176, 24 July 1959) (*L.S.* 1943—Sp. 2).

Act of 16 October 1942 respecting employment regulations (*B.O.E.*, No. 296, 23 Oct. 1942) (*L.S.* 1942—Sp. 2).

Act of 15 October 1939 respecting conditions of employment, and Regulations of 13 July 1940 thereunder (*B.O.E.*, 29 Dec. 1939 and 10 Aug. 1940).

Act of 11 April 1953 respecting social insurance.

Article 1 of the Convention. Section 37 of the Contracts of Employment Act of 26 January 1944 defines the term " wages ".

Article 2. Work of a family nature, work carried out from time to time by way of friendly service, and domestic service are excluded from the application of the Contracts of Employment Act (section 2). Persons performing the duties of management are also excluded. Public officials are governed by special regulations.

Article 3. Wages must be paid in money which is legal tender (section 54 of the Contracts of Employment Act).

Article 4. It is prohibited to establish canteens in workplaces (section 50 of the Contracts of Employment Act). The Employment Regulations lay down, for certain special cases, the conditions in which wages may be paid in kind.

Article 5. The right to receive wages is strictly personal. The husband of a woman or the father or mother of a minor may object to the wage being paid to the worker in question (section 58 of the Contracts of Employment Act). This provision does not apply in cases of separation, *de jure* or *de facto*, of a husband and wife.

Article 6. Section 75 of the Contracts of Employment Act sets forth the obligations in connection with the payment of wages.

Article 7. Works stores are governed by section 51 of the Contracts of Employment Act, and by the Decree of 21 March 1958 and Regulations of 14 May 1958 thereunder.

Articles 8 and 10. Wages of less than 20 pesetas per day or 7,500 pesetas per annum are not attachable (Act of 20 December 1952, to amend the Civil Procedure Act). This Act establishes the attachment procedure to be followed where wages exceed 20 pesetas per day or 7,500 pesetas per annum.

Article 9. The employment exchanges are free, public and national. Private placement agencies or bodies are prohibited (Act of 10 February 1943 and Regulations of 9 July 1959 thereunder).

Article 11. Debts in respect of wages or salaries earned, but not received, by employees are held to be " exceptionally privileged ".

Article 12. The intervals established by the Employment Regulations for the payment of wages must be respected, the maximum limit

for such intervals being fixed at one month (section 54 of the Contracts of Employment Act). The same section refers to the necessity for paying wages on the termination of the employment or contract where it has not been done periodically.

Article 13. Wages may not be paid on a day of rest, nor in places of amusement, taverns, canteens or shops, except in the case of persons employed therein (second and third paragraphs of section 54 of the Contracts of Employment Act).

Article 14. The Employment Regulations, which establish minimum wage rates, normally have to be displayed for the information of employees. The Act of 16 October 1942 requires undertakings employing more than 50 workers to have a set of internal regulations. Many national employment regulations extend this obligation to all undertakings with no limit on the number of employees. The conditions in respect of wages must also be publicly displayed at workplaces. Each employee must be issued with a pay slip conforming to an established model on which are noted the various components of his pay.

Article 15. Responsibility for the enforcement of labour laws lies with the National Labour Inspection Corps (Act of 15 October 1939 and Regulations of 13 October 1940 thereunder).

The sanctions to be imposed in cases not expressly covered by the Employment Regulations are specified in section 63 of the Labour Inspection Regulations. Incorrect filling in of pay slips is punishable under the Act of 11 April 1953. The filing of these pay slips is compulsory (section 7 of the said Act).

Article 17. Advantage has not been taken of the permissive provisions of this Article.

Tunisia (First Report).

Tunisian Code of Obligations and Contracts, 1907 (sections 1630-1632).
Decree of 7 February 1940 to regulate the payment of wages to workers and employees (amended and supplemented) (*Journal officiel tunisien*, 15 Feb. 1940).
Decree of 20 July 1950 respecting attachment and cession of amounts due as remuneration for works performed for an employer or amounts due to contractors (amended) (ibid., 25 July 1950).
Decree of 27 January 1955 to establish a preference in favour of wages (ibid., 1 Feb. 1955).
Order of 30 April 1956 respecting the remuneration of agricultural workers (ibid., 1 May 1956).

Article 1 of the Convention. The term " wages " has not been defined by law; however, usage conforms to the provisions of the Convention.

Article 2. Only domestic workers are not covered by provisions similar to those of the Convention.

Article 3. Wages must be paid in legal tender; only monthly salaries above a specified amount may be paid by cheque.

Article 4. No exception to the rule of total payment of wages in cash is allowed in commerce or industry. In the agricultural sector, the employer is authorised to pay his workers in kind, the value being based on current prices, but only in respect of that portion of their wage which is in excess of the minimum wage.

Article 5. Wages must be paid directly to the person concerned, who must sign for them.

Article 6. No restriction is placed on the freedom of the worker in disposing of his wages.

Article 7. The worker is under no obligation to purchase goods in works stores at the undertaking which employs him; the price of goods in such stores is controlled and must not include any profit margin; these stores are managed by joint committees.

Article 8. The legislation in force makes provision for the manner in which deductions from wages are effected; workers are kept informed of these rules.

Article 9. Any infringement of this provision is punishable by imprisonment; however, exceptions are authorised in the case of a single lump-sum payment to domestic workers.

Article 10. The provisions of this Article are put into effect by the Decree of 20 July 1950.

Article 11. Under section 1630 of the Tunisian Code of Obligations and Contracts and the Decree of 27 January 1955, wages constitute a preferred debt.

Article 12. Section 2 of the Decree of 7 February 1940 prescribes the intervals at which wages are paid. In commerce and industry they must be paid at least every 16 days; salaries of employees must be paid at least once a month; agricultural workers' wages must be paid weekly; and commission owed to salesmen must be paid quarterly. In case of dispute the labour inspector may intervene at the request of the wage earner.

Article 13. The stipulations of section 3 of the Decree of 7 February 1940 are similar to those of this Article.

Article 14. All regulations governing conditions of remuneration are published in the Official Gazette. Workers are kept informed of them by the labour inspectorate and by the trade unions. Furthermore, employers are bound to keep an up-to-date record or pay-sheet. A pay slip is handed to each wage earner when he is paid.

Article 15. Enforcement of wage protection measures is supervised by the Labour Inspectorate, in virtue of the Labour Inspectorate Decree of 6 August 1953. Penalties are established under sections 6 and 6*bis* of the Decree of 7 February 1940.

Article 17. The above decrees apply to the whole territory of Tunisia and no exceptions are contemplated.

* * *

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

Hungary, Nigeria.

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
Costa Rica [1]	2. 6.1960
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: Egypt [1]	26. 7.1960
Syria [1]	7. 6.1957

[1] Has accepted the provisions of Part II.
[2] Has accepted the provisions of Part III.

Belgium (First Report).

Royal Order of 10 April 1954 respecting the operation of fee-charging employment agencies (*Moniteur Belge (M.B.)*, 24-25 May 1954, Nos. 144-145, p. 4167) (*L.S.* 1954—Bel. 2).
Ministerial Order of 23 April 1955 issued in execution of the above-mentioned Royal Order (*M.B.*, 13 May 1955, No. 133, p. 3115).

Article 1 of the Convention. According to the Royal Order, the term " fee-charging employment agency " means " any private business which procures employment for a worker and asks the employer or the worker for a reward in any form in return for its services ". There are no non-profit employment agencies as described under subparagraph *(b)* of Article 1.

Article 3. The abolition of the fee-charging employment agencies still authorised will become effective three years after arrangements have been made for the placement of workers through a public service. The date on which this three-year period shall commence has not yet been determined. However, the licence to operate an agency, provided for by this section, is not transferable; on the death of the holder it may be transferred once, to the spouse or child (if of age) who satisfies the general conditions laid down. No new licences have been granted since the middle of August 1955.

Article 4. A complete system of supervision of the activities of fee-charging employment agencies has been organised: public officials specially designated by the Minister of Employment and Labour and the police officers of the judicial branch have free access to the offices of fee-charging employment agencies and must be supplied with any information or documents they may require; agencies are bound to keep certain records intended to facilitate supervision (card indexes, a special register, a record of employment found, etc.); the fees and expenses which may be charged are regulated by the Ministerial Order of 23 April 1955. Anyone operating an agency must hold a licence which is renewable yearly subject to investigation. The Royal Order was issued after consultation with the national joint committees for theatre and entertainment and for agriculture; these committees and other committees concerned may always be consulted.

Article 5. The Royal Order provides for a limited number of fee-charging employment agencies to continue operating: those for theatrical and other performers and entertainers (8), domestic workers and other household staff (4) and agricultural workers (3), mainly because the public placement services have not sufficient personnel at present to replace them, particularly as regards performers and entertainers; furthermore, domestic workers, not being eligible for unemployment benefit, are not bound to register with the official placement services. The measures described above in connection with Article 4 of the Convention apply to agencies which continue to operate. Foreign employment agencies may not carry on placement activities in Belgium except with the assistance of, and under cover of, a licence-holding agency.

Article 6. This Article does not apply.

Article 7. Non-fee-charging employment agencies are under the permanent supervision of the Ministry of Labour and Social Welfare and the National Placement and Unemployment Office (O.N.P.C.). To this end, private agencies are bound by certain administrative rules: they must forward to the O.N.P.C. monthly statistics of employment found and must inform the regional official placement services of any cases of an applicant for work refusing a post offered to him and of offers of employment not taken up; they must also hold at the disposal of Ministry and O.N.P.C. officials documents proving each placement, etc.

Article 8. Belgian legislation provides penalties for operation of an agency without a regular licence, exaction or payment of commissions higher than the prescribed limit, obstruction of the supervising officials in the performance of their duty, and the carrying on of placement activities in Belgium from a foreign country in an unauthorised form. It also provides for withdrawal of the licence from any licence-holder who imposes any obligation of purchase or expenditure in return for his assistance, commits any breach of the provisions of these orders, is sentenced to certain penalties or is found to have obtained the licence by means of fraudulent representation.

Enforcement of the laws and regulations is the responsibility of the Ministry of Labour and Social Welfare and is carried out on the basis of complaints received, monthly reports and the investigations undertaken prior to the yearly renewal of licences.

There are no cases of court decisions connected with the application of the Convention. No infringements have been recorded.

The Government has not received any comments on the application of the Convention from workers' and employers' organisations.

Brazil (First Report).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diário oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).

Section 513, sole subsection, of the above-mentioned Legislative Decree gives industrial associations of employees the right to set up and maintain employment agencies. Such agencies are of a welfare character and accept no remuneration for their services. Section 564 of the same Decree forbids industrial organisations to engage in any activity for the purposes of direct or indirect gain. Thus, the activities of the State in the field of assistance to unemployed persons (see under Convention 88), as well as the above-mentioned right given to industrial associations of employees, exclude the possibility for private bodies to manage fee-charging employment agencies, all the more so since such agencies are not mentioned in the " schedule of activities and occupations ", referred to in section 577 of the Legislative Decree.

The incorporation of the Convention into the body of national legislation was not merely a formal act of ratification, but a reinforcement of the Brazilian legislation applicable at the time of the promulgation of the Convention by virtue of the mandatory force given to Articles 1 to 6 thereof.

Under sections 543-552 of the Consolidation of Labour Laws, the enforcement of Article 7 is the responsibility of the Ministry of Labour, Industry and Commerce.

Industrial associations are liable, under Part V, Chapter 1, Division VIII of the Legislative Decree, to the penalties mentioned in Article 8 of the Convention.

The Ministry of Labour, Industry and Commerce, acting through the National Labour Department and the regional directorates, is responsible for supervising and co-ordinating the work of the employment agencies managed by industrial associations.

No courts of law have given decisions on questions at principle relating to the application of the Convention. No breaches have been observed during the period covered by the report.

Ceylon (First Report).

Fee-Charging Employment Agencies Act No. 37 of 1 September 1956 (Published separately).

Regulations of 21 January 1958 under the above Act (*Ceylon Government Gazette*, No. 11253, 31 Jan. 1958).

Order under section 1 (2) of the above Act appointing 1 March 1958 as the date on which the Act comes into operation (ibid., No. 11263, 21 Feb. 1958).

Article 10 of the Convention. Stringent provisions have been made in the above-mentioned Act and Regulations to ensure close supervision of agencies conducted with a view to profit. These provisions cover conditions to be fulfilled for the grant of licences, records to be maintained, returns and information to be sent to the competent authority and the right of inspection of premises and records at all reasonable hours of day and night. The placement of persons in Ceylon in employment abroad and the recruitment of persons abroad for employment in Ceylon is subject to the permission of the competent authority, which is withheld if the proposal contravenes laws relating to immigration or emigration or the employment of persons who are not citizens of Ceylon.

Article 11. Fee-charging employment agencies not conducted with a view to profit are not covered by the legislation.

Article 15. No area has been excluded from the application of the Convention.

The Labour Commissioner and his assistants in the various districts supervise the enforcement of the Act.

There are only four such agencies all confined to the metropolitan district of Colombo.

France.

In reply to a request by the Committee of Experts the Government states that at the present moment only a few fee-charging employment agencies, dealing with performing artists and domestic servants, remain in operation. Permission for these agencies to continue their activities has been successively prolonged not only because of financial difficulties, but also due to the fact that placement operations in the two above-mentioned fields have to take into account the special circumstances peculiar to these professions, as well as established practice. Thus, at present, the employment services would not be able to satisfy all the needs of the two professions.

Netherlands.

In reply to an observation made by the Committee of Experts in 1960 the Government's report states that only three agencies are permitted to place workers abroad; one of these, under the direct supervision of the authorities, concerns itself primarily with the placement of musicians and performers and the other two are institutions for the protection of young girls. These two agencies obtain employment for a limited number of young Dutch girls as family helps abroad, in families recommended by related organisations. Since these agencies were founded with a view to watching more closely the interests of specific groups it is considered superfluous to take other legislative measures to protect young girls for whom employment is obtained abroad.

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
Cyprus [1] [2]	23. 9.1960
France [3]	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 [4]	10.11.1950
Nigeria [5] [2]	17.10.1960
Norway	17. 2.1955
United Kingdom [6]	22. 1.1951
Uruguay	18. 3.1954

[1] See footnote 2 to Convention No. 15.
[2] Has excluded the provisions of Annexes 1, II, III.
[3] Has excluded the provisions of Annex II.
[4] Has excluded the provisions of Annex I.
[5] See footnote 4 to Convention No. 15.
[6] Has excluded the provisions of Annexes I and III.

Belgium.

Royal Orders of 21 February 1956 and 13 February 1957 abolish work permits for workers of Luxembourg and Netherlands nationality respectively, only a " statement of engagement " now being required from the employer when they enter employment. By virtue of Royal Orders issued in 1959 and 1960, nationals of Denmark, Finland, Morocco, Norway and Sweden are exempt from the residence tax.

Furthermore, since the second quarter of 1958 the Government has been giving retraining assistance to workers in the coal-mining industry laid off as a result of certain mines closing down, without distinction of nationality, as long as they continue to reside in Belgium and remain available for employment. This assistance takes the form of either a " waiting allowance " (granted for a maximum period of 365 days and decreasing every four months) or a resettlement allowance if the worker is obliged to reside in a different town.

Cyprus.

In reply to a request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 2 of the Convention. Prospective immigrants are supplied with information regarding prospects and conditions of employment by the Ministry of Labour and Social Insurance and, for other relevant matters, by the Ministry of the Interior (Migration Section). Where emigration is organised, e.g. by foreign employers seeking Cyprus labour, the Ministry of Labour obtains full and accurate information for emigrants. The Migration Section of the Ministry of the Interior is responsible for the control of aliens and the regularisation of their status under local law. All requests are promptly dealt with in consultation with the other departments concerned and the corresponding services of other member States.

Article 5. Emigration is almost wholly to the United Kingdom, but a small percentage of emigrants go to Australia and a still smaller percentage to the United States. A compulsory medical examination is provided in those three cases. All entrants to Cyprus must report to a government medical officer on arrival by air or by sea. There is strict supervision of all quarantine measures and vaccination requirements. A government medical officer is present on the arrival of all pasenger ships and aircraft.

Guatemala.

In reply to a direct request made by the Committee of Experts in 1959 the Government supplies the following information.

Article 6, paragraphs (1) *(a)* (iii), *(c)*, *(d)*, *of the Convention.* Article 52 of the Constitution and sections 11 and 13 of the Aliens Act stipulate complete equality of treatment for nationals and aliens.

Annex I, Article 6. No measures at present exist in this field, but legal provisions are under consideration.

Italy.

Act No. 253 of 9 April 1959 (*Gazzetta Ufficiale*, 15 May 1959, No. 115).

The above-mentioned Act guarantees the issue of a passport to emigrants free of charge and its renewal for a period of one to three years.

Nigeria.

In reply to a direct request made in 1960, the Government states as follows.

Article 1 of the Convention. The Immigration Ordinance (Revised Laws of Nigeria, Cap. 84, 1958 edition) regulates generally the immigration to Nigeria by sea, air or land of persons not of Nigerian nationality. No agreements concerning the immigration of workers to Nigerian territory and emigration of workers from Nigeria to territories others than the Spanish province of the Gulf of Guinea have been concluded.

Article 8. The contingency covered by this Article does not apply in Nigeria, as there are no arrangements, in law, for the permanent admission of immigrant workers.

Norway.

Act of 22 January 1960 respecting disablement benefit.

According to the above-mentioned Act, foreign refugees are entitled to the same treatment as Norwegian nationals. Aliens other than refugees also qualify for benefits under this Act if they have been domiciled in Norway or have served on Norwegian ships during the five years preceding application for the benefits concerned, and if the disablement occurred after they took up residence in Norway or signed on a Norwegian vessel. If, however, the disablement occurred before this time, such aliens acquire the right to benefits only after 15 years' residence in Norway or service on Norwegian vessels, including five years' uninterrupted residence or service immediately preceding the application for benefit.

United Kingdom.

Following the reciprocal agreements entered into between 1958 and 1960, the restrictions applicable to aliens in respect of family allowances, social insurance and industrial accidents have been abolished in favour of nationals of the following countries: Canada, Denmark, Federal Republic of Germany, Finland, France, Ireland, Italy, Luxembourg, Sweden and Yugoslavia.

* * *

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.

The reports from *Netherlands* merely reproduces the information previously supplied.

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	24. 9.1956
Austria	10.11.1951
Belgium	10.12.1953
Brazil	18.11.1952
Bulgaria	8. 6.1959
Byelorussia	6.11.1956
Costa Rica	2. 6.1960
Cuba	29. 4.1952
Denmark	15. 8.1955
Dominican Republic	22. 9.1953
Ecuador	28. 5.1959
Finland	22.12.1951
France	26.10.1951
Federal Republic of Germany	8. 6.1956
Ghana	2. 7.1959
Guatemala	13. 2.1952
Guinea	26. 3.1959
Haiti	12. 4.1957
Honduras	27. 6.1956
Hungary	6. 6.1957
Iceland	15. 7.1952
Indonesia	15. 7.1957
Ireland	4. 6.1955
Israel	28. 1.1957
Italy	13. 5.1958
Japan	20.10.1953
Luxembourg	3. 3.1958
Morocco	20. 5.1957
Nigeria [1]	17.10.1960
Norway	17. 2.1955
Pakistan	26. 5.1952
Philippines	29.12.1953
Poland	25. 2.1957
Rumania	26.11.1958
Sudan	18. 6.1957
Sweden	18. 7.1950
Tunisia	15. 5.1957
Turkey	23. 1.1952
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Arab Republic: Egypt	3. 7.1954
Syria	7. 6.1957
United Kingdom	30. 6.1950
Uruguay	18. 3.1954
Yugoslavia	23. 7.1958

[1] See footnote 4 to Convention No. 15.

Albania (First Report).

For legislation see reply concerning Convention No. 87.

There is no legislation restricting freedom of association in respect of employment within the meaning of Article 1 of the Convention. Article 25 of the Constitution guarantees the right to work to all citizens without any distinction whatsoever; similarly, article 26 specifies that all citizens have the right to take public office.

The act of joining a union or relinquishing membership thereof cannot prejudice the rights of workers in any way. The right to associate in social organisations is guaranteed to citizens by article 21 of the Constitution. In addition, article 226 of the Labour Code states that "the Albanian trade unions are mass social organisations uniting the wage and salary earners of all occupations on a voluntary basis". These organisations are recognised by the State, which encourages their activities in accordance with the legislation in force.

The managements of undertakings, institutions and organisations are not allowed to impede the activities of trade unions (article 235 of the Labour Code); on the contrary, they are required, under article 233, to provide them with the material facilities they require. They may not take any action against workers on account of their trade union activities; a worker may not be transferred without the agreement of the responsible trade union authority (article 23). The consent of the trade union authority is also necessary for the termination of the contract of employment of a wage or salary earner who is a member of a trade union committee or conciliation board (article 29).

Under article 42 of the Labour Code, collective agreements may be concluded between the trade union committee, representing the wage and salary earners, and the management of the undertaking, in its capacity as employer.

The enforcement of the above-mentioned provisions is carried out by the Office of the Public Prosecutor, the State Control Commission and the trade unions; the latter two bodies exercise supervision through the intermediary of the labour inspectors.

Any infringement of the above-mentioned provisions is a criminal offence and is punishable under article 205 of the Penal Code, which reads as follows: "Any act impeding the activity of a trade union, its organs or its representatives, shall be punishable by a fine not exceeding 5,000 leks, or corrective labour for a period not exceeding six months."

Argentina (First Report).

Constitution.
Act No. 14455 of 8 August 1958 to make legal provision for industrial associations of employees (*L.S.* 1958—Arg. 1).
Act No. 14250 of 13 October 1953 respecting collective labour agreements (*L.S.* 1953—Arg. 1).

The two basic principles of the Convention, the right of association and the right of collective bargaining, are embodied in the national Constitution. Article 14 of the Constitution guarantees the right of association. Article 14*bis* assures workers the right to establish free and democratic trade unions, which are recognised simply by entry in a special register. This same article affirms the right of trade unions to negotiate collective labour agreements.

Act No. 14455 of 1958, which regulates workers' occupational organisations, guarantees workers adequate protection against any discriminatory measures tending to restrict the freedom of action of trade unions in respect of employment (article 42).

The National Industrial Relations Council, established under article 47 of Act No. 14455, is responsible for enforcing regulations guaranteeing the right of association. There is no special regulation on employers' associations; in practice, however, they may be freely established.

The independence of workers' organisations is ensured by articles 14 and 14*bis* of the Constitution as well as by article 7 of Act No. 14455, which states that "No industrial association of employees may receive subsidies or economic assistance from an employer or from any national or foreign political body".

The right to engage in collective bargaining and the promotion of voluntary negotiation are guaranteed by article 14*bis* of the Constitution and by Act No. 14250 of 1953.

Special regulations govern the organisation of members of the police force and the armed forces. The same is true of civil servants.

Austria.

See under Convention No. 11.

Byelorussia.

In reply to a request by the Committee of Experts the Government states that the unions themselves decide matters relating to admission. This is done in accordance with the Statutes of the Trade Unions of the U.S.S.R.

Dominican Republic.

Act No. 4958 of 19 July 1958 (*Gaceta Oficial*, No. 8265).

The above-mentioned Act, amending section 307 of the Labour Code, accords workers greater protection against acts of discrimination and interference, and encourages collective agreements.

Guatemala.

See under Convention No. 87.

Haiti.

Article 2 of the Convention. Section 6 of the Trade Unions Act provides that "directors or persons representing the employer's interests, and managers, shall likewise be disqualified for membership of any union formed by the workers in an undertaking. Such persons may combine only among themselves."

Honduras.

Labour Code of 1 June 1959 (*La Gaceta*, 15-18 and 20-23 July 1959) (*L.S.* 1959—Hon. 1).

Article 1 of the Convention. Section 113 of the Constitution guarantees stability of employment and entitles the worker to take action in the event of his being dismissed without just cause.

Section 473 of the Labour Code states that "workers shall be free to join and to withdraw from their trade unions". Section 469 further states that "no person may prejudice the right of trade union association".

Any form of discrimination based on membership of a trade union is likewise prohibited under section 474 of the Labour Code, and also under sections 95 (5) and 96 (3), the last two in conjunction with section 114.

Article 2. Section 118 of the Constitution bestows on every worker the right to act independently according to his moral, civic and political conscience, and guarantees him protection against any interference in this respect.

Section 511 of the Labour Code forbids members of a union who represent the employer or hold managerial posts or positions of trust or may easily exercise an undue influence over their fellow-workers to serve on the managing committee of a works or basic union or to be appointed as officers of such a union.

Article 4. Section 597 of the Labour Code attributes to the General Directorate of Labour, as its primary function, the powers referred to in the Convention; section 605 of the Code describes the duties of the Trade Unions and Collective Agreements Section.

Article 5. The armed forces and the police are covered by the Act constituting the armed forces and the special legislation and regulations governing the functioning thereof.

Article 6. As expressly laid down in the Constitution (section 306) and the Labour Code (section 2, subparagraph 2), employment relations between public servants and the State are governed by the civil service laws established under the Constitution.

Hungary.

See under Convention No. 87.

Italy (First Report).

For legislation see under Convention No. 87.

Italian workers are protected against acts of anti-union discrimination by the fact that it is compulsory to engage workers through the state employment agencies, which operate on the principle of complete equality of all workers regardless of their activities or of the fact that they are or are not members of a given trade union. Workers in industry are protected against unfair dismissal by the provisions of the interconfederation agreements concerning dismissal concluded on 18 October and 20 December 1950. The collective agreements also contain clauses protecting against dismissal persons with trade union responsibilities or who have been elected members of works committees. The agreements entered into on 3 September 1943 and 8 May 1953 also contain protective clauses. Outside industry, protection against acts of anti-union discrimination is guaranteed by the fact that the trade union organisations are very powerful. All these safeguards, which exist only by virtue of the various agreements, are merely a stage in the evolution towards a more complete and more consistent system.

The surest safeguards against acts of interference in each other's affairs by workers' and employers' organisations, and against the domination of trade unions by employers, are the strength of the workers' organisations, the powerful national federations which they have formed and the advanced stage of social development which they have reached.

Furthermore, any organisation that was dominated by an employer would automatically be held to be in flagrant contradiction with the principles set forth in the Constitution, since it would not have been constituted by the free decision of the workers.

Effect is given to Article 3 of the Convention through the employment offices, the works committees and the conciliation and arbitration procedures provided for in collective agreements between employers and workers' organisations.

The conclusion of collective labour agreements is contemplated by the law and by article 39 of the Constitution, which provides that freely negotiated agreements are binding upon the parties concerned. The State intervenes as little as possible in the free bargaining system; its role is merely an advisory one. Up to the present time no special measures have been necessary to encourage voluntary negotiation, as is evidenced by the great number of collective agreements in force.

The provisions of the Convention do not apply to the armed forces or to the police.

Japan.

In reply to the observation made by the Committee of Experts in 1960 the Government reaffirms its view that section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law is not contrary to the Convention.

This section was enacted in order to protect the trade union movement in public corporations and national enterprises from subversive elements and not for the purpose of interfering in the election of union officers or in trade union administration.

Employees in the categories concerned may not be dismissed except on one of the grounds concretely and specifically defined by law; hence, a management cannot, by taking advantage of the provisions of the said section 4 (3), dismiss employees in order to interfere in the election of union officers. Section 7 of the Trade Union Law prohibits dismissal because of holding of office in a trade union or of membership or participation in proper trade union activities. By virtue of section 3 of the Public Corporation and National Enterprise Labour Relations Law, section 7 of the Trade Union Law is applicable in respect of public corporations and national enterprises. In the event of any dismissal in such establishments by reason of membership or holding of office in a trade union or of participation in proper trade union activities, the persons dismissed can seek a remedy in the courts or before the Labour Relations Commission. If a person is dismissed on one of the grounds specified in the Law and thereby loses his right to remain an officer of a trade union by virtue of section 4 (3), this is merely the consequence of the policy of the State in enacting section 4 (3) and does not mean that a management has interfered in union administration. None of the grounds for dismissal are specified in general terms, as indicated by the Committee. The Government and public corporations are very cautious with regard to the dismissal of employees and do not act even in cases falling within the provisions specifying justifiable grounds for dismissal unless the facts are clear and there are no extenuating circumstances. In illustration of this argument, statistics concerning dismissals in the Ministry of Postal Services during 1958 and 1959 are given. In a number of cases dismissals have been effected by public corporations or national enterprises where persons have committed acts expressly prohibited by law, but in no case have the courts declared such dismissals unlawful.

It is not difficult for a worker to furnish proof of the real reason for his dismissal because, when the courts or other remedial bodies examine a case of dismissal, the onus is on the management to furnish proof of the reason therefor in order to make the dismissal valid.

As one of the measures leading to the proposed ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948, proposed legislative amendments include repeal of section 4 (3) of the Public Corporation and National Enterprise Labour Relations Law, and also of section 5 (3) of the Local Public Enterprise Labour Relations Law, which is in similar terms.

Morocco.

Decree of 8 October 1960 (16 Rebia II 1380).

In virtue of the above-mentioned Decree, which repeals the Decree of 17 July 1957 (19 Hija 1376) respecting trade unions, the

General Secretary of the Government can no longer object to the formation of trade unions.

There have never been any cases of discrimination in matters of employment aimed at restricting the right to organise, nor of acts of interference by trade unions in each other's affairs. No cases have been reported of employers or employers' organisations attempting to gain control of workers' organisations by assisting them financially or otherwise. Dismissal of trade union delegates is extremely rare and in every case the officials of the Labour Inspectorate have obtained the reinstatement of the delegates concerned; consequently, the judicial authorities have never had cause to intervene.

The recommendations of the Higher Council for Collective Agreements are not binding on workers or employers.

Pakistan.

Trade Unions Ordinance No. XIV of 1960 amending the Trade Unions Act, 1926 (*Gazette of Pakistan*, 25 April 1960).
Industrial Disputes Ordinance, 1959.
Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.

In reply to an observation by the Committee of Experts the Government indicates that the matters dealt with in Articles 1 and 2 of the Convention are now covered by section 28 (I) of the Trade Unions (Amendment) Ordinance, 1960.

With respect to Article 3 of the Convention, the existing conciliation machinery in the centre and the provinces, and the civil courts, ensure respect for the right to organise as envisaged in the Convention.

Section 2 (L) of the Industrial Disputes Ordinance, 1959 provides that an agreement in writing between an employer and his workmen, arrived at otherwise than in the course of conciliation proceedings, is to be regarded as a "settlement" provided that a copy thereof is sent to the appropriate government agency. The standing orders contained in the schedule to the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960, regulating the conditions of employment of workmen in industrial and commercial establishments, can be amended only by means of a collective agreement (sections 4 and 2 *(b)* of the Ordinance).

The Industrial Disputes Ordinance, 1959 is not applicable to members of the police and armed forces. The Industrial and Commercial Employment (Standing Orders) Ordinance, 1960 does not apply to members of the armed forces; the provisions regulating terms and conditions of employment of workers in industrial and commercial establishments do not apply to members of the police.

Turkey.

Act No. 7286 of 29 May 1959 (*Resmî Gazete*, 1 June 1959, No. 10219, p. 21776) (*L.S.* 1959—Tur. 2) to supplement the Trade Unions Act, No. 5018 of 1947 (*L.S.* 1947—Tur. 1).

In reply to the request by the Committee of Experts the Government states that Act No. 7286 of 29 May 1959 has brought the national legislation into full conformity with Articles 1 and 2 of the Convention, so that workers (manual or intellectual) now enjoy full protection against anti-union discrimination, and employers' and workers' organisations are fully protected against acts of interference by each other. On the other hand, no decisions have been given by judicial or other tribunals in cases in which workers or trade union leaders complained that they had been dismissed or discriminated against by reason of their trade union activities or in respect of alleged acts of interference by employers with workers' organisations.

As regards the information requested by the Committee of Experts with respect to Article 4 of the Convention, there have been no further developments. The Bill to introduce a system of collective agreements drafted by the former Government is now being reviewed by the Revolutionary Government and it is hoped that it will be enacted in the near future.

U.S.S.R.

Ordinance of 20 December 1958 of the Presidium of the Central Council of Trade Unions respecting the conclusion of collective agreements for 1959 (Bulletin of the Central Council of Trade Unions, 1959, No. 1).
Ordinance respecting the conclusion of collective agreements for 1960 (*Trud*, 18 Dec. 1959).
Ordinance of 1 February 1958 of the Presidium of the Central Council of Trade Unions respecting the registration of collective agreements and the information that must be supplied regarding their conclusion and execution (Bulletin of the Central Council of Trade Unions, 1958, No. 4).

In reply to a request by the Committee of Experts the report states that membership of a trade union is a matter for the union itself. The government authorities in no way interfere in the internal affairs of unions. Under Rule 5 of the Trade Union Statutes of the U.S.S.R., acceptance of a member follows receipt of a statement submitted by the applicant. The decision is taken by a meeting of the trade union branch and this decision must be confirmed by the union workshop committee or, failing this, by the factory or local committee. If none of these bodies exists, the decision is taken by a general meeting of the members.

United Kingdom.

Industrial Disputes (Amendment and Revocation) Order, 1958.
Conditions of Employment and National Arbitration (Amendment and Revocation) (Northern Ireland) Order, 1958.

The Industrial Disputes (Amendment and Revocation) Order, 1958 provided that the Industrial Disputes Order (No. 1376 of 1951) would finally cease to have effect on 1 March 1959. Similarly, the Conditions of Employment and National Arbitration Order (Northern Ireland), 1940 was revoked by the Conditions of Employment and National Arbitration (Amendment and Revocation) (Northern Ireland) Order, 1958.

The 63rd Annual Congress of the Scottish Trades Union Congress adopted a resolution declaring its opposition to the "fostering of house unions by employers hostile to legitimate trade union organisation"; the Congress, considering such unions to be in breach of the provisions of the Convention, called upon the Minister of Labour to use his influence and

good offices with the employers concerned. The Scottish T.U.C. wrote accordingly, on 20 May 1960, to the Minister of Labour, who replied, on 18 June 1960, that no particular organisation was cited in the resolution and that, before the establishment of any organisation could be considered in the light of Article 2 of the Convention, it would be necessary to examine the facts concerning that organisation and whether specific practices were being adopted with the object of placing the organisation under the domination or control of an employer or of an employers' organisation. So far, no further comment has been received from the Scottish T.U.C.

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

Argentina, Belgium, Byelorussia, Denmark, Dominican Republic, Guatemala, Israel, Japan, Morocco, Philippines, Tunisia, Turkey, U.S.S.R., United Arab Republic, United Kingdom.

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

Brazil, Finland, France, Federal Republic of Germany, Guinea, Iceland, Ireland, Norway, Sweden.

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
Costa Rica	2. 6.1960
Cuba	13. 1.1954
France	29. 3.1954
Federal Republic of Germany	25. 2.1954
Morocco	14.10.1960
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
United Kingdom	9. 6.1953
Uruguay	18. 3.1954

Brazil (First Report).

Constitution of 18 September 1946 (*Diário Oficial (D.O.)*, Vol. LXXXV, 15 Oct. 1946, No. 236, p. 14119) (*L.S.* 1946—Braz. 3), section 157(1).
Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*D.O.*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).
Decree No. 45103-A of 24 December 1958 to amend minimum wage rates (*D.O.*, 26 Dec. 1958).
Act No. 3030 of 19 December 1956 (*Anuário de Legislação e Decisões trabalhistas*, Vol. 2, 1956, p. 31).

Article 1 of the Convention. This Article is applied by article 76 of the Consolidation of Labour Laws, which guarantees a minimum wage to all workers.

Article 2. This Article is applied by section 82 of the Consolidation of Labour Laws, in conjunction with section 1 of Act No. 3030 of 19 December 1956.

Article 3. This Article is applied by sections 76 to 128 of the Consolidation of Labour Laws.

Article 4. This Article is applied by sections 112 to 197 of the Consolidation of Labour Laws.

The Ministry of Labour, Industry and Commerce is the responsible authority for the implementation of this Convention.

Section 118 of the Consolidation of Labour Laws gives the worker the right to recover, in case of underpayment, the amounts by which he has been underpaid.

Federal Republic of Germany.

In reply to a direct request made by the Committee of Experts in 1959 the Government indicates in its report that since 1958 the average remuneration of agricultural workers was 8 per cent. higher than the minimum wage rates fixed by collective agreements. The trade union of horticultural, agricultural and forestry workers negotiates collective agreements for the entirety of this group of workers. Forestry exploitation, in so far as foreign workers are employed, is to a large extent in the hands of public authorities, which pay the wages fixed by collective agreements, whether or not the worker belongs to a trade union, with very few exceptions. The report states that it does not appear necessary or even advisable at the present time to take any action regarding the sphere of application of minimum wage rates fixed by contract.

Netherlands.

Article 3, paragraph 5, *of the Convention.* In answer to a direct request made in 1959 by the Committee of Experts the Government states that, by virtue of an identical provision inserted in collective agreements and regulations concerning wages and conditions of work in agriculture, the wage of a handicapped worker may be fixed by mutual agreement between employer and employee, having continuous regard for equity and justice. Each contract of this kind is submitted for approval to the local social committee of the Economic Organisation for Agriculture *(Landbouwschap)* ; failing such approval, the normal wage is due. It is also the social

committee of the *Landbouwschap* which decides if the case is, in fact, one of reduced capacity. Article 12 of the Extraordinary (Employment Relations) Decree of 5 October 1945, gives the possibility of making provision, in collective agreements or binding regulations, for the fixing by individual agreement of the rate of wages of apprentices and handicapped workers.

Nigeria.

Wage Board Ordinance No. 5 of 1957.

The above-mentioned Ordinance is intended to make possible the provision of adequate machinery for the fixing of minimum rates of wages in all trades and industries, including agriculture. However, no such machinery has been established covering agricultural workers, nor is it possible to forecast the establishment of such measures in the foreseeable future; although the country is largely agricultural, the bulk of farming is based on peasant cultivation by families who engage labourers only at certain seasons. On the few large plantations which do employ agricultural workers wages and working conditions are determined by collective bargaining.

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

Austria, *Ceylon*, *France*, *Netherlands*, *New Zealand*, *Philippines*, *United Kingdom*.

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

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	24. 9.1956
Austria	29.10.1953
Belgium	23. 5.1952
Brazil	25. 4.1957
Bulgaria	7.11.1955
Byelorussia	21. 8.1956
China	1. 5.1958
Costa Rica	2. 6.1960
Cuba	13. 1.1954
Czechoslovakia	30.10.1957
Denmark	21. 6.1960
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 : Egypt	26. 7.1960
Syria	7. 6.1957
Yugoslavia	21. 5.1952

Austria.

In reply to a request made by the Committee of Experts the Government states that it has drawn the attention of workers' and employers' organisations to a number of collective agreements fixing different wage rates for men and women, and has asked for an investigation into the extent to which such differences are based on differences in performance or are contrary to the principle enunciated by the Convention.

The Government has repeatedly drawn the attention of the organisations to the provisions of the Convention and recommended measures for the elimination of any unfounded differences between wage rates for men and women workers.

Belgium.

Equal pay for men and women workers is reported to have been achieved in a number of industries while in other cases existing differences have been reduced. In July 1960 the National Labour Council, reviewing the work of Joint Occupational Commissions, noted that progess made in implementing the principle of equal pay is not clear because no adequate statistics are available. The Council, however, formed the conclusion that progress has been made in industries employing relatively small proportions of female labour, and in respect of salaried employees. In industries where the proportion of female labour is high, little progress has been made.

The Council proposed that the Government again request the Joint Occupational Commissions to submit reports concerning their activities in implementing the principle of equal pay, while showing both changes in relative remuneration since 1952 and numbers of wage and salary earners affected.

Brazil (First Report).

Constitution of 18 September 1946 (*Diário Oficial (D.O.)*, Vol. LXXXV, 15 Oct. 1946, No. 236, p. 14119) (*L.S.* 1946—Braz. 3).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*D.O.*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. I).

Article 1 of the Convention. The term "remuneration" is deemed to include all sums received by the worker, directly or indirectly, from the employer under the employment relationship.

Article 2. The principle of equal pay is laid down in section 157, subsection (ii), of the Constitution and consequently, wherever wages are fixed, whether by legislation, judicial decision or collective agreement, the application of this principle to all workers, without discrimination based on sex, is guaranteed.

The application of these standards is, however, incomplete in many ways; in particular, there is a tendency to engage as many male workers as possible and a consequent lack of incentive to employ female workers.

Article 3. No special measures of the kind mentioned in this Article appear necessary.

China (First Report).

Constitution of 1 January 1947 (article 7).
Factory Act of 30 December 1932 (*L.S.* 1932—Chin. 2 A).
Essential Points for the Inspection of Wages of Industrial Workers in Taiwan Province, dated 28 December 1956.

Articles 1 and 2 of the Convention. Article 24 of the Factory Act and Point 7 (1) of the Essential Points for the Inspection of Wages of Industrial Workers in Taiwan Province provide for the payment of the same rate of wages to workers of both sexes if they perform the same kind of work with equal efficiency.

Article 3. In state-owned enterprises steps are being taken to put into practice a system of job classification in order to establish wage scales on a more objective basis.

Federal Republic of Germany.

In reply to direct requests made by the Committee of Experts in 1959 the Government states the following.

1. No judgment has yet been given by the Federal Labour Court as regards the application of article 3 of the Constitution to individual contracts of employment. It is, however, customary for collective agreements (which exist in almost all industries) to be followed also in contracts that are legally not bound by such agreements. Collective agreements therefore govern conditions of employment also in sectors where the degree of trade union organisation is low. Furthermore, although the facts concerning individual contracts are not precisely known, the Government has no reason to believe that there is discrimination according to sex in these contracts. A recent inquiry in individual establishments showed that in the fixing of individual production bonuses (which is often done by individual contract supplementing a collective agreement) no such discrimination is made.

2. The results of the work of a joint study group of the central employers' and workers organisations are not yet known, but will be supplied as soon as they are available. However, the group is concerned with the difficult problem of relative remuneration for women who do not perform the same work as men. According to the prevailing view, the Government considers that this problem is outside the scope of the Convention.

3. As regards the application of objective job evaluation, the Government participates in the work of the joint study group but in accordance with the principles prevailing in the Federal Republic it does not seek to influence parties in their choice between analytical methods and rough estimates in job appraisal. This question is left for the negotiating parties to decide. It may, however, be noted that the inquiry method mentioned in paragraph 1 revealed a tendency to give more weight, in the application of analytical job evaluation, to physical effort (typical of male jobs) and to mental effort and dexterity (which play a larger part in typical female jobs). The explanation appears to be that recruits for heavy work can only be found if relatively high wages are paid.

The report contains figures of the movement of rates and earnings in recent years, which show that wages of women have tended to rise more rapidly than those of men. For example the average hourly earnings in industry rose between 1955 and 1960 by 45.2 per cent. for men and 53.3 per cent. for women. Wage rates fixed by collective agreements for trade and public services rose during the same period by 35.4 per cent. for men and 46.1 per cent. for women.

Haiti (First Report).

Constitution.
Act of 25 September 1958 respecting conditions of work (*Le Moniteur*, 2 Oct. 1958, No. 110, p. 617; Corrections: ibid., 8 Oct. 1958, No. 112, p. 626) (*L.S.* 1958—Hai. 1).

Article 1 of the Convention. "Wages" are defined by section 37 of the Act of 25 September 1958 to cover all remuneration capable of being expressed in terms of money. Section 38 of this Act makes provision for a minimum living wage for all workers.

Article 2. Under article 16 of the Constitution, equality in the public service, particularly as regards terms and conditions of service, is guaranteed to all Haitians, without distinction based on sex.

No further legislation concerning equal remuneration exists. In practice no discrimination exists. There are very few occupations in which competition for employment arises between men and women.

Honduras.

Labour Code of 1 June 1959 (*La Gaceta:* 15-18 and 20-23 July 1959) (*L.S.* 1959—Hon. 1).

Iceland (First Report).

Law No. 38 of 14 April 1954 relating to the rights and duties of government employees.

Section 3 (7) of Law No. 38 of 1954 provides that men and women possess equal rights to official employment and to equal remuneration for the same work. These rules are also observed by municipal authorities. Furthermore, women having completed industrial training in an

authorised trade receive the same remuneration as men.

Remuneration is generally fixed by collective agreement, and in recent years equal remuneration has been extended by agreements, particularly as regards work previously done by men, including various occupations connected with fishing.

In 1958 the Legislative Assembly passed a resolution for the appointment of a committee to study and make proposals concerning equal remuneration for men and women. The committee has not yet submitted its report.

India (First Report).

Constitution of 26 November 1949.
Minimum Wages Act, No. XI of 1948 (*L.S.* 1948—Ind. 2), as amended and the Rules made thereunder.

Article 1 of the Convention. The principle of equal pay for equal work is embodied in the Constitution as a directive of state policy. The Convention has, however, been ratified by virtue of the enactment and enforcement of the Minimum Wages Act. " Wages " has been defined in section 2 *(h)* of this Act as being all remuneration capable of being expressed in terms of money payable to an employed person in respect of his employment.

Article 2. Under the Minimum Wages Act, the central and state Governments are responsible for the fixing of minimum wages in respect of scheduled employments.

The obligations of the central and state Governments to ensure the application of the equal remuneration principle is confined, under the Constitution, to workers employed in government service and in employments covered by the Minimum Wages Act.

In government service the same salaries are paid to men and women doing identical work.

The Minimum Wages Act does not specifically lay down that wages paid to male and female workers should be equal. However, the Minimum Wages Central Advisory Board recommended in 1954 that—

(a) the principle of equal pay should be complied with ;

(b) where wages were paid on a piece-rate basis, the rates should be equal for men and women ;

(c) in respect of time-rates, also, the rates should be equal for identical jobs ;

(d) it would be permissible to fix differential rates when the output was demonstrably unequal.

Following ratification of the Convention, state governments, union territories and Ministries had taken action to eliminate disparities between the minimum wages of men and women workers for work of equal value, subject to the proviso that wherever output of male and female workers was demonstrably unequal the existing disparities in rates of wages could be allowed to remain. Moreover, efforts are being made to narrow down differences, wherever it is possible to do so without harming the interests of women workers.

In employments where there is no direct government control over wage fixing, wages are determined either : (1) by collective agreements or settlements through the intervention of conciliation officers ; or (2) by decisions and awards of labour courts or industrial tribunals.

Collective bargaining is in its infancy, and wages are more commonly determined through adjudication by industrial tribunals. The attention of these bodies has been repeatedly drawn to the principle of equal remuneration.

New wage-fixing machinery in the form of tripartite wage boards has recently been established in the textile, cement and sugar industries. The wage boards for the textile and cement industries have recommended equal wages for men and women, and the Convention has been brought to the notice of the wage board for the sugar industry, which has yet to issue its report.

Article 3. On the recommendation of the Committee on Conventions the central and state Governments and some of the union territories have designated an officer to investigate, on the basis of job appraisal, complaints concerning violations of the principle of equal remuneration. Jobs in the Damador Valley Corporation, which is under the Ministry of Irrigation and Power, have been objectively evalued and classified into different categories on the basis of the workload and degree of skill required to perform a job. Appointments to each category are open to men and women workers on the basis of merit and relative suitability, without any discrimination whatsoever on the grounds of sex.

In certain cases differential rates of wages based on sex have been allowed to remain, for example in certain undertakings coming under the central Government, certain employments in Andhra Pradesh, Madhya Pradesh, Mysore and West Bengal, the tea industry in Assam, Punjab and Tripura, certain kinds of employment in plantations in Kerala, unskilled employment in building road construction, stone-breaking and stone-crushing in Delhi and Orissa, and 11 employments in the Vidarbha and six employments in the Marathwada regions of the newly formed state of Maharasthara. In some of these cases rates have been fixed on the recommendation of the technical committees appointed by the appropriate governments to advise them regarding wage fixing. A copy of the findings of the Departmental Committee appointed by the Central Public Works Department to inquire into the implementation of the Convention is appended to the report.

The main consideration weighing with the wage-fixing authorities in permitting differential rates of wages in these instances has been either lower output of women, difference of work done or the fact that women were often assigned to lighter types of work. The governments of Andhra Pradesh and Punjab and some Ministries of the central Government felt that insistence on equal wages in such cases is likely to harm the interests of woman workers since it might reduce their employment opportunities. Some state governments, e.g. Kerala, Madras, have, however, tried to overcome this difficulty by classifying workers and fixing wages for each

grade. Workers have to be classified by their employers according to physical capacity, skill, efficiency and output of work and may appeal to the authorities competent in claims in accordance with section 20 of the Minimum Wage Act.

Article 4. Employers, workers and other parties concerned are represented on the committees and subcommittees appointed under the Minimum Wage Act. Government proposals are published in the Official Gazette, for public comment.

Indonesia (First Report).

Articles 1 and 2 of the Convention. The principle of the Convention is applied by collective agreements between employers and workers. By way of illustration, a copy of the agreement concluded between the NV Standard-Vacuum Petroleum Maatschappij and four trade unions is appended to the report.

Rates of remuneration are determined by free negotiations between the parties. If the negotiations come to a deadlock, one of the parties concerned may invoke the decision of the regional board for the settlement of labour disputes.

Article 3. Some undertakings (banking) have made a beginning with job evaluation and job description.

Application of the Convention is entrusted to the Labour Relations Service, which receives copies of collective agreements concluded.

Italy.

In reply to the observations of the Committee of Experts the Government states that marked progress has been made in the achieving of equal wages for men and women through the conclusion of the Interconfederation Agreement of 16 July 1960. The purpose of this agreement is the establishment of a single classification of workers eliminating all distinctions based on sex, and taking into consideration only the duties actually performed. It follows the same lines as the agreements concerning the textile industry concluded on 15 February 1960. The categories formerly reserved for women are now purely and simply embodied in certain of the new categories which have been introduced, generally chosen from among the lowest.

The Italian General Confederation of Labour (C.G.I.L.), while expressing satisfaction at the progress made, questions whether equal remuneration for men and women workers is really an accomplished fact as from now. It comments unfavourably on the reclassifying of jobs for women under the new classification, and emphasises the practical difficulties in the implementation of the agreement.

Philippines.

In reply to a request by the Committee of Experts the Government states that Act of the Republic No. 2714 of 1960 provided for the creation of a Bureau of Women and Minors in the Department of Labour. The Bureau is now being organised and a programme of activities is being prepared. No decision regarding possible creation of wage boards under the Minimum Wage Law in respect of industries employing many women has been reached, the tendency being towards utilising collective agreements as a means of wage determination in industrial establishments. Measures to secure the application of the equal pay principle to workers engaged on the execution of public contracts will be adopted.

A copy of the report on the equal pay survey in the communications industry has been supplied with the Government's report.

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

Czechoslovakia, Dominican Republic, Rumania.

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

Argentina, Byelorussia, Bulgaria, Mexico, U.S.S.R., United Arab Republic (Syria)

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
Morocco	14.10.1960
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
Syria	26. 7.1960
United Kingdom	25. 6.1956
Uruguay	18. 3.1954
Yugoslavia	30. 4.1955

Brazil (First Report).

Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*Diário Oficial*, Vol. LXXXII, 9 Aug. 1943, No. 184, p. 11937) (*L.S.* 1943—Braz. 1).

The Government refers to its reports on Convention No. 52 and indicates that the legislation concerning annual holidays with pay is applicable equally to workers in both urban and rural areas (section 129 of the above-mentioned Legislative Decree).

Section 146 of the Legislative Decree provides for penalties in case of contraventions and lays down that the application of the relevant legislation is to be ensured by the National Labour Department in the Federal District and by the regional directorates of the Labour Inspectorate in the states. Supervision is also ensured by the inspectors of social welfare institutions. Disputes concerning the application of the legislation are referred to the labour courts (article 123 of the Constitution and section 643 of the Legislative Decree). Appeals may be made to the Federal Supreme Court.

Netherlands (First Report).

Collective Agreements Act of 24 December 1927 (*Staatsblad (St.B.)*, 1927, No. 415) (*L.S.* 1927—Neth. 2).

Act of 25 May 1937 to provide for the declaration of provisions of collective agreements as generally binding or as not binding (*St.B.*, 1937, No. 801) (*L.S.* 1937—Neth. 3).

Decree of 5 October 1945 to issue the Extraordinary (Employment Relations) Decree, 1945 (*St.B.*, 1945, No. F.214) (*L.S.* 1945—Neth. 1).

Regulations governing wages and conditions of work in agriculture, as amended up to 1959.

Article 2 of the Convention. Annual holidays with pay are granted to agricultural workers by collective agreements and binding regulations governing wages and conditions of work in agriculture (sections 51-52).

The Board of Government Conciliators approves collective agreements in accordance with the above-mentioned Decree of 1945. At the request of employers' and workers' organisations, the Board issues regulations on holidays applying to employers and workers not affiliated to one of the contracting organisations. Before taking a decision establishing binding regulations, it consults the Institute of Labour, the Economic Organisation for Agriculture *(Landbouwschap)*, and employers' and workers' organisations.

Article 3. Adult workers employed in agriculture receive an annual holiday with pay of 13 to 15 days. If the period of continuous service is less than one year, the holiday with pay is reduced in due proportion.

Article 4. The scope of collective agreements and regulations covers agriculture in a large sense; arable and pasture farming, cattle and poultry rearing, floriculture, bulb-growing, arboriculture, forestry, technical operations in connection with cultivation, threshing enterprises, herboriculture, osierculture, gardening, rose-growing, enterprises operating agricultural and horticultural machines, horticulture, exploitation of ferruginous grounds and exploitation of installations for sorting potatoes. Managers of undertakings, children of 14 to 16 years of age who work during their school holidays, and women who have worked less than 24 days for the same employer during the last three months are excluded from the application of the provisions respecting holidays with pay.

Article 5. Collective agreements and regulations provide for additional holidays with pay in the case of young workers below the age of 18 years, employed in bulb-growing, floriculture, arboriculture, gardening and seed-growing. As a rule, no provision is made for an increase in the duration of holidays with pay based on length of service. Public holidays, Sundays and Saturday afternoons are excluded from the annual holidays with pay. Temporary interruptions of attendance at work due to such causes as sickness or accident do not affect the duration of annual holidays with pay.

Article 6. Under collective agreements and regulations, part of the annual holiday (from six to nine days) may be divided; the rest must be taken at the one time.

Article 7. Remuneration in respect of holidays is governed by collective agreements and regulations. The permanent worker maintains his right to remuneration during the holiday period and receives the cash equivalent of benefits in kind. In addition, he is entitled to a sum amounting to two weeks' pay.

Workers other than permanent workers are not entitled to remuneration during the holiday period; however, the employer must supply holiday stamps which may be cashed when holidays are taken.

Article 8. According to the Collective Agreements Act, 1927 (section 12), any stipulation between an employer and an employee contrary to the provisions of a collective agreement by which both are bound shall be null and void; the provisions of the collective agreement shall apply instead of such stipulation.

Article 9. Collective agreements and regulations provide that the permanent worker may only be dismissed as from one particular day of the year and with three months' notice. When the employment terminates before the holidays have been taken, the permanent worker is entitled to holiday remuneration in respect of the outstanding days.

Article 10. Supervision of the application of collective agreements and regulations is co-ordinated by the Director-General of Labour and carried out by the General Inspection Service of the Ministry of Agriculture and Fishing, the services of the Ministry of Social Affairs and Public Hygiene, and the local social commissions of the Economic Organisation for Agriculture.

The report contains statistical data on the various sectors of agriculture.

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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, Poland.

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

Hungary, Israel.

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
Iceland [4]	20. 2.1961
Israel [5]	16.12.1955
Italy [6]	8. 6.1956
Norway [7]	30. 9.1954
Sweden [8]	12. 8.1953
United Kingdom [9]	27. 4.1954
Yugoslavia [10]	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, VII and IX.
[5] Has accepted the provisions of Parts V, VI and X.
[6] Has accepted the provisions of Parts V, VII and VIII.
[7] Has accepted the provisions of Parts II to VII.
[8] Has accepted the provisions of Parts IV, VI and VII.
[9] Has accepted the provisions of Parts II to V, VII and X.
[10] Has accepted the provisions of Parts II to VI, VIII and X.

Denmark.

PART IV. UNEMPLOYMENT BENEFIT

Act No. 159 of 13 April 1960 and Act No. 202 of 18 May 1960 to amend the Employment Exchanges and Unemployment Insurance Act No. 179 of 23 June 1932.

PART VI. EMPLOYMENT INJURY BENEFIT

Act No. 183 of 20 May 1933 respecting insurance against the consequences of accidents, as amended (*L.S.* 1948—Den. 1 and 1949—Den. 1), as notified by Notification No. 142 of 8 May 1959.

PART II. MEDICAL CARE

Article 9 of the Convention. In reply to a request by the Committee of Experts for information regarding data to be supplied in accordance with Article 6 of the Convention the report gives the following information. The total number of persons whose earnings are less than those of the standard beneficiary mentioned in Article 65 has been estimated at 2,350,000. The total number of these persons who are insured as active members is not available. However, a statistical survey made in 1957 shows that 82 per cent. of the population over the age of 15 satisfied the financial conditions governing active membership of the insurance. Even if the income level for active membership of the sickness insurance scheme is somewhat higher than that provided for in Article 65 of the Convention, it follows that only a small proportion of the persons whose income falls below the rate mentioned in Article 65 is outside the sickness insurance.

Article 10. In reply to a request for information regarding prenatal care, the Government has furnished the text of the Pregnancy Hygiene Act No. 472 of 1 October 1945, as amended by Act No. 182 of 20 May 1952, according to which a pregnant woman is entitled to up to three free prenatal health examinations by a doctor and up to seven free examinations by a midwife. The latter examinations may, if circumstances require it, be made by a doctor according to rules laid down by the Ministry.

In reply to a request for information the report states that the provisions of sections 27 (2) to (5) of the National Insurance Act, which provide for a certain degree of cost-sharing by the members in case of financial difficulties of the sickness fund concerned, have not been invoked for a great number of years; should they be applied, however, this would not give rise to any unforeseen contingency, as the National Assistance Act No. 181 of 20 May 1933 provides for the local authority, in cases of need, to pay the cost of medical care in connection with confinement and illness.

PART IV. UNEMPLOYMENT BENEFIT

Article 21. In reply to a request for information regarding the extent to which officials of the State and of the local authorities can be included among the persons protected, the report states that the rules in this respect governing civil servants are laid down in Act No. 154 of 7 June 1958 concerning salaries and pensions of state officials, as amended by Act No. 80 of 21 March 1959. The rules applying to local government officers, which are quite similar to those applying to civil servants, are laid down in the regulations of each local authority. As regards civil servants, the report states that section 59 of the above-mentioned Act provides for an allowance at a rate of two-thirds of the previous salary to be paid for a period of five years in case of abolition of post. On the expiration of the five-year period the civil servant is entitled to a retirement pension if no alternative employment can be offered to him.

In reply to a request for information regarding data to be supplied in accordance with Article 6 of the Convention the report gives the following information. The total number of persons whose earnings are less or equal to the wage of the skilled manual male employee computed in accordance with the provisions of Article 65 is estimated at 2,350,000. The number of persons insured with the unemployment funds was 769,200 on 31 December 1958 and the number of civil servants, etc., was 145,600 on 31 December 1959, making a total of 914,800. The report adds that it should be noted that except for a small number of high-ranking officials, virtually all of the protected persons concerned have an income not exceeding the earnings of skilled workers.

Article 22. In reply to a request for information as to whether the Government intends to

prescribe minimum rates at least equal to the minimum laid down in the Convention, the report states that by Act No. 159 of 13 April 1960, which came into force on 1 April 1960, substantial increases were made in the maximum rate (from 14 to 17 crowns) which have resulted in a corresponding increase in the benefit rates payable by the unemployment insurance funds. Accordingly, the Government considers it unnecessary at the present time to prescribe any minimum rates of benefit.

Article 24. In reply to an observation made by the Committee of Experts the report states that the previous provision that the waiting period might be extended to 15 days has been repealed by Act No. 159 of 13 April 1960, the waiting period being now six days in all cases.

Part V. Old-Age Benefit

Articles 27 and 28. In reply to a direct request by the Committee of Experts the Government states that the term "all residents" in subparagraph *(c)* has no relevance to the particular problem concerning treatment of non-nationals, which is dealt with in Article 68.

Part VI. Employment Injury Benefit

Article 32. The right to medical benefit is not conditional upon any reduction of the earning capacity, whereas payment of daily cash benefit is subject to the condition that, owing to his injury, the insured person is unable to resume his work to essentially the same extent as before. Employment injury benefit is payable in the event of the earning capacity being reduced by 5 per cent. or more.

A widow may claim benefit in consequence of loss of her breadwinner, irrespective of whether she is capable of self-support or not.

Article 33. The Accident Insurance Act covers all workers and employees.

Article 34. The report states that an insured person is entitled to medical care to the extent stated in paragraph 2 of this Article. As a rule the benefit will be granted in the form of free medical attention, hospital treatment, etc., by the sickness insurance funds. To the extent to which the sickness insurance fund is not required to meet the cost, the accident insurance pays all expenses involved by medical care and rehabilitation. As the great majority of workers and employees are covered by the public sickness insurance, the benefits will normally be paid directly by the particular fund. In the relatively few cases where the expenses are paid by accident insurance, the benefit is either paid directly or reimbursed in full by the insurance. Rehabilitation is provided at approved rehabilitation centres subject to medical supervision.

Article 35. The Rehabilitation Act, No. 170 of 29 April 1960, which came into force on 1 October 1960, provides for the establishment of local rehabilitation offices which are notified by public authorities, hospitals, etc. of cases calling for rehabilitation services. The offices co-operate closely with the public employment exchanges and vocational guidance services, including the sections for disabled persons.

Article 36. Benefits are calculated in accordance with the provisions of Article 65.

As a typical skilled manual male employee a mechanic in the mechanical engineering industry has been selected. On the basis of the quarterly statements of the average hourly earnings (including holiday pay and all supplements, except overtime payment) an average hourly wage has been computed for the period 1 April 1959 to 31 March 1960, the annual wage being calculated on the assumption of full employment (2,182 hours for the period in question). The annual wage thus calculated for Copenhagen was 16,190 crowns.

The amount of benefit for temporary incapacity was 8,110 crowns a year whereas family allowances payable during employment amounted to 240 crowns a year and family allowances payable during the contingency amounted to 380 crowns a year. The percentage of benefits to standard wage was consequently 51.6. There is no special method of calculation of daily cash benefits for women under the Accident Insurance Act.

The rate of benefit for the above-mentioned worker in case of total loss of earning capacity was 6,667 crowns a year under the Accident Insurance Act, whereas a pension of 3,300 crowns a year was payable under the disability pension legislation, making a total of 9,967 crowns. In addition, children's supplements payable together with the disability pension amounted to 1,703 crowns a year and the family allowances under special legislation amounted to 330 crowns making a total of 2,033 crowns a year. The percentage of benefit to standard wage was consequently 73.

In the case of death of the breadwinner survivors' pensions are payable under the Accident Insurance Act at a rate of 3,000 crowns a year in respect of the widow and 2,000 crowns a year in respect of two children of the above-mentioned worker. In addition, allowances payable in respect of children of widows and widowers amounted to 1,968 crowns, and family allowances under special legislation amounted to 380 crowns a year, making a total amount of benefit of 7,348 crowns a year. The percentage of benefit to standard wage was consequently 44.7.

The report states that each change of about 3½ per cent. of the cost-of-living index will automatically involve a corresponding increase of benefits. This adjustment of benefit is made once a year.

In the event of partial loss of earning capacity, the benefit is equal to a corresponding fraction of that payable in the event of total loss of earning capacity.

Where the incapacity is assessed at less than 50 per cent., the benefit is normally commuted to a lump sum. Where the incapacity is assessed at 50 per cent. or more, the benefit or part of it, may be commuted to a lump sum, subject to the condition that, in the opinion of the supervisory authority, such commutation will improve the occupational or financial conditions of the beneficiary.

Article 37. The report states that all persons employed in the country are protected against industrial accidents and occupational diseases. A widow and her children may draw

benefits under the Accident Insurance Act without any conditions as to residence. Payment of benefit to survivors resident abroad, however, is subject to the condition that the beneficiary is a Danish national or that the victim of the accident was a Danish national or the national of a State in which Danish nationals receive equal treatment with the nationals of the country concerned in regard to benefits under the corresponding legislation. Nationals of States which, like Denmark, have ratified the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), or nationals of States with which Denmark has concluded bilateral agreements on social security, receive equal treatment with Danish nationals in this respect.

Article 38. The benefits specified in Articles 34 and 36 are paid throughout the contingency. The daily cash benefit is payable as from the fourth day of the accident. However, if the incapacity for work continues for a minimum of ten days, the daily cash benefit is payable as from the first day of the accident.

If the injured person has drawn national assistance or received daily cash benefit from a sickness insurance fund for any period in respect of which daily cash benefit is subsequently granted under the accident insurance scheme, a corresponding proportion of the cash benefit paid under this scheme may be used for repayment of the allowance under the National Assistance Act or of the daily cash benefit paid by the sickness insurance fund, while the balance is paid to the injured person. If an employer pays full wages to the injured person, he is entitled to receive the daily cash benefit granted to the beneficiary. If the amount of daily cash benefit exceeds the wages, the injured person may claim the amount in excess. Where a beneficiary is placed in an institution recognised under the National Assistance Act and his stay in that institution extends beyond the month of admittance and the next following month, the benefit is used for payment of the cost of maintenance in the institution concerned, the balance, if any, being paid to the beneficiary. However, if he has dependants the benefits are, in cases of need, devoted primarily to meet his family responsibilities. Similar rules apply if the beneficiary is serving a sentence of imprisonment. If a beneficiary has obtained benefit improperly, the amount wrongfully received must be repaid.

Part IX. Invalidity Benefit

Article 56. In reply to a request for information the text of Act No. 77 of 21 March 1959 to make provisions for children's allowances was submitted with the report.

Part XII. Equality of Treatment of Non-National Residents

Article 68. In reply to a request for information the Government refers to the preparatory work for the Convention and points out that the fact that the Conference Committee succeeded in reaching agreement on paragraph 1 of Article 68, was, in the opinion of the Danish Government, because it was left to the individual ratifying State to lay down the detailed rules governing the right of non-nationals to the benefits concerned. The " special rules " in Denmark are prescribed by a legal provision to the effect that non-nationals shall be entitled to the benefits concerned on the conditions laid down in agreements with the State in question. If paragraph 2 of Article 68 makes equality of treatment under contributory social security schemes subject to the existence of a bilateral or multilateral agreement, such reservation is even more justified in regard to the benefits referred to in paragraph 1 of the Article. As against the argument that the right to the benefits under the " special rules " should be established by law, such arrangement would have not much practical importance to the persons concerned because, in that case, it would be based on a period of residence exceeding what is usually prescribed in the reciprocal agreements, where it has been possible to determine the length of the period of residence having regard to the pension conditions of the country with which an agreement is concluded. Any term of years prescribed by law would probably be of such length as to be of no practical interest to foreigners resident in Denmark, who by that time would generally be eligible for Danish citizenship through naturalisation, thus qualifying for disability and old-age pensions by virtue of the special Danish scheme.

Part XIII. Common Provisions

Article 69. In reply to a request for information the report states that the provisions of section 17 of the Unemployment Insurance Act are only applied in cases of wilful misconduct. The provisions of paragraph 1 of section 38 of the National Insurance Act have been amended with effect from 1 April 1961 to the extent that extravagant utilisation of financial means no longer results in forfeiture of any right to a pension, but has only the effect that the amount of the pension may be assessed as if the means were intact. As regards paragraphs 3 and 4 of the National Insurance Act the report states that the provisions of these paragraphs have been repealed as from 1 April 1961.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

For legislation see previous summaries and the following.

Part VIII. Maternity Benefit

Act of 11 June 1954 respecting workers' protection generally (*L.S.* 1954—Den. 1).

Part X. Survivors' Benefit

Act No. 70 of 13 March 1959 respecting pensions and assistance to widows (*Lovtidende A*, 1959, No. VI, p. 443).

Part III. Sickness Benefit

The National Insurance Act provides for the payment of daily benefits to members of health insurance schemes. Insurance is voluntary. About 2,900,000 persons are active members of health insurance schemes.

Benefits are paid after a minimum of six

weeks' membership in cases where income has been lost because of sickness. Benefits are paid for 26 weeks per year. The daily allowance is at least 40 øre or at most 6 crowns according to the amount selected by the beneficiary on becoming a member of the scheme. No beneficiary may receive more than four-fifths of his average daily salary. Benefits are withheld or reduced if the beneficiary receives other benefits or wages during his illness.

Moreover, there are also sick leave provisions in the collective agreements drawn up under the Act of 13 April 1956. About 370,000 persons are covered by these provisions. In order to receive benefit the claimant must have been paid for 45 hours at least by the same employer during the six weeks preceding the illness. Benefits are paid for 13 weeks per year. They amount to 14 crowns a day for men and 9 a day for women. Benefits are not paid for the first six days of the illness; they may not exceed 80 per cent. of the daily wage.

Part III of the Convention was not accepted because of the fact that the periodical payments do not correspond to the required sum.

Part VII. Family Benefit

Danish law does not provide for the payment of family benefits in accordance with the aims of the Convention. However, Chapter XV of the National Assistance Act provides allowances for illegitimate children and the children of divorced or separated parents. The public authorities, under certain conditions laid down by the law, will, in certain instances, pay to the father or mother an allowance adjusted to the standard of living of the parties concerned.

Part VIII. Maternity Benefit

The National Insurance Act provides for payment of daily maternity benefits. Two special provisions of the Act are applicable to women working in factories, etc. not covered by the Act of 11 June 1954 concerning protection of workers.

About 1,300,000 women are active members of sickness insurance schemes and slightly over 150,000 are employed in undertakings covered by the Act of 11 June 1954.

Members of sickness insurance schemes enjoy free medical care and a daily cash allowance varying from 40 øre to 6 crowns, which is paid during the first fortnight following the birth of the child. For women employed in undertakings covered by the Act of 11 June 1954 a daily allowance is paid for the eight weeks preceding birth and four weeks following birth. It amounts to 7.90 crowns in Copenhagen, 7.55 in provincial towns and 6.90 in rural areas. The qualifying period is ten months.

Part VIII could not be accepted because of the fact that the level of periodical payments does not conform to the Convention.

Part X. Survivors' Benefit

In principle, all women and children are insured against the death of the family breadwinner. Moreover, widows and widowers may, under certain circumstances, receive a maintenance and education allowance for dependent children.

In order to receive a full pension, widows must be at least 55 years old and not have an income above a fixed maximum.

A full annual pension is 3,732 crowns in Copenhagen, 3,612 in other cities and 3,372 in rural areas. A supplementary allowance is added to these pensions for each child. The supplementary allowance is 996 crowns for Copenhagen, 876 for provincial towns and 744 for rural areas. Other sums have also been set aside as aid to widows and for the maintenance of children.

Survivors' pensions meet with the requirements of the Convention. However, it is not possible to accept Part X because of the regulations governing the granting of benefits (the age limit in particular).

Part XIII. Common Provisions

As regards maternity benefits and the medical care given under the national insurance scheme, applicants may appeal to the director of the sickness insurance service and to the Minister of Social Affairs. For questions arising from the allowances paid under the sick leave provisions of collective agreements, appeal may be made to a board composed of workers' and employers' representatives from three existing health schemes.

In respect of survivors' benefits, which are granted through the local authorities, a request must be submitted first to the district authorities and then to the Minister of Social Affairs.

Sickness and maternity insurance schemes are financed jointly by the State and by members. The health insurance schemes of individual undertakings are financed out of the contributions of employers and workers.

Survivors' benefits are financed by the State and, in certain instances, the cost is borne by central and local authorities.

At present no consideration is being given to measures designed to meet those provisions of Convention No. 102 which are still lacking in Danish legislation.

Federal Republic of Germany (First Report).

Federal Insurance Code of 19 July 1911, last revised on 15 December 1924 (*Reichsgesetzblatt (RGBl.)*, Part I, p. 779) (*L.S.* 1924—Ger. 10 and 1926—Ger. 1); subsequent extensive amendments, including the Act of 23 February 1957 to reorganise the system of wage earners' pension insurance (*Bundesgesetzblatt (BGBl.)*, Part I, p. 45) (*L.S.* 1957—Ger. F.R. 1 A).

Act of 16 July 1927 respecting placement and unemployment insurance, last revised on 3 April 1957 (*BGBl.*, Part I, p. 321) (*L.S.* 1957—Ger. F.R. 3); amended and supplemented on 27 July 1957 (*BGBl.*, Part I, p. 1069) and on 7 December 1959 (*BGBl.*, Part I, p. 705) (*L.S.* 1959—Ger. F.R. 1).

Act of 13 November 1954 respecting the grant of family allowances and the establishment of family equalisation funds (*BGBl.*, Part I, p. 333) (*L.S.* 1954—Ger. F.R. 1) and Act of 23 December 1955 supplementing the above (*BGBl.*, Part I, p. 841), amended and supplemented on 27 July 1957 (*BGBl.*, Part I, p. 1061) and on 16 March 1959 (*BGBl.*, Part I, p. 153).

Salaried Employees' Insurance Act of 20 December 1911, last revised on 28 May 1924 (*RGBl.*, Part I, p. 563) (*L.S.* 1924—Ger. 6); subsequent extensive amendments including the Act of 23 February 1957 to reorganise the system of salaried employees' pension insurance (*BGBl.*, Part I, p. 88) (*L.S.* 1957—Ger. F.R. 1 B).

Federal Miners' Benefit Societies Act of 23 June 1923, last revised on 1 July 1926 (*RGBl.*, Part I, p. 369) (*L.S.* 1926—Ger. 5); subsequent extensive amendments including the Act of 21 May 1957 to amend the provisions governing pension insurance for miners (*BGBl.*, Part I, p. 533).

Act of 25 February 1960 respecting the reorganisation of pensions for non-nationals and pensions paid abroad (*BGBl.*, Part I, p. 93).

Third, Fourth and Fifth Ordinances of the Federal Minister of Labour to extend accident insurance to occupational diseases, of 16 December 1936 (*RGBl.*, Part I, p. 1117) (*L.S.* 1936—Ger. 3), 29 January 1943 (*RGBl.*, Part I, p. 85) (*L.S.* 1943—Ger. 2) and of 26 July 1952 (*BGBl.*, Part I, p. 395) (*L.S.* 1952—Ger. F.R. 5).

Act of 24 January 1952 for the protection of working mothers (*BGBl.*, Part I, p. 69) (*L.S.* 1952—Ger. F.R. 2).

Act of 22 February 1951 to provide for the autonomy of the social insurance system and to amend the provisions in the field of social insurance (*BGBl.*, Part I, p. 124), as amended.

Act of 10 March 1952 respecting the establishment of a Federal Institution for Placement and Unemployment Insurance (*BGBl.*, Part I, p. 123) (*L.S.* 1952—Ger. F.R. 3).

Act of 7 August 1953 respecting the establishment of a Federal Institution for Employees' Insurance (*BGBl.*, Part I, p. 837).

Social Courts Act of 3 September 1953, amended text of 23 August 1958 (*BGBl.*, Part I, p. 613), as futher amended.

Article 2 of the Convention. The Federal Republic of Germany has accepted the obligations of the Convention in respect of all its Parts.

Part II. Medical Care

Article 9. Subparagraph *(a)* is applied. Persons protected comprise all wage and salary earning employees whose normal annual earnings do not exceed 7,920 marks. The situation as at 30 June 1958 was as follows:

Number of employees protected (Sickness Funds statistics)	16,877,000
Total number of employees (Labour Offices statistics)	18,822,000
Percentage of persons protected . . .	90

The above figures do not include Saarland, nor do they cover seamen, members of the armed forces, the unemployed, the 1,173,000 civil servants, and pensioners.

Dependent wives and children have the right to benefit in accordance with Article 10.

Article 10. In case of sickness, benefit includes: general practitioner care, including domiciliary visiting; specialist care; essential pharmaceutical supplies, including corrective lenses, hernia belts and other minor therapeutic appliances; hospital care. In case of pregnancy and confinement, there is provision for care by physicians or certified midwives and care in hospitals or maternity homes, if necessary.

The insured person shares in the cost of each medical prescription to the extent of 0.50 mark (on condition that the total cost is not less); many persons—such as disabled ex-servicemen and persons incapacitated for work for more than ten days—are exempt from this payment. In case of pregnancy and confinement, cost-sharing is not required.

Federal boards of medical and qualified dental practitioners and the Sickness Funds determine the standards necessary to ensure the adequate, appropriate and economic care of the sick.

Article 11. The right to benefit in case of sickness is acquired on admission to employment covered by insurance, without any qualifying period. As regards the right to benefit in case of pregnancy and confinement, a minimum period of insurance of ten out of the 24 months preceding confinement, including not less than six in the last 12 months, is required.

Article 12. There is no limit of time to medical care by general practitioners and specialists nor to the supply of pharmaceutical products. The maximum duration of hospital care is limited, in principle, to 26 weeks. However, the statutes of the Sickness Funds may provide for a prolongation of this maximum within given limits, or (in a few Länder) for its curtailment. Notwithstanding, the insurance carrier may prolong hospital care beyond the set limits, if there is reasonable expectation that the sick person will recover his capacity to work within a foreseeable time.

The benefit described in the first paragraph under Article 10 is suspended: *(a)* while the beneficiary is abroad without the consent of the insurance carrier, or, in the case of a non-national, if he is expelled from the country in virtue of a penal sentence; *(b)* while the beneficiary is in prison, in a penal establishment for short sentences or a reformatory, or in a similar public institution. Benefits due to dependants resident in the country are not affected.

Part III. Sickness Benefit

Article 15. Subparagraph *(a)* is applied (see above, Article 9).

Article 16. The daily cash benefit for an insured person without dependants is the equivalent of 65 per cent. of basic wage, for the first six weeks, with an increase of 4 per cent. of the basic wage for the first dependent member of the family and 3 per cent. for each additional dependant; from the seventh week the minimum benefit is 50 per cent. of the basic wage. The basic wage is the portion of the wage corresponding to one calendar day, but not more than 22 marks of such portion is taken into account (in application of Article 65, paragraph 3).

Article 65, paragraph 6, subparagraph *(b)*, is applied. The skilled manual male employee is chosen from the branch of the iron and steel industry engaged in the manufacture of machinery, metal apparatus and appliances, which is the economic activity with the largest male labour force.

The total monthly earnings of skilled manual male employees of this branch are divided by the number of workers concerned; the average thus obtained, multiplied by 12, gives the annual average earnings which, in turn, is divided by 52.18 to give the average per week, which is calculated as corresponding to 45 hours of work (standard wage). The basic wage is

calculated practically according to the same rules (except for the upper limit of 22 marks) as those applied to the calculation of the standard wage.

The average wage thus obtained for the whole of the Federal Republic is 117.32 marks per week.

The skilled manual male employee, as defined above, with a wife and two children, received in August 1958 (in accordance with the minimum rates in force for Sickness Funds, supplements for dependants excluded), a minimum sickness allowance of 76.25 marks per week for the first six weeks of incapacity and 58.66 marks thereafter.

The same employee, with a wife and two children, received 11.73 marks per week as family allowances, for the first six weeks of incapacity.

Sickness benefit in relation to the standard wage :

Skilled manual male employee, with a wife and two children :	
Percentage of standard wage for the first six weeks of incapacity	75
Thereafter	50
Female employee, single, without children (receiving the same earnings) :	
Percentage of the standard wage for the first six weeks of incapacity.	65
Thereafter	50

Article 17. There is no qualifying period for this benefit.

Article 18. Benefit is granted from the third day of incapacity but if the incapacity lasts more than two weeks or is due to employment injury, benefit is due from the first day. The maximum duration is, in principle, 26 weeks ; however, the statutes of the Sickness Fund concerned may extend it to 52 weeks. In certain conditions, benefit may also be prolonged in individual cases.

The right to benefit is suspended in the cases already described under Article 12 and also : while the worker is paid his normal wages ; as long as the incapacity has not been notified to the Sickness Fund ; when the sickness has been brought about deliberately or by involvement of his own fault in a brawl (the inclusion of this last condition in the statutes of Funds is optional) ; or when the person concerned has caused prejudice to the insurance carrier by committing a crime or by serious misconduct.

Furthermore, benefit is suspended during hospitalisation and, in its place, a house-keeping allowance *(Hausgeld)* is paid amounting to 25 per cent. of the benefit for an employee without dependants, to 66 2/3 per cent. for an employee with one dependant, and with an additional 10 per cent for each dependant thereafter, to a maximum of 100 per cent. of the benefit.

Part IV. Unemployment Benefit

Article 20. Only unemployed persons who have placed themselves at the disposal of the placement service, have completed the qualifying period and have notified their state of unemployment to the Labour Office, are entitled to unemployment benefit.

Article 21, subparagraph *(a)*, is applied. In principle, unemployment insurance is compulsory for : all wage earners irrespective of the amount of their annual earnings ; employees whose annual earnings do not exceed 15,000 marks ; and persons undergoing vocational training. In all cases, periods spent on military service or equivalent civilian service are included. The insurance is also compulsory for employees and persons undergoing vocational training who are resident in the Federal Republic, but are working abroad and return to their place of residence with a certain regularity (frontier workers) whenever an occupation comparable to that in which they are engaged is covered by insurance in the Federal Republic. This provision does not apply if such persons are covered by unemployment insurance under the legislation of the country in which they work.

Number of persons protected (Contribution statistics, end of August 1958) .	16,001,000
Total number of employees (Labour Offices statistics at 30 June 1958) .	18,822,000
Percentage of persons protected . . .	85

(See also above, Article 9.)

Article 22. Paragraph 3 of Article 65 of the Convention is applied ; in accordance with current dispositions the wage to be taken into consideration in the calculation of the basic wage may not exceed 25 marks per day (175 per week, 750 per month). The starting point is the earnings of a skilled manual male employee. These earnings are calculated on the basis of a 44-hour week and benefit is calculated on the same basis.

In conformity with the above and on the basis of the arithmetical average between the lowest earnings (Bavaria) and the highest (Baden-Wurtemberg) according to the current minimum wages, the weekly earnings are 89.76 marks. The benefit (39.30 marks per week) and the family allowances during the contingency (18 marks per week) together amount to 63.8 per cent. of earnings for the standard beneficiary.

Article 23. Eligibility for unemployment benefit is subject to the completion of a qualifying period of 26 weeks in insured employment in the two years preceding the notification of unemployment.

Article 24. The duration of benefit varies in relation to the preceding period of insured employment, between 13 weeks (for 26 weeks previous employment) and 52 weeks (for 156 weeks previous employment).

There is a waiting period of the first three days of unemployment (once for the whole duration of benefit if benefit does not exceed the prescribed limits) except in the case of an unemployed person with two or more dependants eligible for family allowances.

There are no special provisions for seasonal workers.

Eligibility for unemployment benefit is suspended while the person concerned is outside the territorial scope of the law or while he is in receipt of sickness or maternity benefit.

Unemployment benefit is not granted for a period of 24 days if the insured person abandoned his employment, without cause justifying such termination of the contract of work without notice and without cause justify-

ing his refusal of an offer of employment; or if he lost his employment owing to conduct justifying the employer in dismissing him without notice or if he forfeited his employment deliberately or by his own grave negligence.

Unemployment benefit *may* be withheld— *(a)* for a period of 24 days if the person concerned refuses, without a legally acceptable motive, to undergo a course of vocational training or advanced training or retraining for other work; *(b)* for part or all of its duration, if the unemployed person obstructs inquiries of the Federal Office of Labour; or if he fails to present the prescribed form to the employer for him to enter the incidental earnings acquired by work performed during receipt of benefit; or if he fails to notify a change which affects the amount of the benefit, in his own situation or in that of a member of his family for whom he receives family allowances; *(c)* for days in respect of which the person concerned neglects to observe the prescribed procedure.

Unemployment benefit may be withheld for 24 days if, without a legally acceptable motive, the unemployed person refuses employment offered him.

With respect to payment of benefit in case of unemployment arising from a labour dispute, the following provisions apply: (1) the grant of unemployment benefit must not constitute intervention in the labour dispute; (2) if the unemployment is due to a strike or lockout in the Federal Republic, all entitlement to benefit is suspended for the duration of the strike or lockout; (3) if the unemployment is due to an industrial dispute in one part of an establishment or to a lockout or strike of a particular group of workers employed in the establishment, or to an industrial dispute outside the establishment, occupational group, or place of employment or residence of the unemployed person, the employees not taking part in the dispute shall, if the other conditions are fulfilled, be granted unemployment benefit with the object of avoiding undue hardship.

Part V. Old-Age Benefit

(N.B. The report does not cover old-age insurance of civil servants.)

Article 26. Old-age benefit is granted, in general, from the age of 65. In certain conditions and under the mineworkers' insurance scheme it is granted from the age of 60; in other cases the benefit is suspended at the end of the month in which the beneficiary resumes pensionable employment.

Article 27, subparagraph *(a)*. All wage earners are covered independently of their earnings, as also are all employees whose annual earnings do not exceed 15,000 marks, except some sectors which are insured irrespective of earnings.

Number of persons protected as at 30 June 1958	17,822,000
Total number of workers as at 30 June 1958 (For source, see Article 9)	18,822,000 [1]
Percentage of persons protected	95

[1] According to the report, this figure includes 1,173,000 state employees and 480,000 unemployed.

Article 28. Article 65 of the Convention is applied. The annual old-age pension for each year of insurance credited is 1.5 per cent. of the " basis of calculation " in salary and wage earning employees' insurance and 2.5 per cent. for mineworkers' insurance (with increments for certain types of work underground). The individual " basis of calculation " amounts to the percentage of the general " basis of calculation " corresponding to the relation between the gross earnings of the insured person during the period covered and the average gross earnings for the appropriate sector (wage and salary-earning employees under general insurance and wage and salary-earning employees under mineworkers' insurance, as appropriate).

The general " basis of calculation " is the average gross earnings of the appropriate sector for the three calendar years preceding the year in which the risk materialises. The basis is fixed at 31 December of each year by the Federal Government.

Article 65, paragraph 3, is applied in that for purposes of determining the basis of calculation only gross earnings are taken into account up to the limit of insurable earnings, which is fixed annually.

With respect to the definition of the skilled manual male employee and the calculation of the average earnings, see Article 16.

The report shows the calculation of the old-age pension due to a worker retiring after 30 years' work from 1958 onwards (i.e. retiring in 1988), allowance being made for the probable trend of average gross earnings and the general basis of calculation between 1958 and 1988. The pension thus obtained would be, for its standard beneficiary, 6,813 marks per year, or some 41.2 per cent. of the wage of a standard skilled manual male employee (16,540 marks in 1988 immediately before payment of the pension begins). Under the same conditions, the female employee, single, without children, receives the same pension.

Current pensions are adjusted, by law, to the variations in the general basis of calculation with allowance for the trend of economic and production capacity and the variations in the national income per head of the economically active population.

Period	Cost-of-living index (1950=100)	Gross weekly wage index for the industrial worker (1950=100)
A. 1 February 1958	119	165
B. 1 February 1960	123	184
C. B as percentage of A.	103.4	111.5

Period	Average monthly benefit under the wage earners' pension insurance
A. 1 February 1958	159.70 marks
B. 1 February 1960	177.40 "
C. B as percentage of A	111.10

Article 29. The qualifying period for an old-age pension is, in general, 180 months of insurance (in mineworkers' insurance, when the

pension is payable as from the age of 60, this period is at least 300 months, not less than 180 of which must have been spent on specified tasks underground or a shorter time if such tasks had to be abandoned owing to a decline in fitness for work in the mines).

After 15 years of insurance, the old-age pension of the standard beneficiary is 22.5 per cent. of the appropriate basis of calculation.

Article 30. Payment of the old-age pension is suspended—*(a)* while the beneficiary, who is not a German citizen (within the meaning of article 116 of the Constitution, paragraph 1) and has not previously been a German citizen (within the meaning of article 116 of the Constitution, paragraph 2, first sentence), resides voluntarily and ordinarily outside the territory of the Federal Republic and West Berlin, or if he is the subject of a residence prohibition affecting those territories; *(b)* while the beneficiary who is, or has previously been, a German citizen resides ordinarily outside the territory of the Federal Republic and West Berlin, except when the old-age pension corresponds to the periods of insurance passed in the said territories or periods assimilated thereto in virtue of the provisions relating to payment of pensions abroad; *(c)* if the beneficiary is in receipt, at the same time, of a disability pension under compulsory accident insurance; but the old-age pension is suspended only in so far as the two benefits combined exceed a prescribed limit.

Part VI. Employment Injury Benefit

Article 32. Cash benefits in case of incapacity, within the meaning of Article 36 of the Convention, are in general payable only when the earning capacity is reduced by some 20 per cent. at least.

The widow's right to benefit is not made conditional on the presumption of her being incapable of self-support.

Article 33, subparagraph *(a)*. All employees are protected.

Number of employees protected . . .	18,882,000
Total number of employees	18,882,000
Percentage of persons protected . .	100

(See also under Article 9.)

Article 34. In case of a morbid condition due to employment injury, benefit comprises: general practitioner and specialist care; hospital care, in-patient or out-patient; dental care; care by nurses or, instead, payment of benefit of between 75 and 275 marks per month; free treatment and care in a sanatorium, and free maintenance in an appropriate medical establishment; provision of pharmaceutical products and other medical supplies including prosthetic and orthopaedic appliances and other auxiliary equipment, as necessary to ensure the success of the curative treatment or to minimise the consequences of the injury.

The beneficiary is not required to share the cost of the above-mentioned benefits.

The purpose of medical care, together with vocational assistance and the use of all appropriate means, is to eliminate the morbid condition and restore earning capacity, to forestall possible deterioration of the victim's condition and to enable him to return to working life with full capacity for work, if necessary in a new occupation. For this purpose insurance carriers have hospitals, or special wards in general hospitals, for victims of industrial injury.

Article 35. The accident insurance carrier provides for occupational assistance in co-operation with unemployment insurance institutions and other public and private bodies, and with the employers. Such assistance includes vocational training for the purpose of recovering or increasing earning capacity and assistance in finding new employment. For example the maintenance of the injured person is ensured by means of cash allowances during the period of vocational rehabilitation or while he settles in new employment.

Article 36. Article 65 is applied.

In case of temporary incapacity a benefit is paid in accordance with the provisions governing sickness benefit.

In case of total disability a pension is granted equal to the amount of two-thirds of the earnings received in the year preceding the accident; in case of partial disability, the corresponding proportion of the above-mentioned pension is granted. If the beneficiary's working capacity is reduced by one-half or more, he receives, in addition, one-tenth of the pension for each child.

Article 65 of the Convention, paragraph 3, is applied in that the annual insurable earnings are limited to 9,000 marks and the pension, together with family allowances, may not exceed the annual earnings.

In case of death resulting from an employment injury, the following benefits are granted:

(a) Funeral grant equal to one-fifteenth of the annual earnings but not less than 100 marks.

(b) A pension to the widow during her lifetime or until she remarries. The pension amounts to one-fifth of the annual earnings (two-fifths when the widow is over 45 years of age or when she has lost not less than one-half of her working capacity as a result of sickness or other disturbances in health). In the case of remarriage, the widow receives a lump sum of three-fifths of the annual earnings, instead of a pension.

(c) The widower, if in need, receives a pension to the amount of two-fifths of the annual earnings when, because of his loss of earning capacity, his wife was maintaining him entirely or for the most part from her earnings. The pension remains payable as long as the widower lives or until he remarries.

(d) A pension to each child of the victim, equal to the amount of one-fifth of the annual earnings, payable until the child reaches 18 years of age or 25 years in specified cases.

(e) Pensions for lineal ascendants whom the victim was maintaining substantially from his earnings, equal to the total amount of one-fifth of the annual earnings, payable throughout the duration of the need.

Article 65, paragraph 3, is applied in that annual earnings are limited to the 9,000 marks mentioned above and the pensions deriving from the same holder of rights may not exceed four-fifths of the annual earnings.

Annual earnings of 6,122 marks are taken as the basis for the standard skilled manual male employee (see under Article 16).

In case of temporary incapacity, the standard beneficiary receives the cash benefit mentioned in connection with Article 16.

In case of total loss of earning capacity, he receives a pension of 4,081 marks per year or 340 marks per month (not including children's allowances).

The 45-year old widow of the standard employee receives a pension of 204 marks per month, each of the two children, 102 marks; total for all survivors, 408 marks per month.

A female worker, single, without children, with the same earnings as the standard male employee, receives the same benefit as the male employee for temporary or permanent disability.

The standard employee with a wife and two children receives family allowances of 68 marks per month throughout the total (permanent) disability. Children receive an orphans' pension separate from the widow's pension.

Periodical payments in the case of invalidity and death of the breadwinner, represent 80 per cent. of the standard earnings (for standard beneficiaries).

Pensions for loss of earning capacity and survivors' benefits are adjusted, by law *ad hoc*, to increases in the general standard of living. The last adjustment dates from 27 July 1957; a new law is being prepared (see also Article 28).

In case of permanent partial disability, a pension is granted, the amount being proportional to the loss of earning capacity. Family benefit is payable only for a loss of earning capacity of 50 per cent. or more.

Periodical payments may be commuted to a lump sum in the following cases :

1. Benefit granted for a loss of not more than 10 per cent. of earning capacity may be commuted to a lump-sum payment of three times the annual benefit (not before two years have elapsed since the accident).

2. Benefit corresponding to a loss of over 10 per cent., but not more than 25 per cent., of earning capacity may be commuted, with the beneficiary's consent, into capital corresponding to the value of the benefit.

3. In case of a loss of over 25 per cent. of the earning capacity, a lump-sum payment of a large amount may be granted, at the beneficiary's request, solely for the purpose of acquiring real estate or improving the economic position of such estate. The proper use of the lump sum must be safeguarded by the form of payment or by measures preventing the early alienation of the real estate or of rights over it. The lump sum may represent the whole of the pension. if a loss of earning capacity is under 50 per cent. In other cases it may not exceed two-thirds.

Article 37. All employees sustaining an employment injury in the course of employment on the territory of the Federal Republic or West Berlin are entitled to benefits under Articles 34 and 36 of the Convention.

The same applies to survivors of employees whose death is due to such employment injury. For residence conditions see under Article 38 and Article 68.

Article 38. Benefit under Articles 34 and 36 of the Convention is granted throughout the contingency.

Sickness benefit for incapcity due to an employment injury is granted without a waiting period. Benefit is suspended or excluded in the cases covered by the corresponding subparagraphs of Article 69, as follows :

(a) Benefit is suspended while the beneficiary, who is a German citizen, is abroad and fails to notify the insurance carrier of his address, or omits, as injured beneficiary, to report, at the request of that carrier, periodically to the Consul concerned or any other German authority designated by that body, unless the beneficiary proves that such omissions are not due to his own fault. Benefit due to a non-national beneficiary are suspended while he is voluntarily and ordinarily abroad. Further, a foreigner's benefit is suspended while he is expelled from the territory of the Federal Republic by penal ruling.

(b) Benefit is suspended while a beneficiary serves a prison sentence for more than one month or is in safe custody. But if the beneficiary has members of his family living in the country, who in case of his death would have right to benefit, the pension is transferred to them in the amount of their entitlement.

(c) In general, benefit is not suspended in the cases covered in Article 69, subparagraph *(c)*. However, the benefit to which a beneficiary is entitled under the law on pensions for non-nationals is suspended to the extent of any benefit granted by an insurance carrier outside the Federal Republic in respect of the same contingency.

(d) When benefit is suspended, reimbursement may be required.

(e) Benefit may be withheld in part or in its entirety. However, the pension (part or full) may be transferred to a member of the family of the beneficiary resident in the Federal Republic if, in case of the beneficiary's death, such person would be entitled to a pension.

(f) The person concerned and the members of his family are not entitled to benefit if they brought about the injury intentionally.

(g) If the injured person, without legal or other just reason, fails to follow medical advice and if, in consequence, his earning capacity is unfavourably affected, benefit may be withheld partially or in its entirety provided his attention has been drawn to this consequence of his conduct.

Part VII. Family Benefit

Article 40. Family allowances are paid for the third and each subsequent child. The children eligible are : legitimate children, stepchildren living in the same household, legitim-

ised children, adopted children and wards, under 18 years of age. Benefit is granted up to 25 years of age for children continuing their vocational training or for those incapable of supporting themselves for reasons of physical disability.

Officials and salaried and wage-earning employees of the public services receive family allowances for every child fulfilling the above-mentioned conditions. However, the family allowances supplementing the legal benefits of the social security scheme and paid under the war victims' relief scheme and the scheme for the equalisation of family obligations, are also paid for each child.

Arlicle 41, subparagraph *(c)*. Persons protected comprise all residents fulfilling the conditions stated in respect of Article 40.

Family allowances are granted, in principle, independently of the income of the person concerned. Only in the unemployment insurance and assistance scheme, the war victims' relief scheme and the scheme for the equalisation of family obligations is income taken into account up to a certain limit ; however, at least 40 marks per month is paid for the third and each subsequent child.

Article 42, subparagraph *(a)*. The family allowance is, as a rule, 40 marks for each child considered. Officials and salaried and wage-earning employees of the public services receive 30 marks per month for each child under six, 35 marks for each child between six and 14 years and 40 marks for each child over 14 years of age. Under the scheme for the equalisation of family obligations, the beneficiaries of maintenance assistance receive 47 marks for each child. As regards the family allowances supplementing the cash benefits of the social security scheme, see under Articles 16, 22, 28 and 36 of the Convention.

Article 43. There is no qualifying period.

Article 44, subparagraph *(a)*. The wage of the ordinary adult male labourer was determined as required by Article 66, paragraph 7, according to the average of earnings in 1958, on the basis of a working week of 45 hours, as determined by collective agreements.

Minimum wages differ in the various areas of the Federal Republic. Since the benefits are nevertheless the same in all areas, the arithmetical average was calculated ; this gives 410.47 marks per month or 4,926 marks for the whole of 1958.

A total of 1,507 million marks was paid in family allowances to residents in the Federal Republic in 1958, not including the family benefit under the compulsory sickness, accident and pension insurance, the war victims' relief scheme, the scheme for the equalisation of family obligations, or benefits for the first and second child under unemployment insurance and assistance.

As family allowances are granted up to the age of 18 years, there is no separate statistical information regarding benefit for children of less than 15 years of age.

Subparagraph *(b)*. The total number of children of all residents is as follows : *(a)* under 15 years of age 11,241,000 ; *(b)* under 18 years of age 13,678,000.

The total value of the benefits paid, as a percentage of the product of the standard wage and the number of children of all residents, is as follows : *(a)* based on children under 15 years of age : 2.7 per cent. ; *(b)* based on children under 18 years of age : 2.2 per cent.

Article 45. Family allowances are paid as long as the beneficiary and his children have their residence or usual abode in the territory of the Federal Republic or West Berlin.

Family allowances supplementing the benefit under the social security system, etc., analogous to family allowances, are subject to the same standards and conditions as the appropriate original benefit.

Part VIII. Maternity Benefit

Article 48, subparagraph *(a)*. Persons protected comprise : all women employees insured against sickness, as also the wives of male employees insured against sickness living with them in the same home. (Daughters of insured male workers are also eligible for the benefit if they live with their father in the same household.)

See under Article 9.

Article 49. See Article 10.

Article 50. Article 65 is applied. The maternity benefit for the insured woman equals the average of earnings in the last 13 weeks, subject to the statutory deductions, but not less than 3 marks per day. Persons belonging to the family of an insured person receive a benefit of 0.50 marks per day in case of maternity (when the statutes of the appropriate Fund do not provide for a higher benefit).

The statutes may provide for a pregnancy benefit equal in amount to the sickness benefit.

The special benefit for domestic servants equals the average earnings in the 13 weeks immediately preceding cessation of work, but not less than three marks.

The benefit for nursing mothers is 0.75 mark per day for the insured woman employee and 0.50 mark for persons belonging to the family of a male employee (minimum rate).

The periodical payment for the standard female beneficiary (90.90 marks per week) amounts to some 77.5 per cent. of the standard wage (117.32 marks per week : see Article 16).

Article 51. Women in employment are entitled to benefit without fulfilling any qualifying period. In the case of the wife of a male employee, the employee is required to have been insured against sickness for a minimum period of ten out of the 24 months preceding confinement, including not less than six in the last 12 months. The pregnancy benefit may be granted only to persons who have been insured against sickness for at least six months.

Article 52. As regards benefit in accordance with Article 49, see Article 12.

As regards benefit in accordance with Article 50, the following applies :

(a) Duration of maternity benefit for insured women workers : six weeks before and six weeks after confinement with prolongation for two weeks (six weeks in case of premature confinement) if the infant is breast-fed. Dura-

tion for a woman belonging to the family of the insured person : four weeks before and six weeks after confinement (the statutes may provide a prolongation up to a total duration of 13 weeks). Duration of the pregnancy benefit : to be established by statutes but not more than six weeks.

The special benefit for domestic servants whose employment ceases at the end of the fifth month of pregnancy, is granted from the date on which earnings cease and until maternity benefit begins.

(b) In general, the employment of a pregnant woman in the last six weeks before and the first six weeks after confinement is prohibited unless she expressly declares herself disposed to work; in the case of domestic servants, employment is prohibited for four weeks only before confinement. If the mother breast-feeds her infant the period is extended to a total of eight weeks (12 weeks in case of premature confinement).

As regards the suspension of benefit, see under Article 12.

Part IX. Invalidity Benefit

Article 54. There are pensions for occupational disability and for loss of earning capacity.

1. Salary and Wage-Earning Employees' Pension Insurance. The insured person who has completed the prescribed qualifying period is entitled to a pension for occupational disability when, as a result of sickness or other disturbances in health, or as a result of the decline of his physical or mental powers, his earning capacity has fallen below half that of an insured person, sound in mind and body, with similar training and equivalent knowledge and ability.

The insured person who has completed the prescribed qualifying period is entitled to a pension for loss of earning capacity when, as a result of sickness or other disturbances in health, or as a result of the decline of his physical or mental powers, he is unable, for an unforeseeable length of time, to engage in gainful activity with a certain regularity or can obtain only a lower income from the same.

2. Mineworkers' Pension Insurance. In addition to the pension *(Knappschaftsrente)* for occupational disability or for loss of earning capacity subject to the conditions described in paragraph 1 above, there is the " mineworkers' pension " *(Bergmannsrente)* which is granted— *(a)* if the fitness of the insured person for work in mining has declined and he has fulfilled the prescribed qualifying period; or *(b)* if the insured person has reached 50 years of age and has completed the special qualifying period.

Article 55. Subparagraph *(a)* is taken as the basis. See information given under Article 27.

Article 56. Article 65 is taken as the basis.

1. Salary and Wage-Earning Employees' Pension Insurance. The annual amount of the pension for occupational disability is 1 per cent. of the appropriate basis of calculation for each year of insurance and the pension for loss of earning capacity is 1.5 per cent. of that basis. Pensions are supplemented by family benefit. For the rest, the information given in relation to Article 28 applies.

If an insured person incurs an occupational disability or loss of earning capacity before reaching 55 years of age, and if he also fulfils certain conditions relating to the compulsory period of insurance, then the time remaining between the occurrence of the contingency and his reaching the age of 55 years is considered insured time within the meaning of the preceding paragraph, and is added to the time actually insured and assimilated periods.

2. Mineworkers' Pension Insurance. The annual amount of the mineworkers' pension *(Bergmannsrente)* is the equivalent of 0.8 per cent. of the appropriate basis of calculation for each year of insurance. The annual amount of the pension for occupational disability *(Knappschaftsrente)* is 1.2 per cent. of that basis for each year of insurance in so far as the occupation concerned is covered by mineworkers' insurance (for other occupations, 2 per cent.) and the annual amount of the pension for loss of earning capacity is 2.5 per cent. of the basis of calculation for each year of insurance.

The above amounts are subject to special increases for specified tasks underground and for family benefit. For the rest, the information given in connection with Article 28 applies.

Two-thirds of the time remaining between the occurrence of the contingency and the beneficiary's reaching the age of 55 years is considered insured time for the purposes of the preceding paragraphs, when the conditions to which reference is made in the last paragraph under No. 1 above are fulfilled.

The report shows the pension due to a standard beneficiary who qualifies for benefit after 15 years of insurance counted from 1958, taking into account the probable future trend of earnings already mentioned (see Article 28) and four different hypotheses regarding the age at which the risk materialises and regarding the time of insurance to be credited in addition to the actual or assimilated time of insurance (25, 20, 15 and 10 additional years). The last-mentioned, when the risk materialises at the age of 45 years after 15 years of insurance and with a total of 25 years of insurance to be credited, gives the following (annual) figures :

Wage of the standard employee in 1958	6,122 marks
Wage of the standard employee in 1973	10,617 "
Pension for loss of earning capacity in 1973 (not including family benefit).	3,640 "
Family allowance for each child (corresponding to the pension in 1973) .	845 "
Periodical payments in relation to the standard wage :	
For a standard beneficiary	50.2 per cent.
For an insured female employee, unmarried, without children . . . . See also Article 28.	34.3 " "

Average monthly amount of pensions for loss of earning capacity under wage-earning employees' insurance :

A. 1 February 1958	117.20 marks
B. 1 February 1960	135.30 "
C. B as a percentage of A	115.4

Article 57. (a) Salary and wage-earning employees' insurance. The qualifying period re-

quired for a pension in respect of occupational disability or loss of earning capacity is, in general, 60 months of insurance before the materialisation of the risk.

(b) Mineworkers' insurance. The qualifying period required for a pension in respect of occupational disability or loss of earning capacity is the same; regarding the mineworkers' pension *(Bergmannsrente)* for decline in the occupational fitness for mining, it is 60 months of mineworkers' insurance and, for mineworkers' pension payable as from the age of 50 years it is 300 months of mineworkers' insurance, of which not less than 180 must correspond to certain specified tasks underground.

Paragraphs 1 and 2 of the Article are applied.

The amount of the pension for loss of earning capacity, under the wage-earning employees' pension insurance, payable after 60 months of insurance, depends, among other factors, on the additional time to be credited according to the age of the beneficiary at the date on which the risk materialised (for the method of calculation, see Article 56).

Article 58. Invalidity pensions are converted to old-age pensions when the beneficiary fulfils the prescribed qualifying period and reaches the age of 65 years (in mineworkers' insurance, 60 years under certain conditions). If the old-age pension cannot be granted, the invalidity pension continues throughout the contingency.

The invalidity pension: *(a)* is suspended in circumstances *(a)*, *(b)* and *(c)* enumerated with respect to Article 30; *(b)* may be withheld, in part or in its entirety, if the insured person incurred the invalidity by committing an act which, according to penal precedent, constitutes a crime or wilful misconduct. However, the pension may be transferred, in part or in its entirety to members of the family of the insured person, resident in the country and for whose maintenance the insured person was mainly responsible; *(c)* may not be claimed by whomsoever intentionally brought about the invalidity; *(d)* may be withheld, in part or in its entirety, if the insured person, without just cause, refuses to submit himself to a curative procedure or process of vocational training, and when for that reason, the invalidity cannot be cured or begins in the course of the three years following the refusal and takes its origin predominantly in circumstances which that procedure was designed to eliminate.

Part X. Survivors' Benefit

Article 60. The second part of paragraph 1 is not applied. Paragraph 2 is not applied.

Article 61. Subparagraph *(a)* is applied. Protected persons comprise the wives and children of all employees subject to the compulsory pension scheme. See Article 27.

Article 62. Article 65 is applied.

The annual amount of the pension due to the surviving spouse is 60 per cent. of the pension for occupational disability to which the insured person was or would have been entitled at the date of his death, no additional time or family benefit to be credited (see Article 56 and family benefit). If the widow has reached the age of 45 or as long as she is suffering from an occupational disability or loss of earning capacity, or has at least one dependent child entitled to an orphan's pension, the survivors' pension equals 60 per cent. of the pension for loss of earning capacity (family benefit not included) to which the insured person was or would have been entitled at the date of his death.

The annual amount of the pension for a fatherless or motherless child is 10 per cent. (for an orphan, 20 per cent.) of the pension for loss of earning capacity to which the insured person was or would have been entitled at the date of his death (excluding family benefit). Family benefit is added to the pension.

The survivors' pension and orphans' pensions, deriving from the same holder of rights, together may not exceed the pension for loss of earning capacity to which the said holder of rights was or would have been entitled at the date of his death, including family benefit (and including for the purpose any periods of contribution subsequent to the onset of the loss of occupational or earning capacity).

Article 65, paragraph 3, is applied as described in connection with old-age or invalidity benefit (see Articles 28 and 56).

Should the insured person have completed 15 years of insurance and have ten additional years to be credited, the total pension for the family group composed of widow and two children (4,602 marks) will be some 43.8 per cent. of the basic wage.

Average monthly amount of survivors' pensions under the wage earning employees' pension insurance:

	Widows' pensions	Children's pensions
A. 1 February 1958 . .	101.50 marks	50.70 Marks
B. 1 February 1960 . .	116.60 "	57.60 "
C. B as a percentage of A	114.9	113.6

Article 63. The qualifying period is 60 calendar months of insurance. For the rest, see Article 57.

Paragraphs 1 and 2 of the Article are applied.

The amount of the survivors' and children's benefits equals a specified proportion of the invalidity benefit; in the case of a children's benefit, it is increased by a family benefit of 10 per cent. of the general basis of calculation (see Article 28). See also Article 57.

Article 64. The widow's pension is payable as long as she lives or until she remarries; in the latter case, an indemnity equivalent to five years' pension is paid. If the second marriage is dissolved, otherwise than exclusively or mainly by the fault of the widow, the right to survivors' benefit revives.

The children's benefit is paid until the child reaches 18 years of age. It is prolonged until 25 years of age, at the most, for the unmarried orphan continuing academic or vocational training or for the orphan who, on reaching 18 years of age, is incapable of self-support for reason of physical or mental defect.

The survivors' and children's pensions:

(a) are suspended in the circumstances described in *(a)* and *(b)* in connection with

Article 30. However, the provision in *(a)* does not apply to an orphan if the person in charge of his up-bringing is ordinarily resident abroad;

(b) is suspended if the survivors' (or children's) benefit coincides with another benefit from the compulsory accident insurance, but only in respect of the part by which the two benefits together exceed prescribed maximum limits;

(c) are suspended whenever the beneficiary qualifies for — (i) both a survivors' pension and an old-age or invalidity pension from an insurance of his own (there are rules for the payment of one of the two pensions in full and the other in part); (ii) children's pensions from more than one source (the larger is granted); (iii) both a children's benefit and another old-age or invalidity pension from an insurance of his own (the children's pension is suspended; under the mineworkers' insurance, the larger pension is paid);

(d) may not be claimed by survivors if they intentionally brought about the death of the insured person.

Part XII. Equality of Treatment of Non-National Residents

Article 68. Non-national residents have the same rights as national residents in so far as there are no other rules prescribed in accordance with the following paragraph.

The provisions of Article 68, paragraph 1, under which special rules may be prescribed for non-national residents, are applied within the following limits:

1. Equality of treatment does not apply to the benefit provided for in the law of 25 February 1960 on pensions for foreigners which governs situations arising from consequences of the Second World War which are, *ipso facto*, of a transitory nature.
2. Benefit for the first and second dependent child under the unemployment assistance, war victims' relief and family obligations equalisation schemes, financed from public funds, are, in principle, granted only to national residents and persons assimilated thereto. However, they are also granted to non-nationals in specified circumstances.

In the contributory social security schemes, equality of treatment with German citizens is granted to nationals of any other Member having accepted obligations in respect of the Part of the Convention concerned, when they reside in the Federal Republic or in West Berlin. Where foreigners outside the territory of the Federal Republic and West Berlin are concerned, the Government reserves the right to make equality of treatment dependent on the existence of a bilateral or multilateral agreement.

As regards Members having ratified the Convention, bilateral agreements have been concluded with Denmark and Italy. A bilateral agreement was signed with the United Kingdom on 20 April 1960. There is also a special arrangement concerning the payment of pensions to Israel for persons (or survivors of persons) who were formerly German citizens or persons assimilated thereto.

Part XIII. Common Provisions

Article 70. Every claimant has a right to appeal if he considers that the benefit has been unjustly withheld or that he should have a larger or different benefit from the one granted.

The person concerned may appeal against decisions regarding the benefits under Parts II, III, IV and VIII of the Convention (Medical Care, Sickness, Unemployment, Maternity), to a prescribed service of the insurance carrier which rules on the matter. When the decision in question relates to Parts V, VI, VII, IX and X (Old-Age, Employment Injury, Family Benefit, Invalidity, Survivors'), a claim may be filed only if the benefit is not provided for in law. If, on the other hand, the law so provides, or when a ruling has already been given on the claim, a plea may be made to the Social Court *(Sozialgericht)*; appeal against the ruling of the Social Court may be made to the Social Court of the Land *(Landessozialgericht)*, except in certain special cases. It is possible to appeal against the decision of the Social Court of the Land, to the Federal Social Court, in specified cases.

Article 71. Benefit under Parts II and III (Medical Care, Sickness) is financed by contributions payable equally by the insured person and the employer, except when the earnings are lower than 65 marks per month or 15 marks per week in which case the contributions are payable in their entirety by the employer.

Benefit under Part VI (Employment Injury) is similarly financed. The contribution is 2 per cent. of the calculable earnings to a maximum of 25 marks per day.

Benefits under Parts V, IX and X (Old-Age, Invalidity, Survivors') are financed by contributions payable equally by the insured person and the employer (in mineworkers' insurance, one-third by the employee and two-thirds by the employer); the Federal Government also contributes a subvention provided from general proceeds of taxation.

Benefit under Part VI (Employment Injury) is financed, in general, from contributions payable by the employer (in case of state or local services, from the general proceeds of taxation) of an amount fixed annually and depending mainly on the sum paid out in wages by the employer concerned and his undertaking's rating for risk.

Benefit under Part VII (Family Benefit) is financed, in general by contributions payable by the employer and by independent workers, whose earnings exceed 6,000 marks per year. The amount of contribution is fixed annually.

The cost of maternity benefits is covered by the Sickness Funds in so far as these benefits are provided under the Federal Insurance Code; the additional cost for higher benefits under the law on the protection of mothers is reimbursed to the Fund from the national budget.

A summary of total expenditure and employees' contributions in 1958 is given in the following table.

Parts of the Convention	(A) Expenditure including Transfer to Reserves	(B) Employees' Contributions
	(In millions of marks)	
II, III, VIII	8,059	3,676
IV	1,750	718
V, IX, X	16,032	6,006
Total . . .	25,841	10,400
B as a percentage of A.	40.2	

It will be remembered that employees do not share in the cost of benefit under Parts VI and VII (Employment Injury, Family Benefit).

Solvency, for purposes of granting benefit, is ensured by legal provisions relating to the financial organisation of the various social security institutions, where necessary, by financial equalisation between the institutions in the same branch or by guarantee from higher bodies. The Federal Republic makes good directly deficit in pensions schemes. Similarly, the Federal Republic assumes the obligations and entitlements of an accident or family obligation equalisation scheme in case of dissolution.

The Federal Ministry of Labour and Social Affairs prepares periodically actuarial balance sheets concerning pension insurances. In other branches, there are no actuarial studies and calculations as such.

Article 72. The social security systems corresponding to Parts II to X of the Convention are administered and run by public law corporations; they enjoy autonomy, that is to say, the representatives of the persons protected and of employers are directly responsible for the fulfilment of the tasks entrusted to them. The State confines itself to supervising the activities of these corporations.

The chief organs of each comprise an assembly of representatives or governing body, and an executive commission *(Vorstand)* composed in most cases of insured persons and employers in equal numbers. Members of these organs are elected directly by secret ballot on the basis of lists proposed mainly by trade unions and employers' organisations.

Article 77. Paragraph 2 is applied. The information on numbers of employees and of the economically active population do not include seamen and sea-fishermen.

Greece.

Legislative Decree No. 4104 of 1960 to amend and supplement social security legislation (*Ephemeris tes Kyberneseos*, No. 147, 20 June 1960).

The report also contains a list of the measures taken during the period under consideration with respect to a number of retirement or provident funds (special schemes), and announces the ratification of social security agreements concluded with Belgium and France.

Part II. Medical Care

Article 10 of the Convention. The Government intends to supplement the instructions it has already given to ensure that insured persons do not have to bear any portion of the cost of care provided by social security schemes in the event of pregnancy, childbirth and their sequelae.

Part IV. Unemployment Benefit

Article 21. The number of persons covered by the unemployment insurance scheme (including public officials and employees of public-law institutions) is 750,000, or approximately 60 per cent. of the total wage-earning labour force, the number of which is estimated at 1,150,000.

Article 24. All unemployment insurance regulations concerning seasonal workers were rescinded by Legislative Decree No. 2961 of 1954. In 1956 the qualifying period for unemployment benefit was reduced from 150 to 125 days for all categories of workers; this made it easier for seasonal workers to qualify for unemployment benefit.

Part VI. Employment Injury Benefit

Article 32, subparagraph *(d)*, *and Article 38.* The direct requests made by the Committee of Experts are answered in the affirmative.

Article 33. The total number of persons insured, including members of families entitled to benefit in the event of the death of the breadwinner, is approximately 250,000.

Article 36, paragraph 2. Pensions payable in respect of partial incapacity were introduced by Legislative Decree No. 4104 of 1960 (article 12 (3)).

Part VIII. Maternity Benefit

Article 49. See above, Article 10.

Part IX. Invalidity Benefit

Article 58. The withholding of the pension when the invalidity of the insured person is due to misconduct on his part is one of the exceptions allowed under paragraphs *(e)* and *(f)* of Article 69 of the Convention. So far the provision has never been applied.

Part XI. Standards to Be Complied with by Periodical Payments

Article 65, paragraph 9. There is no provision for the payment of cost-of-living allowances to wage earners in private employment in either national legislation or collective agreements. Such allowances of this kind as have been introduced in the past were subsequently incorporated in the actual wage. A copy of the collective agreement concerning workers and technicians in the metal industries is appended.

Paragraph 10. Section 12, subsection 8, of Legislative Decree No. 4104 of 1960 states that, within six months of any general increase in the minimum wages of unskilled workers, the Ministry of Labour may, by order published in the Official Gazette, increase the amounts of pensions payable to insured persons who have completed the qualifying period of 1,200 days or pensions payable in respect of an industrial accident or occupational disease, provided that the Board of Management of the Social Security Institution considers that there are sufficient funds available for the purpose. The report contains an extract from the consumer price index for Athens and Piraeus.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

Part VII. Family Benefit

Legislative Decree No. 3868 of 1958 concerning the establishment of family allowances for wage earners (*Ephemeris tes Kyberneseos*, No. 178, 29 Oct. 1958 and related texts).

In 1958 the Government introduced family allowances on an almost general basis with an aim to offering workers a share in the national income and ensuring them a higher standard of living. Formerly, family allowances had been granted under special collective agreements to certain categories of workers and at the expense of employers. This system is in fact still applied to persons receiving monthly wages in cases where equivalent family allowances are paid by the employer.

The family allowance scheme applies to wage earners covered by social insurance or unemployment insurance or other form of insurance who have dependent children up to the age of 14 and who must contribute to the family allowance scheme. Approximately 635,000 wage earners are covered by the provisions of the above-mentioned Decree. There are about 1,150,000 wage earners in the country.

Family allowances may be claimed for legitimate adopted and illegitimate (recognised) children. Women may also claim allowances for illegitimate children from 1 to 14 years of age who reside permanently in Greece and are mainly dependent on their mother.

Family allowances are granted for the first and second child.

Family allowances amount to 3 drachmas for each working day for the first child and 2 drachmas for the second. The amount of the allowance does not depend on the age or the other allowances granted to the beneficiary or family in question.

A rejected claim, or the amount of allowance set by the authorities, or the suspension or withdrawal of an allowance, may be appealed within 14 days following the decision. Appeals are examined by tripartite committees composed of the local director of the allowance scheme, an employers' delegate and a wage earners' delegate who acts as chairman.

The insured person pays 1 per cent. of his wages as his contribution, to which the employer adds an equal amount.

The authority charged with the application of the family allowance scheme is the Employment and Unemployment-Insurance Agency which is supervised by the Ministry of Labour.

Israel.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

Part II. Medical Care

Medical care is not provided for by legislation, and is so far covered only by voluntary schemes. Just over 70 per cent. of the population is protected by voluntary schemes providing for medical care. Membership in one of the funds usually entitles the member to benefits throughout a contingency as described in Article 8 of the Convention, after a qualifying period of 3 to 6 months. In case of a morbid condition, the sickness funds usually provide the benefits enumerated in Article 10, paragraphs 1 *(a)* and *(b)* (i). As provision for medical care is made by voluntary schemes, claimants' rights of appeal are regulated by the statutes of the respective funds. The cost of benefits is financed by the contributions of the insured persons and their employers, and by a government subsidy. In the case of the sickness fund of the General Federation of Labour (covering the great majority of insured persons), the proportion of contribution is the following: members, 51.1 per cent.; employers, 36 per cent.; government subsidy, 11.5 per cent.; local authorities, 0.9 per cent. The sickness funds do not operate under special legislative provisions and enjoy almost complete autonomy. The General Federation of Labour, which operates the most important fund, supervises their activities. The question of introducing legislation relating to medical care insurance is under consideration; ratification of the Convention will only be considered when such legislation is passed.

Part III. Sickness Benefit

See under Part II: Medical Care. The sickness fund of the General Federation of Labour and some of the other sickness funds pay their members sickness benefits, which are, however, not always in conformity with the standards laid down in the Convention.

Part IV. Unemployment Benefit

There is no unemployment benefit insurance within the meaning of the Convention. As the main problem is presented by the case of those who have never entered employment, it is considered preferable at this stage to provide employment by a scheme of relief work, which secures up to 22 working days per month—according to the size of the family—with special rates of pay to all those who are unemployed.

Part VII. Family Benefit

Under the National Insurance (Amendment No. 4) Act, 1959, all residents are insured for family benefits, the qualifying period being

six months of residence. Benefits are paid only in respect of children under 14 years of age (in special cases under 18 years of age), excluding the first three children. The benefit amounts to I£6 for the fourth child, increasing progressively to I£9 for the seventh child; I£10 is paid in respect of any child after the seventh. It is not at present intended to ratify this Part of the Convention.

PART VIII. MATERNITY BENEFIT

The National Insurance Act, 1953, covers maternity benefit. All wage-earning and self-employed women are insured for maternity benefit (suspension of earnings by reason of pregnancy and confinement) and for a maternity grant to cover hospitalisation and the cost of a layette. All women resident in Israel are insured in respect of the above maternity grant. The conditions for entitlement to maternity benefit are set out in sections 28 and 29 of the 1953 Act and in schedule 7 thereof; the conditions for entitlement to the grant are set out in section 30. The level of benefits is set out in schedule 7. Appeal may be made to the Social Security Tribunal. Maternity benefit is financed by contributions made by employers and maternity grants are financed by contributions from employees and their employers; in the case of self-employed women the whole income comes from the insured's contributions. The main reason for not ratifying this Part of the Convention is that the law does not provide for medical care as such, but for a cash benefit towards hospitalisation expenses.

PART IX. INVALIDITY BENEFIT

The contingency dealt with in this Part of the Convention is not covered by any social security scheme.

Italy

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

For legislation see the summary published in 1960 and also the following.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

Act No. 35 of 18 January 1952 to extend health care insurance to workers employed on family domestic services (*L.S.* 1952—It. 1).
Act No. 264 of 13 March 1958 concerning the protection of home work (*L.S.* 1958—It. 1).

PART IV. UNEMPLOYMENT BENEFIT

Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (*L.S.* 1949—It. 2 A).
Decree No. 1323 of 24 October 1955 governing the extension of compulsory unemployment insurance to agricultural workers (*Gazzetta Ufficiale (G.U.)*, 4 Jan. 1956).

PART VI. EMPLOYMENT INJURY BENEFIT

Act No. 80 of 17 March 1898 on occupational accidents in industry.
Decree No. 928 of 13 May 1929 on occupational diseases in industry.
Royal Decree No. 1765 of 17 August 1935 to issue provisions respecting compulsory insurance against industrial accidents and occupational diseases (*L.S.* 1935—It. 8), as amended and supplemented.
Act No. 1450 of 23 August 1917 respecting compulsory insurance against accidents in agricultural work (*L.S.* 1921—It. 2), as amended and supplemented.
Act No. 313 of 21 March 1958 to extend the coverage of insurance against occupational diseases to the agricultural sector and Decree No. 471 of the President of the Republic of 28 April 1959 to issue provisions respecting the above extension (*L.S.* 1959—It. 1 A and B).

PART IX. INVALIDITY BENEFIT

PART X. SURVIVORS' BENEFIT

Act No. 1047 of 26 October 1957 extending disability and old-age insurance to independent, leasehold and tenant farmers (*G.U.*, 11 Nov. 1957).
Act No. 463 of 4 July 1959 to extend the compulsory invalidity, old-age and survivors' insurance scheme to handicraft workers and members of their families (*L.S.* 1959—It. 2).

PART II. MEDICAL CARE

In 1958, 36 million persons were eligible for medical care. The number of persons residing in the country during the same period was 50,270,000. Persons of both sexes, regardless of their nationality, who are 14 years or older and are gainfully employed by a third party are subject to compulsory sickness insurance. Although they are considered independent workers, farmers, share farmers, tenant farmers, homeworkers and handicraft workers are also covered. The members of beneficiaries' families may also claim medical benefits. There is separate legislation on insurance against tuberculosis.

Workers become eligible for benefits on commencement of the employment relationship; domestic employees become eligible six months after commencing work, on condition that they have made at least 12 weekly contributions during the 24 weeks prior to claiming benefit; homeworkers become eligible from the date on which their employer allocated work to them. Agricultural workers are eligible for benefits as soon as they have been entered on the special lists of agricultural workers established by the competent authorities and posted at the town hall. Employees may claim sickness benefit when they have been registered under the insurance scheme for at least 30 days and have paid premiums for at least one month.

Beneficiaries and members of their families may claim, for a maximum of 180 days a year, the following allowances in the event of sickness: treatment at a dispensary or at home given by a general practitioner recognised by the Insurance Institute; hospital treatment by specialists during hospitalisation and in the dispensaries managed directly or commissioned by the Institute; reimbursement for the purchase of medicines; hospitalisation in nursing homes approved by the Institute; ordinary supplementary allowances, i.e. assistance for spa treatment, the purchase of prosthetic and orthopaedic appliances, spectacles, hearing devices, etc.

Should a claim be rejected the case may be appealed through administrative channels to a special committee of the Insurance Institute. If the appeal is rejected the case may be taken to a civil court.

Sickness insurance is financed by the premiums paid by employers and workers. Insur-

ance against tuberculosis is financed exclusively by contributions from employers.

The application of sickness insurance legislation devolves on numerous bodies corresponding to the categories of worker. The main regulatory agency for workers in industrial, agricultural, commercial and handicraft enterprises is the National Sickness Insurance Institute (I.N.A.M.).

Part III. Sickness Benefit

In 1958 a total of 6,300,000 persons were eligible for sickness benefit.

Sickness insurance is compulsory for all wage-earning workers and independent farmers.

The conditions for entitlement to daily sickness allowance are the same as for medical care.

The amount and duration of the allowance vary according to the occupational category, although there is little difference from one sector to another. The amount of the allowance is generally determined as follows : wage earners in industry receive 54 per cent. of the average daily wage, or three times the average global hourly rate if not permanently employed ; wage earners in commerce receive 54 per cent. of the average daily wage for the month preceding the illness ; homeworkers receive 50 per cent. of the average daily wage earned during the month preceding the illness. Wage earners in agriculture receive a set rate based on their occupational category, sex and age. An adult male wage earner or a permanently employed labourer receives an allowance of 150 liras a day.

The daily allowance to workers with no dependants is reduced by three-fifths during hospitalisation.

Wage earners in industry and commerce are entitled to the daily allowance as soon as they begin work. Wage earners in agriculture are eligible as soon as they are entered on the special lists posted at the town hall. Homeworkers become eligible on the day they begin working for their employer. Wage earners in industry and commerce, as well as homeworkers, are paid the allowance, after a waiting period of three days, for the duration of the illness up to a maximum of 180 days per year. Wage earners in agriculture receive the allowance from the first day of their illness, if the illness lasts more than three days, for up to 180 days per year.

Benefit in cases of tuberculosis includes hospitalisation or treatment at a dispensary, as well as a daily allowance of 300 liras. Supplements are granted for dependants. The allowance is paid for the entire period of hospitalisation and during treatment at a dispensary. A convalescence allowance of 700 liras is granted when the insured person has been discharged from the medical centre. This allowance is increased if the tubercular convalescent has dependants.

Part IV. Unemployment Benefit

In 1958, 8,200,000 persons were insured against unemployment.

Persons over 14 years of age working for a third party must be insured against unemployment. Certain categories of workers, however, are excluded by reason of the particular nature of their work : occasional workers, persons engaged in annual periodical work of less than six months' duration, etc.

Unemployment benefit includes ordinary allowances to the unemployed as well as special unemployment benefits. In order to qualify for the ordinary unemployment allowance those concerned, with the exception of agricultural workers, must—*(a)* have been insured for two years ; *(b)* have paid contributions for 52 weeks during the two years preceding unemployment ; *(c)* be registered with a placement office. Agricultural workers must—*(a)* have been employed for 180 workdays of the year ; *(b)* have registered their claim before 30 November of each year ; *(c)* be recognised as an agricultural worker and have paid contributions for the 24 months preceding the date of the request for benefit ; *(d)* be entered on the special lists for the " agricultural year " in respect of which the claim is submitted.

Extraordinary unemployment benefits are granted on the following conditions : *(a)* non-fulfilment of conditions required for ordinary unemployment allowances ; *(b)* residence in one of the districts designated by the Minister of Labour and Social Welfare ; *(c)* registration with a placement office at least five days before lodging the claim ; *(d)* that not more than one member of the applicant's family be gainfully employed.

The ordinary unemployment benefit is 230 liras a day. An additional sum of 80 liras is granted for each dependent child. The extraordinary unemployment allowance is the same as the ordinary benefit. Ordinary unemployment compensation is paid for a maximum of 180 days during a period of 365 days, except in the case of agricultural workers, to whom it is paid for a number of days equal to the difference between 120 and the number of days of actual work performed by the beneficiary for a third party or for himself during the 12 months preceding the date on which the claim was submitted. Extraordinary unemployment benefit is paid for 90 days ; it may be granted for a period of 180 days in exceptional cases.

In the event that a claim for unemployment compensation is rejected the applicant may appeal within 90 days to the Special Committee on Unemployment Insurance located at the National Welfare Institute. He may appeal the decision of the Committee to the ordinary civil courts.

Unemployment insurance is financed exclusively by contributions from employers. However, the State contributes to the financing of extraordinary unemployment allowances.

Unemployment insurance is managed by the National Social Welfare Institute under the Ministry of Labour and Social Welfare. Workers and employers share in the management of unemployment insurance.

Part VI. Employment Injury Benefit

During 1958, 13,339,000 persons were insured.

The insurance covers all accidents occurring at work and resulting either in death or total or partial permanent disability, or in total

temporary disability resulting in an incapacity to work. Different insurance regulations apply to the industrial and to the agricultural sectors.

In the *industrial sector* cash allowances comprise the following : *(a)* an allowance for total temporary incapacity ; *(b)* a pension for permanent disability ; *(c)* a pension for survivors, as well as a lump-sum allotment. The pension for temporary disability is paid from the fourth day following the date of the accident or the commencement of incapacity resulting from an occupational disease, and covers the entire period of disability. Until the ninetieth day of disability this pension is equal to 60 per cent. of the average remuneration for the 15 days preceding the accident or the appearance of the occupational disease. After the ninetieth day it is increased to 75 per cent. The pension for permanent disability is paid to the victim of an accident or occupational disease whose physical capacity is permanently impaired. It is paid from the day following the date on which eligibility for temporary disability allowance expires. It is equivalent to the total annual remuneration received by the claimant during the year preceding the accident or the occupational disease, in cases of total disability ; it is proportionately reduced in cases of permanent partial disability of more than 10 per cent. (for accidents) and of more than 20 per cent. (for occupational diseases). In all cases the pension is based on an annual remuneration of not less than 210,000 liras and not more than 450,000. A monthly allowance of 15,000 liras is paid to victims of accidents resulting in total incapacity and necessitating assistance by another person. When the claimant is married and has dependent children, the pension is increased by one-twentieth for his wife and each child. Pensions may be reviewed at the request of the beneficiary should his physical condition warrant such a review.

In case of death due to an employment accident or to an occupational disease, dependent survivors receive a pension amounting to two-thirds of the annual remuneration paid to the deceased within the minimum and maximum limits allowed for direct pensions : a pension of 50 per cent. to the widow during her life or until such time as she remarries ; 20 per cent. for each child under 18 years of age ; 40 per cent. for fully-orphaned children. If the victim is not survived by a wife or dependent children, members of his family (ascendants and brothers and sisters) may receive 20 per cent. of the remuneration paid to the deceased if they lived with him or were dependent on him. The total pension paid to survivors may never be more than the total remuneration paid to the deceased. Besides the above-mentioned pensions, survivors may also claim a lump-sum payment which varies according to the number of dependants ; this sum may reach a total of 550,000 liras for a surviving spouse with five dependent children and two dependent parents.

Insured persons may also claim full medical care during the entire period of their incapacity and after recovery, should such care prove necessary in order to enable them to recover their working capacity. This medical care comprises all necessary treatment, supply of prostheses, thermotherapy and radiotherapy.

In the *agricultural sector* cash benefits are the same as those granted in the industrial sector. However, the indemnity for temporary incapacity is paid from the seventh day after the date on which the accident occurred, or on which the occupational disease became evident. Only wage earners in agriculture are eligible for this allowance. It is a set rate based on the age and sex of the beneficiary. The rate is : 400 liras for men aged from 16 to 70 years ; 300 liras for women ; 150 liras for adolescents under 13 years of age. Cash allowances for permanent incapacity and death are granted on the same conditions as in the industrial sector. However, the incapacity must be greater than 15 per cent. and the annual earnings on which pensions are based are 210,000 liras for men and 150,000 liras for women. Existing regulations also allow commutation of pensions on wider terms than are available to invalids in the industrial sector. Medical benefit is the same in the agricultural sector as in industry. However, independent and share farmers, as well as their wives and children, may not claim medical care unless they can prove that they lack means ; persons not qualifying under this condition are reimbursed for medical care, surgery and the purchase of prostheses to the extent that the Institute would have contributed had it dispensed the care itself.

Cases may be appealed to the Ministry of Labour and Welfare and, in the second instance, to the regular civil courts.

The total contribution to the insurance scheme against occupational accidents and diseases is borne by the employer.

The scheme is administered by the National Institute for Insurance against Occupational Accidents, which comes under the Ministry of Labour and Welfare. Employers and workers are represented in the Institute.

Part IX. Invalidity Benefit

In 1958, 16,229,000 persons were covered by the invalidity, old-age and survivors' insurance programme. This figure comprises about 5,300,000 independent farmers. It is not possible to supply statistics for invalidity insurance alone, as the programme covers invalidity, old-age and survivors collectively, the contributions being indivisible.

Benefits comprise : (1) a pension independent of the lack of resources of the beneficiary, and which may be suspended when the earning capacity of the beneficiary improves beyond certain limits ; (2) allowances for medical care for the purpose of preventing or treating the invalidity (spa treatment, operations, the purchase of prostheses, etc.).

Benefit is granted subject to the following conditions : *(a)* for pensions : the payment of contributions over a qualifying period of five years ; 260 weekly contributions or their equivalent ; at least 52 contributions during the five years preceding the date of application ; *(b)* for medical benefit : payment of contributions for a qualifying period of two years ;

52 weekly contributions during the five years preceding the date of application.

The annual invalidity pension is calculated in the following manner: *(a)* percentages are applied to the basic contributions as follows; *for men*—45 per cent. of the first 1,500 liras of basic contributions, 33 per cent. of the following 1,500 liras of basic contributions, 20 per cent. of the remainder of basic contributions; *for women* 33 per cent. of the first 1,500 liras derived from basic contributions, 26 per cent. of the following 1,500 liras derived from basic contributions and 20 per cent. of the remainder of basic contributions; *(b)* to this sum is added a supplement of 100 liras paid by the State; *(c)* the sum calculated in the above manner is multiplied by 55; *(d)* one-twelfth of the total thus obtained is added to this sum as a thirteenth monthly payment.

An increase of 10 per cent. of the total pension is made for each child under 18 years of age (or older if unfit for work). With the exception of the additional allowance for children, the pension may not amount to more than 80 per cent. of the average remuneration on which contributions were made during the last five years of insurance, nor less than 123,500 liras a year (including the thirteenth monthly payment).

The pension is reduced if the beneficiary is gainfully employed or is hospitalised in a sanatorium for the tuberculous.

The pension is paid without limit of time unless it is curtailed because the beneficiary has recuperated his earning capacity by more than a third (for workers) or more than half (for employees).

If a claim for compensation is rejected the applicant may, within 90 days, appeal to the Executive Committee of the National Welfare Institute and, in the second instance, to the civil courts.

Invalidity insurance is financed to the extent of 50 per cent. by employers, 25 per cent. by workers and 25 per cent. by the State. The State, moreover, provides supplementary allowances to beneficiaries of minimum pensions.

Invalidity insurance is administered by the National Welfare Institute, which is attached to the Ministry of Labour and Welfare. Workers and employers are represented on the Board of Management of the Institute.

Part X. Survivor's Benefit

Survivors' benefit is granted on the same basis as invalidity benefit.

In the event of death of a beneficiary or pensioner, a pension reverts to survivors. It is paid to the spouse (widower or widow), to children and, if there is no spouse or children, to parents. These pensions are granted on the following conditions: The widow must prove that the invalidity or old-age pension of the beneficiary was already in payment, or that at the date of decease the insured was eligible for an old-age or invalidity pension; the widower must meet the same requirements and must also be an invalid. Surviving children must meet the same requirements as the widow and be under 18 years of age and not be gainfully employed by a third party (or be unfit for work if they are more than 18 years of age).

Surviving parents must meet the same requirements as the widow and be over 65 years of age; moreover, they may not be in receipt of a direct old-age or invalidity pension and must prove that they were dependent on the deceased. If the conditions of eligibility for a pension are not fulfilled, survivors (spouse and children) receive a death benefit on the condition that the beneficiary paid at least 52 weekly contributions during the five years immediately preceding his decease.

The pension is calculated on the same basis as the invalidity pension. It is, however, reduced as follows: *(a)* if the survivor is a spouse without children or has only one dependent child, he or she receives 50 per cent. of the pension; *(b)* if the surviving spouse claims a pension for his or her children, he or she receives 50 per cent. of the spouse's pension, 20 per cent. of the pension for each child up to two children and, for three or more children, a share obtained by dividing 50 per cent. of the direct pension into equal parts; *(c)* if the only survivors are children, they receive 30 per cent. of the pension on condition that there are not more than three children. If there are more than three, they receive a share obtained by dividing 100 per cent. of the pension into equal parts; *(d)* if only parents survive, they receive 30 per cent. of the direct pension divided into equal parts, or 15 per cent. if there is only one surviving parent.

The pension may not amount to more than the total direct pension or less than half of the direct pension; a minimum of 84,500 liras per year is guaranteed.

Claimants may appeal first to the Executive Committee of the National Welfare Institute and, in the second instance, to the civil courts.

Survivors' benefits are covered by insurance which also includes invalidity and old-age insurance. The data already quoted concerning the financing of invalidity insurance apply also to survivors' insurance.

Survivors' insurance is administered by the National Welfare Institute, which is attached to the Ministry of Labour and Welfare. Employers' and workers' associations are represented on the Board of Management of this Institute.

Italian legislation on social security is being constantly improved. It guarantees extensive protection in accordance with the spirit of the Convention. However, it has not been possible to accept all the Parts for the following reasons: regarding Parts II and III allowances are limited to a period of 180 days a year; certain diseases such as mental illness are not covered by the insurance, but come under the jurisdiction of the provincial authorities; allowances paid to agricultural workers and in cases of tuberculosis are based on a fixed rate limited by law; in respect of Part IV, allowances are based on fixed rates lower than those required by the Convention. With regard to Part VI, the amount of the allowances and the waiting period (six days) for agricultural workers do not conform to the Convention; as regards Parts IX and X, the allowances are lower than those laid down in the Convention. The constant development of social security will undoubtedly make it possible to attain the standards set by the Convention in the near future.

Norway.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

Acts No. 5 of 15 March 1957, No. 11 of 28 June 1957, No. 19 of 6 July 1957 and No. 2 of 9 May 1958 to amend the Health Insurance Act of 2 March 1956 (*L.S.* 1956—Nor. 1).

PART IV. UNEMPLOYMENT BENEFIT

Act No. 4 of 28 May 1959 respecting unemployment insurance (*L.S.* 1959—Nor. 1).

PART V. OLD-AGE BENEFIT

Old-Age Insurance Act No. 16 of 6 July 1957 (*L.S.* 1957—Nor. 1).

PART VI. EMPLOYMENT INJURY BENEFIT

Industrial Accident and Occupational Disease Insurance Act No. 10 of 12 December 1958 (*L.S.* 1958—Nor. 3).

PART II. MEDICAL CARE

Article 10 of the Convention. In reply to a request by the Committee of Experts for information regarding provision of prenatal care the report states that the booklet published by the National Insurance Institution as a brief guide to health insurance contains the information that the insurance funds meet the expenses of 5 to 6 prenatal examinations. It is supposed that this provision of prenatal care is as well known to insured persons as are the benefits provided under the provisions of the Health Insurance Act.

PART IV. UNEMPLOYMENT BENEFIT

Article 23. Under the new Unemployment Insurance Act, the qualifying period is 30 contribution weeks in the course of the previous year, or 45 contribution weeks in the course of the last three years.

Article 24. Under the new Act the benefit period is limited to 20 weeks in one calendar year and the duration of the benefit does not vary according to duration of membership.

PART V. OLD-AGE BENEFIT

Articles 25 and 26. Under the new Old-Age Insurance Act the benefits are payable irrespective of income and property.

Article 28. As from 1 January 1959, the rate of old-age pension has been raised to 2,328 crowns a year for single persons and to 3,492 crowns a year for married couples.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 32. Under the new Act the minimum degree of incapacity giving entitlement to the benefits under Article 36 of the Convention is fixed at 15 per cent., whereas there is no limitation to the right to temporary benefit in accordance with Article 34. No conditions such as mentioned in Article 32, subparagraph *(d)*, have been stipulated.

Article 33. Under the new Act, all employed persons are covered by the employment injury insurance scheme, so that the coverage is 100 per cent.

Article 37. Under the new Act, benefits in case of permanent incapacity and death are payable irrespective of whether the beneficiary is residing in Norway or not.

PART XIII. COMMON PROVISIONS

Article 71. Under the sickness insurance scheme (Parts II and III) the members pay contributions in accordance with their earnings or income; in addition to the member's contribution, the employer pays 60 per cent., the local authorities 25 per cent., and the State 20 per cent. of the member's contribution. Under the unemployment insurance scheme (Part IV) the members pay 50 per cent. and the employers 50 per cent. of the contribution; in addition, the local authorities grant subsidies amounting to 25 per cent. of the contributions and the State grants subsidies to the Unemployment Reserve Fund. Under the new Old-Age Insurance Act, which came into force on 1 January 1959, the scheme is no longer financed entirely by taxes, but by contributions which are graduated by income and are payable by persons under 70 years of age whose annual income is at least 2,000 crowns. In addition to the members' contribution, the employer pays 60 per cent., the local authorities 20 and the State 15 per cent. of the member's contribution. Contributions to the employment injury insurance scheme (Part VI) are paid in their entirety by the employers. The State makes grants to the employment injury insurance for fishermen.

For the period 1959-60, for which the new system of financing the old-age pension scheme was in force, the following data are given on the cost of the ratified Parts of the Convention.

Parts to which ratification applies	Resources allocated to the protection of employees, etc. (A)	Insurance contributions borne by the employees protected (B)
	(In millions of crowns)	
II	556	331
III	215	78
IV	104	33
V	578 [1]	326
Total	1,453	768

[1] Includes only expenditure on basic old-age pensions, expenditure on supplementary pensions granted by the local authorities not included.

Consequently, (B) as a percentage of (A), was 52.9. The Government points out, however, that the contributions to the sickness insurance (Parts II and III) and the unemployment insurance (Part IV) are exempt from income tax. According to calculations quoted in the report, the income tax relief on sickness and unemployment insurance contributions means that the net contribution borne by the insured person is 83.4 per cent. of the total contribution in his respect. If this income tax relief is taken into account, and the above table modified in consequence, (B) as a percentage of (A), would be 45.4.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

For legislation, see previous summaries, and also the following:

PART IX. INVALIDITY BENEFIT

Act of 22 January 1960 respecting general disability insurance (*Norsk Lovtidend*, 1960, No. 3, p. 48).

PART VIII. MATERNITY BENEFIT

Benefit is granted in accordance with the 1956 Health Insurance Act, which provides compulsory insurance for all employed persons.

All persons may claim necessary medical care before, during and after confinement. Daily maternity allowances are granted to pregnant women who have belonged to the Health Insurance Scheme for ten months. Interruptions of up to a total of eight weeks occurring during the above period of ten months will not be taken into account if the member was insured without interruption during the first two months in a class entitled to sickness benefit.

Maternity benefit is granted for pregnancy, confinement and their consequences. Medical care in accordance with the standards of the Convention is unlimited. A daily maternity allowance is paid over a period of 12 weeks, half of which must be counted from the date of confinement. The allowance is equal to the sickness allowance, i.e. it varies according to the category to which the beneficiary belongs and is based on her daily wage rate. There are at present seven categories and the daily sickness allowance rate is 3, 5, 7, 9, 11, 13 and 15 crowns. For 1959, the average daily wage rate of a typical skilled manual male employee (Article 65 of the Convention) was 29.52 crowns. The corresponding allowance was 11 crowns, i.e. 37.3 per cent. of the wage.

Appeal may be made to the National Insurance Institution, then to the civil courts. The insurance is financed by the contributions of employers, workers, the State and local authorities. The insurance scheme is managed by the National Insurance Institution which is attached to the Ministry of Social Affairs.

PART IX. INVALIDITY BENEFIT

All residents are insured.

Invalids of 15 years of age may claim a basic benefit if their incapacity gives rise to considerable expense. Above 18 years of age, invalids receive a disability pension if their normal capacity for work is not more than one-third. The disability pension is paid until the age of 70 years when it is replaced by an old-age pension.

The level of the basic benefit is from 600 to 900 crowns a year; supplementary allowances of up to 720 crowns may be paid according to the needs of the beneficiary.

The disability pension is the same as the old-age pension, i.e. 2,328 crowns a year for a single person and 3,492 crowns a year for an invalid married couple. There is an additional allowance for dependants which amounts to 50 per cent. of the pension in the case of a wife of more than 60 years of age who is dependent on the invalid, and 900 crowns for each dependent child under 18 years of age. The periodical cash benefit for a married man with two children is 4,128 crowns a year; the salary of the typical worker cited in Article 66 of the Convention is 8,352 crowns; the disability pension therefore amounts to 49.4 per cent. of the standard wage (Article 57, paragraph 3, of the Convention requires 30 per cent.).

Cases may be appealed to the Ministry of Social Affairs, then to the regular courts.

The insurance is financed by contributions from employers, employees, the State and the local authorities. The programme is under the administration of the National Insurance Institution, which is attached to the Ministry of Social Affairs.

PART X. SURVIVORS' BENEFIT

At present there is no general survivors' insurance except for survivors' insurance for dependent children, which came into force on 1 April 1958 (Act of 26 April 1957).

Sweden.

PART IV. UNEMPLOYMENT BENEFIT

Article 22 of the Convention. In reply to a request for information made by the Committee of Experts the report states the following. The basic rate of unemployment benefit depends to a certain extent on the decision of the particular fund. However, the rate is fixed in close consultation with the supervisory authority, which ensures that it is not too low as compared with the earnings of the members of the fund. In practice there is probably no great likelihood that a fund will wish to fix a rate of benefit which would give too small a compensation for the loss of earnings. The opposite is more likely. Members naturally wish to receive as high a rate of benefit as possible. However, both the fund and the supervisory authorities must seek to fix a rate of benefit which does not involve too many cases of over-insurance. The rates of benefit in certain occupations which are indicated in the previous report should be regarded as minimum rates. Lower rates are paid only in cases of over-insurance (i.e. where the normal rate of benefit is too high in relation to the insured person's income). Higher rates can be paid if the member is entitled to the supplement in respect of a wife, housekeeper or child. According to the above rules, the proportion of earnings received in the form of benefit varies from 85 per cent. in the case of the lowest daily earnings to, for instance, 70 per cent. in the case of earnings around 30 crowns a day.

There are no statistics showing earnings in the group of insured persons in question. Information on the wage position can therefore not be given. It would no doubt require extensive research to provide such wage data. The income tax statistics cannot be used for this purpose because they cover all taxpayers, whereas unemployment insurance, being voluntary, only covers some of them.

In this connection it may be stated that a Parliamentary Committee has now been appointed to review the unemployment insurance. Among the questions which it will examine is that of the ratio between benefit and earnings, including provisions in current international Conventions, etc.

Article 24. For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1959), p. 694.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

PART II. MEDICAL CARE
PART III. SICKNESS BENEFIT

Public Sickness Insurance Act No. 1 of 3 January 1947 (*Svensk Författningssamling (S.F.)*, 10 Jan. 1947) (*L.S.* 1947—Swe. 1), as subsequently amended and republished (*L.S.* 1956—Swe. 1 B).
Act No. 774 of 17 December 1954 containing special provisions respecting voluntary sickness insurance (*S.F.*, 23 Dec. 1954), as subsequently amended.
Royal Order No. 519 of 4 June 1954 respecting free or subsidised pharmaceutical supplies, as subsequently amended.

PART VIII. MATERNITY BENEFIT

Maternity Benefit Act No. 266 of 21 May 1954 (*S.F.*, 31 May 1954) (*L.S.* 1954—Swe. 2), as subsequently amended.
Royal Notification No. 461 of 22 June 1939 respecting supplies of protective medicines for certain women and children (*S.F.*, 5 July 1939), as subsequently amended.
Royal Notification No. 397 of 15 June 1944 respecting supplies of free medicines for certain women suffering from illnesses caused by pregnancy (*S.F.*, 30 June 1944), as subsequently amended.

PART V. OLD-AGE BENEFIT
PART IX. INVALIDITY BENEFIT
PART X. SURVIVORS' BENEFIT

National Pensions Act No. 431 of 29 June 1946 (*S.F.*, 8 July 1946) (*L.S.* 1946—Swe. 4), as subsequently amended, particularly by Act No. 221 of 23 May 1947 (*L.S.* 1947—Swe. 2), Act No. 264 of 2 June 1950 (*L.S.* 1950—Swe. 3) and Act No. 396 of 6 June 1952 (*L.S.* 1952—Swe. 2).
Act No. 264 of 1 June 1956 to increase national pensions (*S.F.*, 9 June 1956), as subsequently amended.
Act No. 530 of 26 July 1947 respecting special child allowances for widows and disabled persons with two or more children (*S.F.*, 31 July 1947) (*L.S.* 1947—Swe. 4 B), as subsequently amended.
Act No. 398 of 30 June 1947 respecting municipal contributions towards the cost of the national pensions system, as subsequently amended.
Supplementary Pensions Act No. 291 of 28 May 1959.
Child Pensions Act No. 102 of 5 May 1960 (*S.F.*, 12 May 1960).

Scope.

Medical care. Sickness insurance is public and compulsory and covers practically the whole population. Only certain persons, receiving institutional care during a longer period, are exempted from liability to insurance. A child under the age of 16 years is covered by the insurance without being a member of a sickness fund. A woman, liable to insurance under the Public Sickness Insurance Act, is also entitled to maternity benefits under the Maternity Benefit Act. All persons insured under the Public Sickness Insurance Act are also, under a special decree, entitled to obtain medicines free of charge or at reduced prices.

Sickness. Members whose estimated annual income, derived from a gainful occupation, amounts to 1,200 crowns or more, as well as certain family members without such annual income (mainly housewives) are insured for a sickness allowance.

Old age. Every Swedish national who is census-registered in Sweden becomes entitled to a national old-age pension on reaching the age of 67 years. With regard to Article 26, paragraph 2, and Article 27 *(a)* and *(b)* of the Convention, it should be noted that the average length of life is higher in Sweden than in most other countries.

Maternity. The Swedish maternity benefit insurance covers every woman who is compulsorily insured under the Public Sickness Insurance Act, i.e. practically all cases of maternity.

Invalidity. The National Pensions Act provides for the payment of an invalidity pension to every Swedish national, aged 16 to 66, who is permanently incapable of maintaining himself by his own work. Entitlement to an invalidity pension is not subject to any condition concerning residence for a certain number of years, or to payment of contributions.

Survivors. Such benefits are paid in the form of widows' and children's pensions. A full widow's pension, i.e. equivalent to a single pensioner's old-age pension, is payable to a widow living with children under 16 years of age, and to a widow who, on the death of her husband, has reached the age of 50 years, and had been married to him for at least five years. If a widow, with no children at home, is still under the age of 50 years at the time of her husband's death, the pension is reduced by one-fifteenth for each missing year. If the widow has not yet reached the age of 36 years, no pension is payable. If a widow no longer has children under 16 years of age at home, her entitlement to a full or reduced pension is judged on the basis of her husband having died when the youngest child attained the age of 16 years.

Conditions for Entitlement to Benefit.

Medical care. The benefits referred to in Article 10, paragraph 1 *(a)*, of the Convention are medical benefits under the compulsory sickness insurance and medical benefits under the Royal Order respecting free or subsidised pharmaceutical supplies. All insured persons are entitled to medical benefits, including compensation for expenses of medical and hospital treatment, and travel expenses connected therewith. This is also deemed to include expenses of dental treatment, if such treatment is given at a central dental clinic, a dental college or a public hospital. A sickness fund may also decide to pay compensation in certain other cases of treatment, e.g. physiotherapy and convalescent care. There is no limit to the duration of benefits in respect of medical treatment. Compensation for hospital treatment is payable for a maximum of 730 days for any single illness. The maximum period is, however, 180 days after the end of the month in which the insured person attains the age of 67 years. The period of sickness benefit

is limited to 180 days also in respect of a national pensioner under 67 years of age, unless the pensioner is gainfully employed. For other insured persons, compensation for hospital treatment is payable under the sickness insurance scheme for a considerably longer period than the 26 weeks stipulated in Article 12 of the Convention. For most national pensioners compensation is payable for a period shorter by two days. Since hospital treatment is financed mainly from tax revenues, the patient as such pays only a small part of the cost.

Sickness. Under the compulsory sickness insurance scheme the waiting period is three days and sickness benefit in the form of a daily allowance is payable for a maximum of 730 days in respect of any one illness, provided that the insured person is not drawing a national pension. National pensioners do not fall under this Part of the Convention which, according to Article 14, deals with contingencies involved with suspension of earnings.

Old age. Article 27 *(c)* does not apply directly, since only census-registered Swedish nationals are entitled to national pensions. Nor is Article 29 directly applicable, since entitlement to an old-age pension does not depend on a certain period of residence or payment of contributions.

Maternity. See below *Level of Benefits.*

Invalidity. See above *Scope.*

Survivors. See above *Scope.*

Level of Benefits.

Medical care. The rates of benefit vary. Benefit in respect of expenses of hospital treatment usually equals the amount charged in a local hospital for treatment in a public ward. Expenses of medical treatment are reimbursed at the rate of three-quarters of the said expenses, or if they exceed a specified amount, at the rate of three-quarters of such higher amount. In the case of specialist treatment outside hospital, the reimbursement may not exceed the allowance payable for treatment by a general medical practitioner. The cost of travel to and from the medical practitioner is usually reimbursed at a rate of three-quarters of the expenses in excess of 4 crowns for the first visit and of 1 crown for each subsequent visit. Pharmaceutical supplies purchased in Sweden against prescription by medical practitioners qualified to practise in Sweden are also subsidised. Free supplies are available in the case of 15 illnesses of long duration and serious nature. Price rebates are granted in respect of medicine classified as pharmaceutical supplies, and certain other medicines. The rules with regard to the share of the beneficiary or his breadwinner in the cost of medical care comply with Article 10, paragraph 2, of the Convention. The benefits available under the maternity protection and child welfare programme and the compensation for confinement expenses payable under the Maternity Benefit Act correspond to the benefits enumerated in Article 10, paragraph 1 *(b)*, of the Convention. The maternity and child welfare consultations are given at welfare centres, where free advice is given by doctors and midwives on health control of children and expectant mothers, and free treatment is given for illnesses caused by pregnancy, not requiring hospitalisation. The mothers can also receive certain prophylactic medicines free of charge. Practically all women and children are covered by this welfare scheme. Confinement expenses are refunded by the sickness fund at a rate equal to the amount charged by the institution for treatment in a public ward. Full compensation is also generally paid for travel, to the maternity institution. For the return journey only the amount in excess of 4 crowns is refunded. In the case of confinement at home, attendance by a midwife is free, but if a doctor has to be called in the expenses of medical attendance are refunded in accordance with the rules applicable in the case of sickness.

Sickness. Every member of a sickness fund who is compulsorily insured is guaranteed a basic daily sickness allowance of 3 crowns. If an insured member has children under 16 years of age living at home, who, as his children, are insured for treatment, a daily children's supplement to the basic sickness allowance is payable. An insured member whose annual remuneration is 1,800 crowns or more, is also insured for a supplementary sickness allowance, the rate of which is determined by the sickness allowance class (13 classes in all) to which he belongs. If an illness does not cause total incapacity for work, but reduces working capacity by one-half or more, one-half of the sickness allowance is paid. While a member is receiving hospital treatment, a home allowance is paid in lieu of sickness allowance. This allowance, as a rule, equals the sickness allowance otherwise payable, minus 3 crowns or one-half of the sickness allowance (whichever is less). The income from work of the skilled worker referred to in Article 65 may, in view of the wage conditions at the end of 1959 in the metal trades industry, be estimated at 14,200 crowns per year. Since the periodical family benefits amount to 450 crowns per year per child, the total income including family benefits for two children is 15,100 crowns a year. For a period of 26 weeks the standard beneficiary at present receives from the sickness fund 3,806 crowns (sickness allowance plus children's supplements) together with family benefits for the same period, the total benefits thus rising to 4,256 crowns (56.4 per cent. of the standard wage plus family benefits for the period).

Old age. Old-age pensions are paid partly as a national old-age pension, regardless of the pensioner's income or property, partly as a housing supplement, fixed by the municipalities according to the amount of income. The constant value of the national old-age pension is guaranteed by cost-of-living increments, payable automatically when the price level rises. Standard increments ensure that the pensioners share in the general improvement in the standards of living. As from 1 July 1960 the old-age pension payable to a married couple, both qualifying for old-age pensions, amounts to 4,350 crowns a year (including standard and cost-of-living increments). Municipal housing supplements have been introduced in practically all municipalities and are paid to pensioners

census-registered in the municipality concerned, according to the rules established by the municipality. The municipality is, however, bound to observe the rules concerning deduction in relation to income or calculation of a pensioner's income laid down in the National Pensions Act, 1946. If the total income for husband and wife together exceeds 1,500 crowns the income benefits are reduced by one-third of their income up to 2,100 crowns, and thereafter by two-thirds of their income. If a considerable amount of property is owned the pension is also reduced. Just over 45 per cent. of all pensioned married couples receive housing supplements, which in the great majority of the municipalities consist of a general supplement, regardless of the pensioners' expenditure for housing. The size of the supplement varies according to the municipality. Since a married couple also receive, in addition to their national old-age pension (4,250 crowns), a municipal housing supplement based on a means test and averaging 346 crowns a year, the minimum standard laid down by the Convention—at least 40 per cent. of the wage of an unskilled labourer, i.e. 5,000 crowns—is not entirely satisfied.

Maternity. Maternity allowances are paid in the form of a basic allowance together with, subject to certain conditions, a supplement for children and a supplementary allowance. The basic allowance is 270 crowns for a single birth and 450 crowns for a multiple birth. Where a woman already has one or more children under ten years of age living at home, she receives a children's supplement of 2 crowns a day for, as a rule, ten days. If she has been compulsorily insured under the supplementary sickness allowance scheme for at least 270 consecutive days immediately before her confinement, a supplementary allowance is payable during a maximum of 90 days at the same daily rate as the supplementary sickness allowance payable for the first 180 days and for one period of sickness. For a period of 90 days, the standard wage of the standard beneficiary amounts to 2,354 crowns and the benefits in the case of a single birth are 1,260 crowns, i.e. 53.5 per cent. of the standard wage.

Invalidity. The invalidity pension consists of a basic pension of 200 crowns (invariable) and a supplementary pension subject to a means test payable at the maximum rate of 1,500 crowns a year to a married pensioner whose wife or husband does not receive a national pension. The supplementary pension can be increased by cost-of-living and standard increments in the same way as the old-age pension. Beneficiaries of this supplementary pension also receive a housing supplement subject to a means test and which varies according to the municipality. If the married beneficiary, whose wife or husband does not receive a national pension, has an income exceeding 1,000 crowns, the benefits paid following a means-test are reduced by one-third of the income up to 1,400 crowns, and by two-thirds of the income thereafter. As from 1 July 1960, such a married beneficiary receives an unreduced invalidity pension (excluding housing supplements) amounting to a total of 2,750 crowns. Subject to a means-test, special children's allowances are payable to those in receipt of an invalidity pension who have children under 16 years of age of Swedish nationality and domiciled in Sweden. As from 1 July 1960, the maximum amount payable is 996 crowns per child per year. The allowance is paid at a reduced rate if the breadwinner's income exceeds a certain fixed limit. However, while the breadwinner is receiving a supplementary pension, no reduction of the special children's allowance is made. Since the unreduced benefits of the standard beneficiary (excluding housing supplements) amount, from 1 July 1960, to a total of 5,642 crowns per annum, the provisions of the Convention—requiring that the total of the benefits including family benefits shall amount to at least 40 per cent. of the wage and family benefits of an unskilled worker, i.e. 5,360 crowns —are complied with.

Survivors. Children's pensions amounting to 1,000 crowns a year are payable to children under 16 years of age who have only one parent. Orphans receive 1,400 crowns a year. In order to satisfy the requirements of the Convention the benefits should amount to 5,360 crowns. As from 1 July 1960, the benefits amount to a total of 6,235 crowns, i.e. approximately 50 per cent. of the standard beneficiary's income.

Under the relevant Swedish legislation, old-age, invalidity, and survivors' benefits are regulated by an index.

Miscellaneous Provisions.

Matters concerning national pensions are dealt with locally by pensions committees and at the national level by the National Appeals Board. Appeal from the decision of a pensions committee may be made to the National Pensions Board; appeal from the Board shall lie with the Crown.

As regards supplementary pensions, it has not yet been decided which local bodies are to deal with claims for withdrawals. The National Insurance Office is to act as supervising authority and to hear appeals from decisions of local authorities. Appeals from the Office lie with the Crown.

Sickness insurance is provided out of public sickness funds. The National Insurance Office supervises such funds and hears appeals against the decision of the public sickness fund. No appeal lies against a decision of the National Insurance Office without the permission of the said authority. However, an appeal shall be allowed in certain specified circumstances.

The report indicates that distribution of costs in the four social insurance schemes amounted in 1958 to a total of 3,518,121 crowns.

The possibility of adopting additional parts of the Convention are under constant review.

United Kingdom.

In reply to a request from the Committee of Experts, concerning Article 69 *(f)*, the Government states that it will bring to the notice of the Committee any decision by the authorities which would bring unintentional misconduct

within the scope of disqualification for benefit The Government furthermore indicates that it is not within its power to issue instructions to any of the independent statutory authorities which are bound only by the leading decisions of the National Insurance Commission. Lastly, the Government points out that the situation can only be altered by amending legislation, as the subject-matter does not lie within the competency of regulations.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

For legislation, see previous summaries, and also the following.

PART VI. EMPLOYMENT INJURY BENEFIT

National Insurance (Industrial Injuries) Act of 26 July 1946 (*L.S.* 1946—G.B. 2), with subsequent amendments, and Regulations thereunder.
Corresponding texts for Northern Ireland.

PART VI. EMPLOYMENT INJURY BENEFIT

Industrial injuries insurance is compulsory for all employees. Medical attention is available to all residents. National assistance is a comprehensive scheme for all classes of persons in need.

There are no qualifying periods or other conditions for entitlement to benefit. Benefits in kind are those provided under the National Health Service. Certain charges are payable by the beneficiaries. Cash benefits consist in the first instance of the payment of injury benefit for a period of 26 weeks (except where the incapacity for work ends sooner). The rate of benefit is 85 shillings a week for adults. Increases of benefit are allowed for child dependants. Benefit is not payable for the first three days of incapacity, unless the incapacity lasts at least 12 days. At the end of the injury benefit period the insured person is entitled to disablement benefit if he has suffered a loss of physical or mental faculty. The rate of benefit depends upon the degree of disablement. If it is assessed at less than 20 per cent. a lump-sum gratuity is normally payable. Weekly pensions are payable for assessments of 20 per cent. or more. The maximum rate of pension is 85 shillings per week for an incapacity of 100 per cent. There are lower rates for insured persons under 18 years of age. The rate of benefit may be revised if the condition of the incapacitated person justifies it.

In certain cases the disablement benefit may be increased, as when the person is unable to resume his regular occupation or is incapable of returning to work or is in need of constant attendance by another person. The benefit and increases together may not exceed 85 shillings a week. The incapacitated person is also entitled to an increase of benefit in respect of his wife, children or other dependants. In the case of children the increase is 15 shillings a week each for the first two children and 17 shillings for the third and subsequent children. An increase of 30 shillings a week is payable for a dependent wife.

If an insured person dies as the result of an industrial accident or occupational disease his widow receives a pension of 70 shillings a week for the 13 weeks following his death. Thereafter the rate of pension is 56 shillings or 20 shillings a week according to the widow's circumstances. This pension is payable for life or until the widow remarries; in the latter event she receives a gratuity equal to a year's pension. A widower who is unable to support himself and was dependent on his wife is entitled to receive in the event of her death a pension of 56 shillings a week. Weekly allowances are also payable in respect of the children of the deceased person up to the ages applicable to family allowances. An allowance of 20 shillings a week is generally payable for the first child and 12 shillings a week for every child after the first. These allowances are in addition to any family allowances. A parent who was dependent on the deceased person is also entitled to a pension.

Questions arising from claims and the settlement of disputes are in most cases dealt with by the Minister. The decisions taken are subject to an appeal to the High Court. Questions as to the right to benefit are decided by insurance officers, local appeal tribunals (on which employers and workers are represented) and the National Insurance Commissioner. Questions of a medical character are determined by independent medical boards and medical appeal tribunals.

The Ministry of Pensions and National Insurance is responsible for the administration of the scheme.

The United Kingdom Government has not accepted Part VI because, under the National Health Service Acts, strict compliance with all the provisions of Article 34 of the Convention is not possible (charges payable by the beneficiary).

PART VIII. MATERNITY BENEFIT

Maternity insurance is extended to all persons covered by the National Insurance Scheme and the National Health Service. Cash benefits are payable only to insured women who have paid contributions. The number of persons on whose contributions a title to maternity grant might be based is about 21,700,000 in Great Britain and 532,000 in Northern Ireland.

A *maternity grant* is payable to women who have paid or had paid on their behalf 26 contributions between the date of entry into insurance and the date of confinement; these contributions must have been paid or credited during the last complete contribution year before the year in which confinement takes place.

A *home confinement grant* is payable to women who are confined in their own homes or elsewhere otherwise than in free hospital accommodation provided under the National Health Service.

A *maternity allowance* of 50 shillings a week is payable to every woman who is working, for a period of 18 weeks, provided that the woman does not work throughout this period. The woman must have paid (or been credited with) at least 50 contributions during the period of 52 weeks ending immediately before the thirteenth week preceding the expected week of confinement. Of these, at least 26 must be contributions actually paid for weeks of work.

Medical care for mothers and babies, during

pregnancy, confinement and after birth, is provided under the National Health Service. Entitlement to such care is not conditional on any qualifying period or other requirement.

Insured women have the right of appeal, in the first instance to insurance officers, then to local tribunals (on which employers and workers are represented), and from them to the National Insurance Commissioner.

The scheme is administered by the Ministry of Pensions and National Insurance.

Apart from the insurance scheme National Assistance benefit is paid to persons in need.

The United Kingdom Government has not accepted Part VIII because the minimum rates of cash benefits prescribed by the Convention are higher than those payable under the United Kingdom National Insurance Acts.

Part IX. Invalidity Benefit

Under the United Kingdom National Insurance Scheme there is no provision for invalidity benefit as such. The Scheme, which is compulsory, provides, however, for the payment of unlimited sickness benefit, i.e. in respect of incapacity continuing beyond 312 days. All employed and self-employed persons are covered by the Scheme.

In general, benefit is payable to any insured person who can prove that he is incapable of work by reason of some specific disease or bodily or mental disablement. To be entitled to benefit, the duration of which is unlimited, an insured person must have paid 156 contributions between the date of entry into insurance and the date of his claim. To receive benefit at the standard rate, the insured person must furthermore show proof that at least 50 contributions have been paid during the relevant contribution year. If the number of contributions paid or credited is less than 50, but at least 26, a reduced rate of benefit is payable.

Benefit may be reduced for various reasons, *inter alia*, if the insured person is in hospital or is receiving other payments out of Social Insurance funds.

Benefits are not payable outside the United Kingdom, except where reciprocal arrangements exist with the country to which the insured person has gone, or if the incapacity began before he left the United Kingdom.

The standard rate of benefit conforms to the criteria laid down in Article 66 of the Convention, and amounts to 50 shillings a week for an insured adult; the increase for an adult dependant is 30 shillings; the increase for dependent children is 15 shillings a week for the first child and 7 shillings a week for every other child.

Insured persons have the right of appeal, in the first instance to insurance officers, then to local tribunals (on which employers and workers are represented) and from them to the National Insurance Commissioner.

Apart from the insurance scheme, National Assistance benefit is granted subject to need.

The United Kingdom Government has not accepted Part IX because the Convention calls for the payment of invalidity pensions, whereas in the United Kingdom only sickness benefit is payable, for such time as the incapacity lasts up to the age when the person concerned becomes entitled to an old-age pension.

Yugoslavia.

In reply to a request by the Committee of Experts, in respect of Article 28 of the Convention, the report outlines the scale for calculating pensions provided by Yugoslav legislation. According to this scale insured persons are divided into 20 categories according to monthly salary. The salary scale and the basic pension scale were revised by the 1959 amendment. The pension of a typical skilled manual male employee (Article 65 of the Convention) is calculated as follows.

The wages of qualified turners in 15 undertakings in the mechanical industry range from 19,000 to 21,000 dinars. If 20,000 dinars is taken as an average a skilled worker falls into the ninth insurance category and the basic pension is 72 per cent. of his average wage, i.e. 14,500 dinars.

If the skilled worker in question has completed the 15 years' qualifying period, he obtains a proportionate pension of 40 per cent. of the basic pension, i.e. 5,800 dinars (29 per cent. of his wage of 20,000 dinars).

For each year of employment over and above 15 years there is an increase of 3 per cent. After a qualifying period of 30 years (a period established under Article 29 of the Convention) a typical skilled worker therefore receives 85 per cent. of his basic pension, in other words 12,325 dinars, or 61.62 per cent. of his salary, instead of the minimum of 40 per cent. set by the Convention. This minimum laid down in the Convention is almost reached in Yugoslavia after 20 years of insurance (39.8 per cent. of the wage). After the full qualifying period of 35 years the beneficiary acquires the right to 100 per cent. of the basic pension, i.e. 14,500 dinars or 72.5 per cent. of his salary.

The survey of the measures adopted under the Pension Insurance Act during the period from 1958 to 1960 by the Federal Institute of Social Insurance also shows that the pension reaches a level higher than the 40 per cent. provided for in the Convention, regardless of the qualifications of workers and even for less than 30 years of employment.

Moreover, the Pension Insurance Act furnishes special protection, in the form of supplements granted under certain conditions regarding means, to workers belonging to the lowest insurance category or to those, who, because their qualifying period with the pension scheme has not been sufficiently long, have not attained a high level of pension (articles 133 and 134 of the Act).

The protective supplement for skilled workers is 7,350 dinars. Thus, a typical skilled worker having completed the minimum qualifying period of 15 years will receive a pension not of 5,800 dinars (as would be the case according to the above scale), but rather of 7,350 dinars, i.e. 36.7 per cent. of his salary, or nearly the amount provided for by the Convention for an insurance period of 30 years. The percentage is generally higher, as most beneficiaries have exceeded the minimum qualifying pension scheme period of 15 years.

The following information concerns those Parts of the Convention which are not included in the ratification (Article 76, paragraph 2, of the Convention).

PART VII. FAMILY BENEFIT

Decree of 25 October 1951 respecting child bonuses (*Službeni List (Sl.L.)*, No. 48/51) (*L.S.* 1951—Yug. 1) and subsequent amendment.

PART IX. INVALIDITY BENEFIT

Act of 26 November 1958 respecting invalidity insurance (*Sl.L.*, No. 49/58).

PART VII. FAMILY BENEFIT

Scope.

The following are entitled to child bonuses: wage earners and salaried employees within the territory of Yugoslavia; persons carrying on a professional activity on their own account, provided that they are insured and covered by special legislation; recipients of a pension; persons elected to full-time posts, etc.

The bonus is normally payable in respect of all children up to the age of 15 years, and above that age in certain circumstances (study, etc.).

Families whose tax on their income from an agricultural holding exceeds 250 dinars per year, and families with a supplementary income of more than 1,000 dinars per month per member are not entitled to this allowance.

In 1959 children's allowances were paid to 1,025,278 families in Yugoslavia in respect of 2,097,937 children.

In addition there are other important forms of protection for children: health protection, the free supply of food in school canteens, holiday camps.

Conditions for Entitlement to Benefit.

Wage earners and salaried employees who start work on completing vocational training or university studies are entitled to children's allowances as from the date of their admission to employment. Other wage earners and salaried employees are entitled to children's allowances after they have been in full-time employment for a minimum of 12 consecutive months, or a total of 20 months during the preceding two years. Working mothers who are responsible for the support of their children are entitled to children's allowances without any qualifying period, from the date of their admission to employment.

Level of Benefit.

The amount of the allowance depends on the number of children in the family. The amount also varies according to whether the sole income of the family is derived from employment, from an invalidity pension or allowance, or whether they have some additional income. In 1959 the total benefits paid amounted to 64,103,000 dinars.

PART IX. INVALIDITY BENEFIT

Scope.

Invalidity insurance covers persons in an employment relationship, persons elected to full-time posts, members of co-operatives, etc.

Conditions for Entitlement to Benefit.

Where invalidity results from an illness or injury contracted other than in employment, entitlement to benefit under the invalidity insurance scheme is generally acquired subject to the completion of a qualifying period of pension and of employment, the length of which depends on the age of the insured person.

The qualifying period for pension varies from five years (for an insured person of not more than 46 years of age) to ten years (for an insured person of more than 50 years of age). As a general rule, insured persons must have been in an employment relationship for at least two-thirds of the five-year period preceding the onset of the invalidity. The law lays down more favourable conditions for young workers and for insured persons who have completed a longer pension period.

Disabled persons are divided into three categories according to their capacity for work.

Level of Benefit.

The invalidity benefit may be a full pension or a proportional pension, depending on the category of invalidity and the age of the insured person.

Invalidity pensions are calculated on the basis of the retirement pension which the insured person would have received if he had reached the age of entitlement to such a pension (basic pension).

In the event of invalidity as the result of an industrial accident or occupational disease the pension is invariably fixed at 100 per cent. of the basic pension.

In other cases, the pension is fixed at a percentage of the basic pension. For the purpose of calculating this percentage insured persons are classified into three groups according to their age. As a general rule, after a qualifying period of not more than ten years, the rate is 50, 45 or 40 per cent. of the basic pension, depending on the proportion which the qualifying period completed represents of what would have been the normal working life of the person concerned. These percentages increase where the qualifying period is longer. If invalidity occurs before the insured person reaches 20 years of age the pension is always fixed at 50 per cent. of the basic pension, whatever the qualifying period completed.

Disabled persons benefit from rehabilitation facilities.

The Act on invalidity insurance lays down the conditions in which the pension may be withdrawn, altered or re-acquired (sections 164-182).

* * *

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

Denmark, Greece, Norway, Sweden, United Kingdom, Yugoslavia.

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Date of registration of ratification
Byelorussia	6.11.1956
Cuba	7. 9.1954
Hungary	8. 6.1956
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954
Yugoslavia	30. 4.1955

Byelorussia.

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

Conditions of work for workers on collective farms are determined by the statutes of agricultural *artels* which are adopted at general meetings of such workers. These statutes embody the decisions of members of collective farms on the duration of maternity leave for female workers on collective farms, and on the level of prenatal and postnatal benefits. In accordance with the Constitution, female workers, on collective farms, in common with all Soviet citizens, are entitled to free medical attention and all forms of medical care.

The decrees establishing exemption from the effect of the Labour Code (section 1) do not affect the provisions of this Convention.

The legislation on maternity care applies in full to foreign female wage earners and salaried employees.

In the case of sickness resulting from pregnancy, female wage earners and salaried employees are entitled to leave in respect of temporary incapacity for work under the Decree of the All-Union Central Council of Trade Unions and the Council of Ministers of the U.S.S.R. concerning entitlement to and payment of assistance under the state social insurance scheme.

Soviet legislation imposes no restriction on free choice of a doctor. In Byelorussia medical care is generally provided in medical institutions situated in the district where the patient resides. The patient may express a preference for any of the physicians in the medical institution concerned. The patient may also apply for attendance to a physician at a medical institution not situated in the district of residence.

Hungary.

In reply to a request made by the Committee of Experts in 1959 the Government states the following.

Article 1 of the Convention. The Labour Code makes no distinction between women employed in industry and those employed in agriculture. In the same way, the sickness insurance scheme, which covers maternity benefits, is also applicable to persons not bound by an employment contract, such as members of certain labour collectives or organisations, students, retired persons, etc., since the remuneration they receive cannot be considered wages.

With regard to the regulations issued under article 151 of the Labour Code, the only restriction on the application of the Convention concerns domestic servants who are protected against dismissal only if there are no special circumstances requiring their immediate dismissal, and then only until their confinement. The Government states that this restriction arises out of the very nature of such employment.

On the other hand, the measures taken in virtue of section 31 of the Ordinance respecting sickness insurance do not affect the application of the Convention.

Article 2. Under the Constitution, all women enjoy the same rights without distinction of religion or nationality. It was not deemed necessary to define the term " woman " since the Hungarian word *nö* designates all individuals of the female sex, and is not restricted to married women.

Article 4, paragraph 3 (second half of the sentence). Health services are standardised throughout the country and women workers can receive care from any doctor and in any establishment of their choice.

Article 6. See under Convention No. 3.

U.S.S.R.

Ordinance of 14 January 1960 of the Central Committee of the U.S.S.R. Communist Party and the Council of Ministers of the U.S.S.R. respecting measures for further improving medical care and health protection of the population of the U.S.S.R.

In the reply to the request for information of the Committee of Experts the Government states the following.

1. Members of collective farms are not persons working under contracts of employment, and therefore the provisions of the Labour Code of the R.S.F.S.R. and the other federated republics do not extend to them. The conditions of work of members of collective farms are governed by the rules of agricultural co-operatives, which are adopted by the General Meeting of members. The members of the collective farms themselves decide on the duration of maternity leave for women members and the amount of the allowance for pregnancy and confinement and of the grant on birth of a child (payable from the funds of the collective farm) in the light of the standards laid down for wage earners and salaried employees in current Soviet legislation. As regards medical care for women members of collective farms during and after pregnancy and confinement, free medical care is enjoyed by all citizens of the U.S.S.R., under the Constitution.

2. Soviet legislation respecting maternity protection extends to all women wage earners and salaried employees including seasonal workers and others whose work is governed by special orders under section 1 of the Labour Code. All these orders are to be found in the " Collection of Statutory Provisions regarding Labour " published by *Gosjurizdat* in 1960. They fully correspond to the provisions of the Convention.

3. The legislation of the U.S.S.R. respecting maternity protection extends without any exception to all alien women working as wage earners or salaried employees in the U.S.S.R.

4. In case of sickness arising out of pregnancy, a woman wage earner or salaried employee receives paid leave for as long as she is incapable of working.

5. Soviet legislation places no kind of restriction on the free choice of doctor. As a rule, medical care of citizens of the U.S.S.R. is given at institutions situated in the area of the citizen's home. The patient may choose any doctor from among the medical staff of the institution, or may reject any such doctor and go to another specialising in the appropriate branch of medicine in the same or another medical institution (maternity home, women's dispensary, policlinic, etc.).

6. The Decree of 8 August 1922 of the People's Commissar for Labour of the R.S.F.S.R. provides that pregnant women may be dismissed only in exceptional cases. In such cases, apart from respect for the general provisions governing dismissals, the consent of the competent trade union is required. Practical experience in the application of this Decree indicates that, as a rule, the trade union gives its consent to the dismissal of a pregnant woman only in exceptional circumstances, when the woman herself consents and some other work of equal value can be arranged for her. Women living alone with children up to one year old may be dismissed only in exceptional circumstances, with the consent of the labour inspector in each individual case (Decree of 16 July 1925 of the People's Commissar for Labour of the R.S.F.S.R).

As regards dismissal while a woman is on maternity leave or whenever the notice would expire during her absence, section 20 of the rules issued by the People's Commissar of Labour of the U.S.S.R. respecting regular and supplementary leave (confirmed on 30 April 1930), provides that the dismissal of a worker while on regular or supplementary leave is not permissible, save in the following three cases : *(a)* complete liquidation of the undertaking or institution ; *(b)* suspension of work in the whole undertaking or institution for more than one month for operational reasons ; *(c)* conviction of the worker for an offence directly related to his employment in the undertaking or institution.

Yugoslavia.

In reply to a direct request by the Committee of Experts in 1959 the Government supplied the following information.

Article 3, paragraph 2, *of the Convention.* The official manual on the application of the Employment Relations Act and section 38 of the Sickness Insurance Act of 8 December 1954, which is still in force, make it compulsory to take part of the maternity leave after the confinement.

Paragraph 4. The above-mentioned manual provides that maternity leave must extend for 60 days after the confinement, thus showing clearly that this period of post-confinement leave must be guaranteed even if, the physician having miscalculated the date of confinement, leave is taken commencing more than 45 days before confinement. This obligation is derived from the text of section 42 of the Decree in application of the Sickness Insurance Act.

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

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
Portugal	12. 4.1960
El Salvador	18.11.1958
United Arab Republic : Egypt.	18.12.1958
Syria .	7. 6.1957

Dominican Republic (First Report).

The Dominican Republic has no dependent territories with indigenous workers. Consequently the Convention is not applicable in practice.

El Salvador (First Report).

No penalties are provided by law for failure to fulfil an employment contract, as such penalties would be incompatible with the terms of the 1950 Constitution. There is no indigenous population in the country.

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Countries	Date of registration of ratification
Argentina	18. 1.1960
Australia	7. 6.1960
Austria	5. 3.1958
Belgium	23. 1.1961
Canada	14. 7.1959
China	31. 3.1959
Costa Rica	4. 5.1959
Cuba	2. 6.1958
Cyprus [1]	23. 9.1960
Denmark	17. 1.1958
Dominican Republic	23. 6.1958
Finland	27. 5.1960
Federal Republic of Germany	22. 6.1959
Ghana	15.12.1958
Guatemala	9.12.1959
Haiti	4. 3.1958
Honduras	4. 8.1958
Iceland	29.11.1960
Iran	13. 4.1959
Iraq	15. 6.1959
Ireland	11. 6.1958
Israel	10. 4.1958
Jordan	31. 3.1958
Malaya	13.10.1958
Mexico	1. 6.1959
Netherlands	18. 2.1959
Nigeria [2]	17.10.1960
Norway	14. 4.1958
Pakistan	15. 2.1960
Peru	6.12.1960
Philippines	17.11.1960
Poland	30. 7.1958
Portugal	23.11.1959
El Salvador	18.11.1958
Somalia (ex-British Somaliland) [3]	18.11.1960
Sweden	2. 6.1958
Switzerland	18. 7.1958
Tunisia	12. 1.1959
United Arab Republic	23.10.1958
United Kingdom	30.12.1957

[1] See footnote 2 to Convention No. 15.
[2] See footnote 4 to Convention No. 15.
[3] See footnote 5 to Convention No. 50.

Austria (First Report).

Federal Constitution of 1920, as amended.
Basic Law of the State of 21 December 1867 (*Reichsgesetzblatt (RGBl.)*, No. 142).
Law of 27 October 1862 for the protection of personal liberty (*RGBl.*, No. 87).
Penal Code.
Law of 10 June 1932 concerning the placing of criminals in labour institutions (*Bundesgesetzblatt*, No. 167/1932).

By virtue of article 49 of the federal Constitution, the Convention became part of the law of the land upon its ratification.

Section 7 of the Basic Law of the State, 1867, permanently abolished all conditions of subjection or servitude. This law has been incorporated in the Constitution. In addition, it guarantees the right of association, freedom of expression and of the press, freedom of religion, and the free choice of occupation (sections 12-14 and 18).

The forms of forced labour mentioned in the Convention do not exist in Austria. Any recourse thereto would infringe basic constitutional rights, which could be invoked.

Under section 18 of the Penal Code, persons sentenced to imprisonment are required to work. However, they are not used for any of the purposes mentioned in the Convention. The Act concerning the placing of criminals in labour institutions can be applied only to persons falling within the provisions of the Vagrancy Law and habitual criminals.

Cyprus (First Report).

Constitution (article 10).
Criminal Code, Cap. 154 (section 254).

No forced or compulsory labour is used for any of the purposes enumerated in Article 1 of the Convention.

The only forms of compulsory labour are labour imposed on persons convicted in a court of law (Prison Regulations, sections 27, 91, 106, 133 and 134) and labour imposed in connection with the extinguishing of forest fires (Forest Law, Cap. 60, section 18).

Denmark (First Report).

No forms of forced or compulsory labour exist in this country.

Recourse to forced labour as described in the Convention is punishable under sections 260, 261 and 262 of the Penal Code. If a public employee were found guilty of such practices, sections 150 and 154 of the Code would also be applicable.

Dominican Republic (First Report).

Constitution.
Penal Code.

Forced labour in the forms envisaged in Article 1 of the Convention does not exist. The Constitution, in article 8, paragraph 3, establishes freedom to work as an inherent right of all human beings. The Penal Code provides penalties of forced labour to be accomplished in the construction of public works, but such penalties are in general applicable only in cases of crimes committed against individuals and specified in the Code. The penalties for crimes " against the peace or against the social order " in particular consist of penal servitude and do not comprise forced labour.

Ghana (First Report).

Employment Ordinance, 1948.

The forms of forced labour dealt with under Article 1 of the Convention do not exist in Ghana. Sections 110 and 111 of the abovementioned Ordinance provide penalties for illegal exaction of forced labour.

Ireland (First Report).

The legislation does not permit any of the forms of forced labour specified in Article 1 of the Convention. Article 40 of the Constitution provides that no citizen shall be deprived of his personal liberty save in accordance with law. This article also embodies the principle of *habeas corpus*. The common law principles relating to civil and criminal proceedings for assault and for false imprisonment also apply.

Israel (First Report).

Ordinance of 1936 respecting the Penal Code.

There is no law authorising recourse to forced or compulsory labour in the circumstances mentioned in Article 1 of the Convention. Hence all the forms of forced labour referred to in the Convention are illegal and recourse to them is an offence under Section 261 of the Ordinance respecting the Penal Code.

Malaya (First Report).

There is no forced or compulsory labour, in whatever form, in the Federation.

Nigeria (First Report).

The Labour Code Ordinance (Cap. 99) is being revised. The chapter on forced labour is being revised to accord with Conventions Nos. 29 and 105. In particular, section 119 of the Ordinance, which deals with the provision of labour for communal services, will be repealed. Forced labour is not used for any of the purposes mentioned in Article 1 of the Convention. The general penalty clause in section 227 of the Labour Code Ordinance applies to illegal exaction of forced labour.

Observance of the provisions of the Convention is ensured by the governments in the Federation, through their various administrative machineries, and by the Federal Ministry of Labour, through its inspecting staff.

Norway (First Report).

Forced labour within the meaning of the Convention does not exist in Norway.

El Salvador (First Report).

Constitution of 7 September 1950 (*L.S.* 1950—Sal. 4).
Penal Code.
Code of Criminal Procedure.

The Convention is applied by articles 151, 152, 155 and 164 of the Constitution. In particular, article 155 provides that no one shall be compelled to do work or render personal service without just remuneration and without his full consent, except in cases of public calamity or any other cases determined by law.

The only persons from whom work may be exacted are prisoners, both when their trial is in progress and when undergoing a sentence of imprisonment. Such work is governed by sections 29-34 of the Penal Code and section 78 of the Code of Criminal Procedure.

Penalties for illegal exaction of forced labour are laid down in sections 324 and 451 of the Penal Code.

The above-mentioned provisions are enforced by the courts.

Sweden (First Report).

None of the forms of forced labour dealt with in the Convention can be imposed in Sweden. Sections 1 and 9 of Chapter 15 of the Penal Code provide penalties for illegal exaction of forced labour.

Switzerland (First Report).

Federal Constitution of 29 May 1874.
Civil Code of 10 December 1907.
Federal Code of Obligations of 30 March 1911.
Penal Code of 21 December 1937.

Article 1, subparagraph *(a)*, *of the Convention.* The federal Constitution guarantees freedom of the press and expressly gives citizens the right to form associations, provided that nothing in the aims of such associations or in the methods they employ is of an illicit character or harmful to the State (sections 55 and 56). Private persons may freely form associations (section 60 et seq. of the Civil Code). No one runs the risk of being condemned to forced labour by expressing political opinions or views ideologically opposed to the established political, social or economic order. No political party is forbidden by law.

Subparagraph *(b)*. Recourse to forced labour for purposes of economic development is not authorised by law. Workers may be engaged only by means of a contract of employment which conforms to the Federal Code of Obligations (section 319 et seq.). An employment contract concluded for life or for more than ten years may be denounced by the employee after ten years, without right to compensation, subject to six months' notice (section 351).

Subparagraph *(c)*. Internment in a labour reform school may take place by decision of the civil courts (or of an administrative tribunal, if there is no opposition), as a temporary educative measure, but only in cases within the province of family law (Civil Code, sections 275, 276, 405, 420, 421, 430).

Subparagraph *(d)*. The fact of having taken part in a strike is never punishable by forced labour.

Illegal exaction of forced labour is punishable by penalties intended to prevent illegal restraint and coercion (sections 181 and 182 of the Penal Code) ; a public employee guilty of such practices would also be liable to the penalties relating to abuse of authority (section 312 of the Penal Code).

United Kingdom (First Report).

Habeas Corpus Acts, 1640-1816.
Prison Rules, 1949 (*S.I.*, 1949, No. 1703).
Prison (Scotland) Rules, 1952 (*S.I.*, 1952, No. 565 (S. 18)).
Prison Rules (Northern Ireland), 1954 (*S.R. & O. (N.I.)*, 1954, No. 7).

No forced or compulsory labour as specified in the Convention exists in the United Kingdom.

Certain fundamental rights were declared in England by Magna Charta (1215, regranted in

1297), the Petition of Right, 1628 and the Bill of Rights, 1688. The liberties of the subject, are, however, protected mainly by common law. Labour is given freely under contract; in case of breach the courts will not order specific performance of the contract. False imprisonment gives rise to a civil claim and is also a criminal offence at common law. The same is true in any case of unlawful threats or physical violence for the exaction of labour. The writ of *habeas corpus* is the subject's remedy in all cases of unlawful or unjustifiable detention.

Scotland has a separate system of both civil and criminal law. However, in general the law as regards forced or compulsory labour and contracts of service is the same.

Persons sentenced to terms of penal detention upon conviction of criminal offences, as well as " civil prisoners " as defined in rule 146 of the Prison Rules, are required to work. The conditions governing such work (rules 6 and 56-58) ensure that this work does not in any way contravene the Convention. The prison rules applicable to Scotland and Northern Ireland are similar.

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Countries	Date of registration of ratification
Bulgaria	22. 7.1960
Costa Rica	4. 5.1959
Cuba	2. 6.1958
Denmark	17. 1.1958
Dominican Republic	23. 6.1958
Ghana	15.12.1958
Guatemala	9.12.1959
Haiti	4. 3.1958
Honduras	20. 6.1960
Iraq	5. 7.1960
Mexico	1. 6.1959
Pakistan	15. 2.1960
Portugal	24.10.1960
Tunisia	28. 5.1958
United Arab Republic	23.10.1958
Yugoslavia	13.10.1958

Denmark (First Report).

Act No. 227 of 11 June 1954 respecting workers' protection in employment in commercial establishments and offices (*Lovtidende A (Lov.A)*, No. XXIII, 30 June 1954, p. 572) (*L.S.* 1954—Den. 2).

Act No. 226 of 11 June 1954 respecting workers' protection generally (*Lov.A*, 30 June 1954, No. XXIII, p. 353) (*L.S.* 1954—Den. 1).

Regulations of 12 September 1955 establishing exceptions to the prohibition of work on Sundays and holidays in press undertakings.

Weekly rest is also dealt with by special provisions in certain collective agreements.

Article 2 of the Convention. The provisions of section 14 of Act No. 227 of 11 June 1954, prohibiting work on Sunday and other holidays, apply by virtue of section 1 of the same Act to employment of any kind in commercial establishments and offices, whether public or private, where workers are employed in the service of an employer; employment in storerooms and warehouses and in transport operations is excepted. They do not automatically apply to salaried employees of the State (section 12 (1) and (2) of the Act), nor to representatives, agents and commercial travellers, but, in principle, they cover the commercial services of industrial establishments and establishments whose nature is both industrial and commercial.

Article 3 paragraph 1 *(a)*. In a statement annexed to the report, the Government indicates that it accepts the obligations imposed by the Convention with regard to establishments, institutions and administrative services providing personal services.

Article 4. In case of doubt the Minister of Social Affairs decides, after discussion with the Director of Labour Inspection and the Labour Council, whether a given undertaking is covered by Act No. 227 (section 1 (5)).

Article 5. Undertakings in which only members of the employer's family are employed and persons occupying high managerial posts are excluded from the scope of the provisions concerning weekly rest.

Article 6. Under section 14 of the abovementioned Act, it is in principle forbidden to employ workers during the day and night of any holiday, namely during the period of 24 hours preceding the hour at which a worker normally begins work on a weekday. Sunday is recognised by law and custom as the normal day of rest.

Article 7. Section 14 (2) of the Act lists certain categories of establishments, services and operations of public importance, which are exempted from the regulations on Sunday rest. Section 15 also empowers the Minister of Social Affairs to permit exceptions in certain cases, but only to the extent required in the circumstances.

Under section 16 of the Act compensatory free time must be given as far as possible to persons deprived of Sunday rest under sections 14 and 15. Measures to ensure that this is done are usually included in collective agreements.

Article 8. In case of accident, *force majeure* or exceptional circumstances, the Labour Inspectorate may permit temporary exceptions on the basis of section 14 (3) of the Act, which makes the provisions of section 13 on the length of the working day applicable to Sunday rest; in such cases, compensatory free time is not required by law, but is generally granted under collective agreements.

To prevent the loss of perishable goods, weekly rest may be suspended without special permission, on the basis of section 14 (2) of

the Act, but compensatory free time must be granted as far as possible (section 16).

Article 9. Wages are not regulated by laws and regulations, nor are they subject to the control of administrative authorities.

Article 10. Observance of the provisions concerning weekly rest is supervised by the Labour Inspectorate and penalties are provided for infringements (sections 24 and 25 of Act No. 227; Chapters 11 to 15 of Act No. 226 of 11 June 1954 respecting workers' protection generally).

Article 11. The report refers to the information given in connection with Articles 7 and 8 of the Convention and lists the undertakings to which the Minister of Social Affairs has granted exceptions on the basis of section 15 of the Act.

Dominican Republic (First Report).

Labour Code of 11 June 1951 (*Gaceta Oficial (G.O.)*, No. 7309*bis*, 23 July 1951) (*L.S.* 1951—Dom. 1), amended by Act No. 3229 of 8 March 1952 (*G.O.*, No. 7399, 12 Mar. 1952) (*L.S.* 1952—Dom. 1).
Decree No. 5681 of 15 April 1960 respecting state employees (*G.O.*, No. 8469, 16 Apr. 1960).

Section 155 of the Code provides that workers shall be entitled to an uninterrupted rest of 24 hours after six days of work. If there is no express agreement to the contrary between the parties, the rest day shall be Sunday. Section 156 stipulates that all days declared by the Constitution or by statute to be non-working days shall likewise be rest days unless there is an agreement to the contrary between the parties.

By virtue of Decree No. 5681, state employees enjoy more favourable conditions, namely two rest days per week.

The Government states that the labour laws apply the exceptions provided for in the Convention to establishments in which only members of the employer's family are employed and to persons holding high managerial positions.

The Secretary of State for Labour and Industry may authorise undertakings to use the services of workers on Sundays, subject to payment of a wage that fulfils the provisions of the law.

Ghana (First Report).

Labour Ordinance (Laws of Ghana, Cap. 89, Vol. III, 1954).
General Order No. 188 (ii) respecting civil servants.

The provisions of the Convention are applied by a combination of national laws and regulations, and of collective agreements. The Cabinet has approved that legislation be drafted to give effect to this Convention by means of regulations issued under section 119 of the Labour Ordinance.

Articles 2 to 4 of the Convention. General Order No. 188 (ii) prescribes weekly rest for civil servants. Although general statutory provisions are not available at present, the principle of weekly rest is accepted and practised throughout the country in the public and private sectors of the economy.

Article 5. There is no specific provision for the exclusion of establishments in which only members of the employer's family are employed but, by custom of the country, such persons are not generally regarded as wage earners. Weekly rest applies to persons holding high managerial positions.

Article 6. Weekly rest is generally applied as required in paragraph 1 of this Article. Where possible it is granted simultaneously to all persons employed in a given establishment and Sunday is the established day of rest. In view of the many religious minorities in the country it is not considered possible to respect their traditions and customs regarding the day of the week established as a day of rest.

Article 7. In hospitals, for example, the provisions of Article 6 are applied in respect of nursing and domestic staff. Measures are taken to stagger duty hours and rest periods. The special weekly rest schemes are the result of negotiation between the appropriate employers' and workers' organisations.

Article 8. Temporary exceptions, generally partial, may be authorised in the circumstances laid down in paragraph 1 of this Article, but compensatory rest periods or payment in lieu thereof are given in every case. These conditions are the result of negotiation between the appropriate employers' and workers' organisations.

Article 9. In general, wages covering the period of weekly rest are paid only to employees whose conditions or agreements of service so provide.

Article 10. The proper administration of the provisions concerning weekly rest is ensured by regular inspections carried out by officers of the Department of Labour.

Article 12. The provisions of the Convention do not unfavourably affect any conditions of workers, but there is no specific legislation in this respect.

Article 13. No specific legislation exists in respect of this Article.

Officers of the Department of Labour are entrusted with the application of legislation and regulations.

Tunisia (First Report).

Decree of 20 April 1921 respecting weekly rest (*Journal officiel tunisien (J.O.T.)*, 7 May 1921) (*L.S.* 1921—Tun. 1-3), amended by Decrees of 27 September 1939 (*J.O.T.*, 7 Nov. 1939), and 3 August 1950 (*J.O.T.*, 8 Aug. 1950) (*L.S.* 1950—Tun. 3).
Order of 25 April 1921 issuing regulations for the supervision of the administration of the Decree of 20 April 1921 respecting weekly rest (*L.S.* 1921—Tun. 1-3).
Order of 16 July 1921 issuing regulations for the supervision of the Decree of 20 April 1921, respecting weekly rest, in the establishments and undertakings under the supervision of the Office of Public Works (*L.S.* 1921—Tun. 1-3).

The Government indicates that on ratification the Convention acquired force of law.

Articles 2 and 3 of the Convention. The legislation on weekly rest covers office personnel (including apprentices) of all the establishments, institutions or administrations referred to in Articles 2 and 3 of the Convention. Weekly

rest may be granted by rotation in the establishments mentioned in Article 3.

Article 4. It was not considered necessary to take special steps to define the establishments to be covered by the present Convention.

Article 5. The legislation in force does not apply to establishments where only members of the employer's family are employed or to persons who occupy high managerial posts.

Article 6. The general rule is for establishments referred to in the Convention to grant their personnel a weekly rest period of 24 consecutive hours. For religious reasons, such rest must be granted at the end of the week, either on Friday, Saturday or Sunday. In principle, the weekly rest period must be granted to all persons concerned on the same day.

Article 7. The Secretariat of State for Public Health and Social Affairs may issue orders fixing the rest period on Friday, Saturday or Sunday afternoon with compensatory rest on another half-day each week granted in rotation (section 3 (3) of the Decree of 24 April 1921). Generally, for office employees, the weekly rest is granted on the same day each week, except in the case of establishments which provide personal services. In such cases exceptions are provided for and the weekly rest is granted in rotation.

Trade unions or workers' organisations are consulted prior to establishing any system departing from the normal arrangement.

Article 8. Under section 5 of the Decree of 20 April 1921, weekly rest may be suspended in respect of staff required to carry out urgent work to prevent accidents or remedy injuries. Compensatory rest is provided for.

Article 9. Observance of the rule of weekly rest does not involve any reduction in wages, since these are generally paid monthly.

Article 10. Observance of the legislation concerning weekly rest is supervised by the labour inspectors in collaboration with the officers of the judicial police; infringements are punishable by fines.

Article 11. The main categories of establishments governed by special rules in respect to weekly rest are the following: *(a)* establishments, institutions and administrative services which provide personal services; *(b)* postal and telecommunications services; *(c)* theatrical or entertainment undertakings.

Article 12. The present Convention does not affect the more favourable conditions already enjoyed by certain categories of workers, particularly in banks.

Article 13. Section 14 of the Decree of 20 April 1921, amended by the Decree of 27 September 1939, the text of which is reproduced in the report, provides that: " In establishments under state supervision and likewise in those carrying out work on account of the State in connection with national defence, the heads of administrative departments concerned may authorise the heads of such establishments to suspend the weekly rest."

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

Dominican Republic, Ghana, Haiti.

107. Indigenous and Tribal Populations Convention, 1957

This Convention came into force on 2 June 1959

Countries	Date of registration of ratification
Argentina	18. 1.1960
Belgium	19.11.1958
Costa Rica	4. 5.1959
Cuba	2. 6.1958
Dominican Republic	23. 6.1958
Ghana	15.12.1958
Haiti	4. 3.1958
India	29. 9.1958
Mexico	1. 6.1959
Pakistan	15. 2.1960
Peru	6.12.1960
Portugal	22.11.1960
El Salvador	18.11.1958
United Arab Republic	14. 1.1959

Belgium (First Report).

The Convention does not concern Belgium, in whose territory there are no tribal or aboriginal populations.

However, the Belgian Government considers that the interest of Members of the International Labour Organisation in aboriginal and tribal populations should not be confined to those under the administration of such Members, in view of the principles stated in the declaration annexed to the Constitution of the I.L.O., which, as the Philadelphia Conference affirmed, " are fully applicable to all peoples everywhere " and the progressive application of which " is a matter of concern to the whole civilised world ".

It is in this spirit of international solidarity that the Belgian Government ratified the Convention.

Dominican Republic (First Report).

Ratification of this Convention was given as a demonstration of solidarity with the principles and standards adopted by the International Labour Organisation in its concern for the well-being of the indigenous populations, for, since there are no indigenous peoples in the Dominican Republic, this Convention has no practical application in that country.

Ghana (First Report).

The provisions of this Convention do not apply to Ghana as populations of the type envisaged by it do not exist in Ghana. The Convention was ratified because of the sentiments expressed in its provisions which are in accord with those of Ghana.

India (First Report).

Constitution of 26 November 1949.
Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956.
The Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation No. 3 of 1956 (*Gazette of India*, Extraordinary, No. 4, 30 June 1956).
The Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Rules, 1957 (ibid., Extraordinary, No. 7, 28 Apr. 1957).
Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.

Article 1 of the Convention. The term " scheduled tribes ", designating tribes listed in the Scheduled Castes and Tribes List, is applied to classes that are socially and educationally backward as compared to the remainder of the population and have retained a mode of living and customs peculiar to themselves. The tribal population is estimated to be approximately 22.5 million. In some states, the scheduled tribes are concentrated in " scheduled areas " ; in others, they are scattered over the whole territory. The population of the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindivi Islands are mainly tribal.

Article 2. Article 14 of the Constitution establishes the equality of all individuals before the law, and article 46 provides that " the State shall promote with special care the education and economic interests of the scheduled tribes and shall protect them from social injustice and all forms of exploitation ".

A Commissioner for Scheduled Castes and Scheduled Tribes has been appointed in pursuance of article 338 of the Constitution to investigate all matters relating to the safeguards provided in the Constitution for these population groups and to report from time to time on the working of those safeguards to the President of India. In the states of Bihar, Madhya Pradesh and Orissa, independent departments of tribal welfare have been set up in accordance with article 164 (1) of the Constitution.

Article 3. In the Five-Year Plans special emphasis has been laid on the development of tribal economy and separate financial allocations have been made for this purpose and for the development of communications, educational facilities, health services, etc. These measures do not in any way prejudice the general rights of citizenship of the scheduled tribes, and will be continued only as long as they are considered necessary.

Article 4. Special research institutes have been set up in some states to collect basic data about tribal life for the purpose of formulating development schemes ; they will also serve as training centres and will study the schemes already under execution, report on their shortcomings and undertake socio-economic surveys.

Article 5. The tribal populations are represented in the Legislative Assembly of the Union and of the different states (articles 330 and 332 of the Constitution).

An Advisory Board for Tribal Welfare advises the central Government on the needs of the tribal populations and the formulation of policies concerning them. There are also Tribes Advisory Councils in states which have scheduled areas. In the state of Assam, which has only " tribal areas ", there are district councils (three-quarters of whose members are elected by the tribes) which work out rules for the protection of tribal interests and the administration of the tribal areas.

Article 6. In the first and second Five-Year Plans, a sum of 750 million rupees had been set aside for the development of tribal economy, the improvement of communications, the expansion of educational and vocational and technical training facilities, the provision of health services and the development of cottage industries in the areas inhabited by the scheduled tribes. The state governments have also provided programmes for the development of agriculture and handicrafts.

The third Five-Year Plan provides for a detailed study of education problems, with particular regard to the training of teachers, the preparation of text-books, the use of tribal dialects, etc.

Article 7. Customary laws relating to forms of marriage, divorce, inheritance, etc., seem to be in force amongst almost all the tribal communities in India.

Article 8. The Indian Penal Code is applicable to the whole of India, except Jammu and Kashmir. All Acts apply to the whole of India, but the Governors of states are vested with powers to direct that any particular Act does not apply to a scheduled area or any part thereof or that modifications are necessary for its application.

Article 9. The Constitution (article 23) prohibits all forms of forced labour, except for that imposed by the State for public purposes without any discrimination. The exaction of compulsory personal services is a punishable offence under section 374 of the Penal Code.

Article 10. Article 22 (4) and (5) of the Constitution and the Preventive Detention Act, 1950, provide safeguards against preventive detention which apply to all citizens. It has not been considered necessary to take any special measures in respect of the scheduled tribes.

Article 11. Community ownership is the rule in most tribal areas, particularly among isolated groups in the interior. The system of cultivation is nomadic.

Tribal groups living in closer contact with the general population come under its influence and thus communal life is slowly disappearing. Co-operative farming is not very prevalent, although co-operation in other fields (credit associations, for example) has made considerable headway. Both individual and collective ownership exist side by side.

Article 12. The areas where the scheduled tribes are concentrated are known as " habitual

territory ". Such areas are found in seven states, apart from Assam with its tribal areas.

Tribal populations cannot be removed from their habitual territories save for a public purpose and by authority of a law which provides for compensation to be paid to them (articles 31 (2) and 19 (5) of the Constitution).

The report gives statistics on the number of tribal families displaced as a result of large projects for irrigation, power and industrialisation. Rehabilitation of the these uprooted families is a complex problem since it is not always possible to provide them with cultivable land; sentimental attachments and cultural roots often prove a further obstacle. However, it is the policy of the Government to resettle as many families as possible on alternative land rather than pay cash compensation.

Article 13. The customary procedures for the transmission of the rights of ownership and use of land by the tribal populations in India do not appear to meet the needs of tribal populations. In many states, legislative and executive measures have been undertaken to prevent the exploitation of tribes by persons who do not belong to the tribal population, either by prohibiting transfer of land to the latter or by supervising such transfer.

Article 14. In different parts of the country steps have been taken to allot lands to tribal agricultural workers; in some states, they are given preferential treatment in the allocation of land. When their financial resources are insufficient, they receive loans or grants to help them reclaim or cultivate the land and purchase equipment, seeds, etc. The various state programmes aimed at abolishing nomadic cultivation provide similar facilities.

Article 15. A percentage of posts in the central Government and state governments is reserved for members of the tribal population and certain special privileges are granted them in regard to promotion and confirmation.

No discrimination is made against the tribal populations in regard to admission to employment, remuneration and other conditions of work, social security, freedom of association, etc. (articles 14 and 16 of the Constitution).

Article 16. The tribal populations enjoy equal opportunity with the rest of the population in the matter of vocational training.

Article 17. The second Five-Year Plan has laid emphasis on the need to encourage and support the arts and crafts of tribal populations and to give them special facilities for vocational training. Several centres for cottage industries as well as other industrial schools and training centres have been set up in the scheduled areas, for such crafts as spinning, carpentry, smithing, tailoring, etc. The training programmes take into account the economic and cultural development of the tribal populations and their needs and aptitudes (see also under Article 4 above).

Article 18. The importance of cottage industries as a means of improving the economic lot of the scheduled tribes is well recognised and during the first Five-Year Plan 111 cottage industry centres were established.

Furthermore, the Indian Government, while aware of the need to preserve the cultural heritage of the tribal populations, considers it necessary to acquaint these populations with modern production techniques, better organisation of marketing, etc.

Article 19. To the extent that they are covered by the social security schemes, as regards their occupational category, workers of the tribal populations enjoy the same benefits as other workers. It is proposed to extend these schemes progressively to all categories of workers. The members of tribal populations employed in central government services are estimated to number 29,250.

Article 20. During the first Five-Year Plan the Government spent more than 15 million rupees for the development of health facilities in tribal areas; the second Five-Year Plan provided for an expenditure of 56 million rupees under this head and for developing the water supply. State programmes provide for the setting up of 600 dispensaries and mobile health units and the sinking of 15,000 drinking water wells in tribal areas. Arrangements are also being made for the training of nurses and midwives from amongst the tribal populations.

The schemes sponsored by the central Government include the opening of new economic and health units to eradicate certain diseases (leprosy, malaria and venereal diseases).

The report gives information on the number and type of health services in 14 states.

Article 21. In accordance with article 29 (2) of the Constitution, tribal populations have equal education opportunities with other citizens.

During the first and second Five-Year Plans the various state governments spent 51 million and 80 million rupees respectively on the development of educational facilities for scheduled tribes, including the opening of 3,187 schools and 398 hostels and the provision of scholarships for about 300,000 tribal students. For several states the report contains information on the number and type of schools for tribal populations and the number of pupils attending them.

Articles 22 to 25. The education system has been given a new direction by the foundation of institutions for basic handicraft education in areas inhabited by the tribes. Several states have opened " Ashram " schools which are residential schools with a vocational and agricultural bias.

The question of the language in which teaching should be given raises certain difficulties. In many states the tribal dialects are used; elsewhere preliminary steps, such as the conducting of surveys and the preparation of books in tribal dialects, are being taken. At a later stage of education the regional and national languages are also used so that the tribal populations may be in a position to take part in all spheres of national life.

Some states have organised training schemes for specialised personnel in the various fields of work among scheduled tribes.

Article 27. See Article 2 above. Certain non-official organisations also concern themselves with the welfare of tribal populations.

El Salvador (First Report).

There are no population groups in El Salvador which may be considered as indigenous, tribal or semi-tribal. The majority of the population belongs to the *mestizo* (cross-breed) and white races, while other races are represented in minimal proportions; even though the characteristics of an indigenous race are more marked in the population of certain parts of the country, this fact is of no importance as concerns their legal, social and economic position, since these inhabitants speak the same language, practise the same religion, enjoy the same rights and have the same opportunities as their fellow-citizens. There exists no discrimination nor state of segregation with respect to them.

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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, El Salvador.

Communication of Copies of Reports to the Representative Organisations (Article 23, Paragraph 2, of the Constitution)

The Governments of the following countries state that copies of the reports transmitted to the Director-General have been communicated to the representative employers' and workers' organisations :

Argentina, Australia, Austria, Belgium, Brazil, Burma, Cameroun, Canada, Central African Republic, Ceylon, Chile, China, Congo (Brazzaville), Cyprus, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malagasy Republic, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Portugal, El Salvador, Somalia (former Trust Territory of Somaliland), Sweden, Switzerland, Togo, Tunisia, Union of South Africa, United Arab Republic, United Kingdom, United States, Upper Volta, 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 *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 *Nicaragua* states that the reports will be communicated to the representative employers' and workers' organisations.

The Government of *Poland* states in certain cases that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *Spain* states that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions.

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 *Venezuela* states in certain cases that copies of its reports have been communicated to the representative employers' and workers' organisations.

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 : Ruanda-Urundi : 6 September 1926.

France. Ratification [1] : 2 June 1927.
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 Principe, Timor : 3 July 1928.

Spain. Ratification : 22 February 1929.
No declaration.

[1] Conditional ratification.

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

New Zealand (Cook Islands and Niue, Western Samoa), *Portugal* (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Principe).

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

New Zealand (Tokelau Islands), *Portugal* (Timor).

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Belgium. Ratification : 25 August 1930.
Decision reserved : 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.

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.

[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.

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

France (French Polynesia, French Somaliland, New Caledonia).

3. Maternity Protection Convention, 1919 [1]

This Convention came into force on 13 July 1921

France. Ratification : 16 December 1950.
Applicable with modification [2] :
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.
No declaration : Algeria.

Spain. Ratification : 4 July 1923.
No declaration.

United Kingdom.[3] Applicable with modification : Fiji, Singapore, Solomon Islands, Southern Rhodesia : 27 March 1950.
Decision reserved : Aden, Antigua [4], Bahamas, Barbados [4], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [4], Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [4], Hong Kong, Jamaica [4], Kenya, Malta, Mauritius, Montserrat [4], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [4], St. Helena, St. Lucia [4], St. Vincent [4], Sarawak, Seychelles, Sierra Leone, Swaziland, Tanganyika, Trinidad and Tobago [4], Uganda, Zanzibar : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

[1] This Convention was revised in 1952 by Convention No. 103.
[2] This Convention is also in force with modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.
[3] 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.
[4] Federation of the West Indies.

France.

New Caledonia.

Order No. 59-057 CG of 26 January 1959, issued under sections 115, 116 and 117 of the Overseas Labour Code.

The above-mentioned Order prohibits the employment of women during the two weeks preceding and the six weeks following confinement.

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

France (Comoro Islands, French Polynesia, New Caledonia).

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

France (French Somaliland, St. Pierre and Miquelon).

5. Minimum Age (Industry) Convention, 1919 [1]

This Convention came into force on 13 June 1921

Belgium. Ratification : 12 July 1924.
Decision reserved : 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 [2] :
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.
No declaration : Algeria.

Japan. Ratification : 7 August 1926.
Not applicable : Pacific Islands (League of Nations mandate) : 7 August 1926.

Netherlands. Ratification : 21 July 1928.
No declaration.

Spain. Ratification : 29 September 1932.
No declaration.

United Kingdom. Ratification : 14 July 1921.
Applicable *ipso jure* without modification [3] : 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] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.
[3] See footnote 1 to Convention No. 2.

France.

French Somaliland.

In reply to a request made by the Committee of Experts in 1959 the Government indicates that heads of industrial undertakings, although not required to keep a record of persons employed, must, when engaging young persons under the age of 18, notify the Manpower Office and submit a copy of the young person's birth certificate and medical certificate of fitness for work.

St. Pierre and Miquelon.

Ordinance No. 889 of 31 December 1958 (*Journal officiel des îles Saint-Pierre et Miquelon*, 15 Jan. 1959).

With reference to the observation made by the Committee in recent years, the abovementioned Ordinance restricts the scope of the exemptions permitted under Order No. 446 of 14 August 1954 to male children who have reached the age of 12, for employment in domestic work and light seasonal work, such as harvesting and open-air fish-drying.

Netherlands.

Netherlands New Guinea.

Regulations respecting the work of women, young persons and children are being drafted.

United Kingdom.

British Honduras.

Labour Ordinance No. 15 of 31 December 1959.

Article 1 of the Convention. Section 2 of the Ordinance contains a definition of industrial undertakings.

Article 2. Section 157 of the Ordinance requires that no person shall employ a child in a public or private industrial undertaking or in a branch thereof (" child " is defined as a person who is under the age of 14 years).

Article 3. Section 157 allows children to work in technical schools if such work is approved and supervised by the public authority.

Article 4. Section 156 requires employers to keep registers of the names, dates of birth and hours of work of all persons under the age of 18 years employed by them.

Sierra Leone.

Registration of Employees (Amendment) Ordinance No. 24 of 1959.

This amendment makes the Registration of Employees Ordinance No. 8 of 1947 applicable to all areas and to all employees of the territory. It is therefore hoped that the difficulty of determining the ages of employees in the territory as a whole will, in due course, be considerably minimised.

Solomon Islands.

Labour Regulations, 1960.

Article 1 of the Convention. According to section 2 of the Labour Regulations, the interpretation of " industrial undertakings " follows the wording of the first paragraph of Article 1 of the Convention.

Article 2. This Article is applied by section 84.

Article 4. Section 87 provides for a register of employed persons under the age of 18.

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

United Kingdom (Bechuanaland, British Virgin Islands, Hong Kong, Kenya, Mauritius, Montserrat, Tanganyika, Trinidad and Tobago, Uganda).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, New Caledonia), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Barbados, Basutoland, Bermuda, British Guiana, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jamaica, Jersey, Malta, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Singapore, Southern Rhodesia, Swaziland, Zanzibar).

6. Night Work of Young Persons (Industry) Convention, 1919 [1]

This Convention came into force on 13 June 1921

Belgium. Ratification : 12 July 1924.
Decision reserved : 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 [2] :
Algeria : 3 February 1934.
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.

Netherlands. Ratification [3] : 17 March 1924.
No declaration.

Portugal. Ratification : 10 May 1932.
Not applicable : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Principe, Timor : 10 May 1932.

Spain. Ratification : 29 September 1932.
No declaration.

United Kingdom. Ratification [3] : 14 July 1921.
No declaration.

Denmark.

Faroe Islands.

The Danish Government has been informed by the local Government of the Faroe Islands, that, in compliance with the observation made by the Committee of Experts in 1960, a Bill will be brought before the Faroese Representative Council during the 1960-61 Session to give effect to the provisions of the Convention.

Greenland.

In reply to the observations of the Committee of Experts the Government transmits a collective agreement concluded in 1959 between the State and the Union of Greenland Workers, the terms of which prohibit young persons under 18 years of age from working between 11 p.m. and 6 a.m.

[1] This Convention was revised in 1948. See Convention No. 90.
[2] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 29 April 1940.
[3] Ratification denounced.

7. Minimum Age (Sea) Convention, 1920[1]

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 : 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.

Japan. Ratification : 7 June 1924.
Not applicable : Pacific Islands (League of Nations mandate) : 7 June 1924.

Netherlands. Ratification [2] : 26 March 1925.
No declaration.

Portugal. Ratification : 24 October 1960.
No declaration.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom. Ratification : 14 July 1921.
Applicable *ipso jure* without modification [3] : 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.

Italy.

Trust Territory of Somaliland.[1]

Labour Code of 15 November 1958 (*Bolletino Ufficiale della Somalia (B.U.)*, 24 Nov. 1958, No. 11, Supplement No. 2) (*L.S.* 1958—It.Som. 1).
Maritime Code of 21 February 1959 (*B.U.*, 1 Apr. 1959, No. 4, Supplement No. 1, p. 297).

The above legislation reproduces the provisions of an earlier ordinance.

United Kingdom.

British Honduras.

Labour Ordinance No. 15 of 31 December 1959.

Article 1 of the Convention. Section 153 of the Labour Ordinance reproduces the definition of " vessel " given in the Convention.

Article 2. Section 2 of the Ordinance defines " child " as a person under the age of 14 years. Section 153 (i) forbids masters of vessels registered in British Honduras as British ships or owned by persons resident or carrying on business in British Honduras, and masters of any other vessels, to employ persons under the age of 15 years on board such vessels. Subsection 2 *(a)* makes an exception in favour of vessels on which only members of the same family are employed.

[1] See Introduction, p. 1.

Article 3. Section 153 (2) *(b)* allows the employment of persons under the age of 15 years on school-ships or training-ships on work approved by a public authority.

Article 4. Section 159 obliges masters of vessels registered in British Honduras as British ships or owned by persons resident or carrying on business in British Honduras to keep a register of the names and dates of birth of all persons under 16 employed on board, or to list the same data in the articles of agreement. Section 161 empowers Labour Officers to demand information, regarding the employment of young persons employed on vessels, from their employers and parents or guardians.

Section 156 lays down a penalty for failure to keep a register. No form of register has been prescribed.

The supervision and enforcement of these provisions is entrusted to the Labour Department, which carries out inspection of places of employment. Section 166 of the Ordinances imposes a penalty on persons employing children in contravention thereof; parents or guardians who deliberately or negligently conduce to the commission of such offences are likewise punishable.

No court decisions have been given relating to the application of the Convention.

No comments have been received from the employers' and workers organisations.

Solomon Islands.

Labour Regulations, 1960.

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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* (St. Christopher-Nevis-Anguilla).

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

Denmark (Faroe Islands, Greenland).

United Kingdom (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Australia. Ratification : 28 June 1935.
Applicable without modification : New Guinea, Papua : 6 November 1937.
Not applicable : Nauru, Norfolk Island : 28 June 1935.

Belgium. Ratification : 2 February 1925.
Decision reserved : 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.

Netherlands. Ratification : 15 December 1937.
Applicable without modification : Netherlands Antilles : 5 August 1957.
No declaration : Netherlands New Guinea, Surinam.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom. Ratification : 12 March 1926.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 12 March 1926.
No declaration : all other territories.

[1] See footnote 1 to Convention No. 2.

France.

St. Pierre and Miquelon.

Ordinance No. 259 of 16 April 1959 (*Journal officiel des îles Saint-Pierre et Miquelon,* Vol. 94, No. 6, 16 Apr. 1959, p. 184).

The above Ordinance establishes an unemployment insurance scheme covering the dockers of the territory against the risk of unemployment during the winter period.

United Kingdom.

Sarawak.

The Merchant Shipping Ordinance No. 2 of 5 April 1960 (*The Sarawak Government Gazette,* Part I, Vol. XV, 8 Apr. 1960).

According to section 60 (1) of the above-mentioned Ordinance, when the service of a seaman employed on a Sarawak ship terminates before the date contemplated in the agreement, by reason of the wreck or loss of the ship, he shall be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service, to receive wages at the rate to which he was entitled at such date.

This Ordinance has not yet come into operation.

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

France (French Somaliland, St. Pierre and Miquelon), *United Kingdom* (British Virgin Islands, Hong Kong, Jersey, Mauritius, North Borneo, Trinidad and Tobago).

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

Denmark (Faroe Islands), *France* (Comoro Islands, French Polynesia, New Caledonia), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jamaica, Kenya, Malta, Isle of Man, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Uganda, Zanzibar).

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 : 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.

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), *Netherlands* (Netherlands Antilles).

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 : Nauru : 8 July 1959.

Belgium. Ratification : 13 June 1928.
Decision reserved : 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.

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.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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 : Ruanda-Urundi : 12 December 1955.

Denmark. Ratification : 20 June 1930.
Applicable without modification :
Greenland : 31 May 1954.
Faroe Islands : 28 September 1960.

France. Ratification : 23 March 1929.
Applicable without modification [1] :
Algeria : 6 February 1932.
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.
No declaration : French Guiana.

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 [2] : Guernsey, Jersey, Isle of Man : 6 August 1923.
No declaration : all other territories.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 8 July 1958.

[2] See footnote 1 to Convention No. 2.

Belgium.

Ruanda-Urundi.

See under Convention No. 84.

Italy.

Trust Territory of Somaliland.[1]

Labour Code of 15 November 1958 (*Bollettino Ufficiale della Somalia*, 24 Nov. 1958, No. 11, Supplement No. 2) (*L.S.* 1958—It. Som. 1).

United Kingdom.

Bechuanaland.

Trade union legislation is restricted to workers in trade and industry and its extension to other classes of workers, such as agricultural workers, will be considered whenever there is an indication that other classes of workers wish to combine in order to negotiate conditions of employment with their employers.

Nyasaland.

Trade Unions Ordinance No. 32 of 1958 (Cap. 87 of the Laws of Nyasaland).
Government Notice No. 50 of 1959.
Trade Unions Rules, 1959.

Agricultural workers are not excluded from the rights accorded to other types of workers under Nyasaland legislation.

St. Lucia.

Trade Unions and Trade Disputes Ordinance No. 19 of 1959.
Trade Unions and Trade Disputes Regulation (*S.R. & O.*, No. 18 of 1960).

Given the definition of " trade union " contained in section 2 of the above-mentioned Ordinance, all persons engaged in agriculture have the same rights of association and combination as industrial workers.

Sierra Leone.

Now that agricultural workers are organised in a trade union consequent on the establishment of an Agricultural Workers' Wages Board,

[1] See Introduction, p. 1.

steps will be taken in due course to amend the definition of " workman " in the Trades Dispute (Declaration of Law) Ordinance so as to include agricultural workers.

Zanzibar.

Trade Unions Decree, 1958 (*Zanzibar Government Official Gazette*, 6 Dec. 1958, No. 3894, Legal Supplement, Part I, p. 67).

The Trade Unions Decree in no way differentiates between employees engaged in agricultural employment and those employed in other occupations.

* * *

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

France (French Polynesia, French Somaliland, New Caledonia), *New Zealand* (Cook Islands and Niue).

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

Denmark (Greenland), *France* (Comoro Islands, St. Pierre and Miquelon), *Nelherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey, Isle of Man).

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

This Convention came into force on 26 February 1923

Australia. Ratification : 7 June 1960.
No declaration.

Belgium. Ratification : 26 October 1932.
Applicable without modification : Ruanda-Urundi : 1 April 1934.

Denmark. Ratification : 26 February 1923.
Applicable without modification : Faroe Islands : 28 September 1960.
Not applicable : Greenland : 31 May 1954.

France. Ratification : 4 April 1928.
No declaration.

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.

Portugal. Ratification : 16 May 1960.
No declaration.

Spain. Ratification : 1 October 1931.
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.

France.

French Polynesia.

See under Convention No. 17. Agricultural workers falling within the scope of the Overseas Labour Code are covered by the same legislation.

* * *

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

France (French Somaliland).

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

France (New Caledonia, St. Pierre and Miquelon).

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Belgium. Ratification : 19 July 1926.
Applicable without modification : 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 [1] :
Algeria : 18 February 1928.
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.

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 Principe, Timor : 3 July 1928.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom.[2]
Applicable without modification : Antigua [3], Bahamas, Basutoland, Bechuanaland, British Virgin Islands, Dominica [3], Falkland Islands, Gambia, Grenada [3], Kenya, Malta, Mauritius, Montserrat [3], St. Christopher-Nevis-Anguilla [3], St. Helena, St. Lucia [3], St. Vincent [3], Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda : 27 March 1950.
Decision reserved : Aden, Barbados [3], Bermuda, British Guiana, British Honduras, Brunei, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Jamaica [3], North Borneo, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago [3], Zanzibar : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.

[2] Unratified Convention. See footnote 2 to Convention No. 3.

[3] Federation of the West Indies.

Portugal.

Macao.

Act No. 2029 of 5 June 1948.

Article 1 of the Convention. No distinction is made between industrial, commercial and agricultural undertakings.

Article 2. The provisions of the Convention are put into effect by the above-mentioned Act.

Portuguese Guinea.

Legislative Order No. 486 of 7 December 1929.
Legislative Order No. 1616 of 29 December 1955.

Article 1 of the Convention. Section 283 of the Order of 1929 defines the distinction between industrial and commercial undertakings.

Articles 2 to 4 and 6. Weekly rest is granted on Sundays in all commercial and industrial undertakings except in cases of grave emergency and when the exemptions provided by law in conformity with Articles 3 and 4 of the Convention apply.

Article 5. The 1929 Order provides for rest periods to be granted in compensation for work done by virtue of the above-mentioned exceptions.

Article 7. The obligation to record the names of workers and the rest periods granted to each worker is provided by the 1929 Order.

San Tomé and Principe.

Ministerial Order No. 2475 of 2 April 1959.

Under this Order, which regulates industries related to agriculture, when a group of workers have been obliged to forego Sunday rest because of the nature of their work, the weekly rest period must be granted on one of the three following days (formerly on the following day).

* * *

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

Belgium (Ruanda-Urundi), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Western Samoa, Tokelau Islands), *Portugal* (Angola, Cape Verde, Portuguese Indies, Mozambique, 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 : 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.

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 Juhe 1924.
No declaration.

United Kingdom. Ratification : 8 March 1926.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 8 March 1926.
Applicable without modification [2] : Aden, Bermuda, British Guiana, Dominica [3], Gambia, Gibraltar, Grenada [3], Hong Kong, Jamaica [3], Kenya, Malta, Mauritius, North Borneo, St. Helena, St. Lucia [3], St. Vincent [3], Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago [3], Uganda, Zanzibar : 27 March 1950.
Applicable with modification [2] :
Fiji, Nyasaland, Solomon Islands : 27 March 1950.
Barbados [3] : 29 December 1958.
Brunei : 1 June 1960.
Decision reserved [2] : Antigua [3], Bahamas, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Montserrat [3], St. Christopher-Nevis-Anguilla [3] : 27 March 1950.
Not applicable [2] : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.

[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.

Italy.

Trust Territory of Somaliland.

See under Convention No. 7.

New Zealand.

Cook Islands and Niue (First Report).

Since the only seafaring traffic in the Cook Islands is carried on in small vessels, few, if any, of which would conceivably come within the scope of the Convention, application of the Convention to the Islands at their present stage of development would be inappropriate.

Western Samoa.

In view of the constitutional development of the territory, which now possesses full internal self-government, the Convention has been brought to the notice of the Western Samoa Government for such action as it may decide.

United Kingdom.

British Honduras.

Labour Ordinance No. 15 of 31 December 1959.

Article 1 of the Convention. Section 153 of the Ordinance reproduces the definition of " vessel " given in the Convention.

Article 2. Section 2 defines " young person " as a person who has attained the age of 14 years, but is under 18 years. Section 160 forbids the employment of young persons as trimmers or stokers on any vessel.

Article 4. Section 160 (2) allows the employment as trimmers or stokers of young persons over the age of 16 in ports where only persons under the age of 18 are available, provided that two young persons are engaged in the place of each trimmer and stoker required.

Article 5. Masters of vessels registered in British Honduras as British ships or owned by persons resident or carrying on business in British Honduras are required under section 159 to keep a register of the names and dates of birth of all persons under the age of 16 employed on board, or to list such names and dates in the articles of agreement. Under section 161, the employers and parents or guardians of young persons employed on vessels can be required by a labour officer to supply information concerning their employment. Section 156 imposes a penalty for failure to keep the required register. No form of register has been prescribed.

Article 6. Section 159 provides for the inclusion in articles of agreement of information relating to the names and dates of birth of persons over the age of 16 years.

The supervision and enforcement of the above provisions are carried out by the Labour Department.

No court decisions have been given relating to the application of the Convention.

No comments have been received from employers' or workers' organisations.

Solomon Islands.

Labour Regulations, 1960.

* * *

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

Denmark (Greenland), *United Kingdom* (Mauritius, St. Christopher-Nevis-Anguilla, Singapore).

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

Denmark (Faroe Islands), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Tokelau Islands), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

17. Workmen's Compensation (Accidents) Convention, 1925

This Convention came into force on 1 April 1927

Belgium. Ratification : 3 October 1927.
Applicable without modification : 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.

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 Principe, Timor : 27 March 1929.

Spain. Ratification : 22 February 1929.
No declaration.

United Kingdom. Ratification : 28 June 1949.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 28 June 1949.
Applicable without modification [2] :
Kenya, Mauritius, Northern Rhodesia, Tanganyika : 27 March 1950.
Gibraltar, Sierra Leone : 29 December 1958.
Applicable with modification [2] :
Aden, Antigua [3], Bahamas, Barbados [3], Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica [3], Falkland Islands, Fiji, Gambia, Grenada [3], Jamaica [3], Malta, Montserrat [3], North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla [3], St. Helena, St. Lucia [3], St. Vincent [3], Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago [3], Uganda : 27 March 1950.
Sarawak : 23 February 1959.
Solomon Islands : 27 February 1959.
Decision reserved [2] : Bermuda, Brunei, Gilbert and Ellice Islands, Hong Kong, Seychelles, Zanzibar : 27 March 1950.

[1] See footnote 1 to Convention No. 2.
[2] See footnote 2 to Convention No. 15.
[3] Federation of the West Indies.

France.

French Polynesia.

Decree No. 57-245 of 24 February 1957 (*L.S.* 1957—Fr. 1), as subsequently amended.
Resolution No. 88-1958 of 29 December 1958 of the Territorial Assembly.

Article 2 of the Convention. The above legislation applies to all workers covered by the Overseas Labour Code of 15 December 1952, as well as to members of workers' producer co-operative societies, and apprentices.

Article 3, paragraph 2. No such exceptions have been made.

Article 5. Compensation for accidents causing death or permanent incapacity are paid to the victim or to his dependants in the form of periodical payments. However, annuities may be redeemed completely or in part by payment of a lump sum, after a period of five years has elapsed from the date of payment of the first instalment, under certain conditions depending on the degree of incapacity of the injured person. Such redemption shall be decided by the institution which pays the annuity, after consulting the Labour Inspector.

Article 6. The compensation is granted as from the first day after cessation of work. However, compensation is not paid in respect of non-working days, unless the period of incapacity exceeds a fortnight. This compensation is paid by the relevant insurance institution.

Article 7. In such cases payment is increased by 40 per cent.

Article 8. Any change in the condition of the injured person, whether for better or for worse, may lead to a review of the payment, on certification by a doctor.

Article 9. The insurance institutions must pay the costs of medical, surgical and pharmaceutical aid until recovery or healing of the wound, and also in cases of aggravation of the state of the injured person.

Article 10. Prosthetic and orthopaedic appliances are supplied when the necessity for them is recognised by an Orthopaedic Appliances Committee. This Committee concerns itself with all questions concerning the supply of appliances, including guidance of injured persons in choosing them, and the repair or renewal of limbs and appliances.

Article 11. Insurance institutions are obliged to maintain reserves and invest them under conditions laid down by the competent authority.

The Inspector of Labour and Social Laws controls and supervises the activities of the insurance institutions. These institutions must also supply all information requested by the competent administrative services.

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

France (French Somaliland, New Caledonia, St. Pierre and Miquelon).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925 [1]

This Convention came into force on 1 April 1927

Australia. Ratification : 22 April 1959.
Applicable without modification : Nauru, New Guinea, Papua : 8 February 1961.
Decision reserved : Norfolk Island : 8 February 1961.

Belgium. Ratification : 3 October 1927.
Applicable without modification : 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 [2] :
Algeria : 14 March 1933.
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 15 March 1938.
No declaration : all other territories.

Japan. Ratification : 8 October 1928.
Not applicable : Pacific Islands (League of Nations mandate) : 8 October 1928.

Netherlands. Ratification [3] : 1 November 1928.
No declaration.

Portugal. Ratification : 27 March 1929.
Decision reserved : Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Principe, Timor : 27 March 1929.

Spain. Ratification : 29 September 1932.
No declaration.

United Kingdom. Ratification [3] : 6 October 1926.
No declaration.

[1] This Convention was revised in 1934. See Convention No. 42.

[2] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 26 January 1935.

[3] Ratification denounced.

France.

French Polynesia.

Decree No. 57-245 of 24 February 1957 respecting prevention of and compensation for industrial accidents and occupational diseases (*Journal officiel de la République française*, 28 Feb. 1957), amended by Decree No. 57-829 of 23 July 1957 (ibid., 24 July 1957) and Ordinance No. 58-875 of 24 September 1958 (ibid., 25 Sep. 1958).
Resolutions Nos. 73, 87 and 88 (1958).
Order of 23 October 1959 respecting revaluation of pensions.
Order No. 30/IT of 7 January 1959 (*Journal officiel de la Polynésie française*, 10 Jan. 1959) listing morbid conditions considered to be occupational diseases.

French Somaliland.

Decree No. 57-245 of 24 February 1957 respecting prevention of and compensation for industrial accidents and occupational diseases (*Journal officiel de la République française*, 28 Feb. 1957), amended by Decree No. 57-829 of 23 July 1957 (ibid., 24 July 1957) and Ordinance No. 58-875 of 24 September 1958 (ibid., 25 Sep. 1958).
Resolutions Nos. 37 and 38 (1959) of the Territorial Assembly of French Somaliland.

New Caledonia.

Decree No. 57-245 of 24 February 1957 respecting prevention of and compensation for industrial accidents and occupational diseases (*Journal officiel de la République française*, 28 Feb. 1957), amended by Decree No. 57-829 of 23 July 1957 (ibid., 24 July 1957) and Ordinance No. 58-875 of 24 September 1958 (ibid., 25 Sep. 1958).
Order No. 58-409 CG of 29 December 1958.

The above-mentioned Order contains a list of morbid conditions presumed to be of an

occupational character which is identical with the list of occupational diseases applicable in Metropolitan France.

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (St. Pierre and Miquelon).

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

This Convention came into force on 8 September 1926

Australia. Ratification : 12 June 1959.
Applicable without modification : Nauru, New Guinea, Papua : 8 February 1961.
Decision reserved : Norfolk Island : 8 February 1961.

Belgium. Ratification : 3 October 1927.
Applicable without modification : 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.

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 Principe, Timor : 27 March 1929.

Spain. Ratification : 22 February 1929.
No declaration.

Union of South Africa. Ratification : 30 March 1926.
Applicable without modification : South West Africa : 15 June 1949.

United Kingdom. Ratification : 6 October 1926.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 6 October 1926.
Applicable without modification [2] :
Aden, Antigua [3], Bahamas, Barbados [3], Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica [3], Falkland Islands, Fiji, Gambia, Grenada [3], Hong Kong, Jamaica [3], Kenya, Malta, Mauritius, Montserrat [3], Northern Rhodesia, St. Christopher-Nevis-Anguilla [3], St. Helena, St. Lucia [3], St. Vincent [3], Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago [3], Uganda, Zanzibar : 27 March 1950.
Gibraltar : 29 December 1958.
Sarawak : 23 February 1959.
Solomon Islands : 27 February 1959.
Brunei : 1 June 1960.
Applicable with modification [2] : North Borneo, Nyasaland : 27 March 1950.
Decision reserved [2] : Bermuda, Gilbert and Ellice Islands, Seychelles : 27 March 1950.

[1] See footnote 1 to Convention No. 2.
[2] See footnote 2 to Convention No. 15.
[3] Federation of the West Indies.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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 : Ruanda-Urundi : 15 February 1928.

Denmark. Ratification : 18 May 1955.
No declaration.

France. Ratification [1] : 13 January 1932.
No declaration.

Japan. Ratification : 8 October 1928.
Not applicable : Pacific Islands (League of Nations mandate) : 8 October 1928.

Netherlands. Ratification : 13 September 1927.
No declaration.

New Zealand. Ratification : 29 March 1938.
No declaration.

United Kingdom. Ratification [1] : 16 September 1927.
Applicable *ipso jure* without modification [2] : Guernsey, Jersey, Isle of Man : 16 September 1927.
No declaration : all other territories.

[1] Conditional ratification.
[2] See footnote 1 to Convention No. 2.

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

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 modification [1] : Guernsey, Jersey, Isle of Man : 20 February 1931.
No declaration : all other territories.

[1] See footnote 1 to Convention No. 2.

France.

St. Pierre and Miquelon.

The compulsory sickness insurance scheme introduced by the Order of 30 October 1948 has been extended since 1 January 1959 to cover domestic servants and domestic staff.

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

France (French Polynesia, French Somaliland, New Caledonia).

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification : 9 March 1931.
Not applicable : Nauru, New Guinea, Norfolk Island, Papua : 21 November 1931.

Belgium. Ratification : 11 August 1937.
Applicable without modification : Ruanda-Urundi : 7 July 1955.

France. Ratification : 18 September 1930.
Applicable without modification [1] :
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.
No declaration :
Algeria, and Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification : 10 November 1936.
No declaration.

New Zealand. Ratification : 29 March 1938.
No declaration.

Portugal. Ratification : 10 November 1959.
No declaration.

Spain. Ratification : 8 April 1930.
No declaration.

Union of South Africa. Ratification : 28 December 1932.
Not applicable : South West Africa : 15 June 1949.

United Kingdom. Ratification : 14 June 1929.
Applicable *ipso jure* without modification [2] : Guernsey, Jersey, Isle of Man : 14 June 1929.
No declaration : all other territories.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.

[2] See footnote 1 to Convention No. 2.

Italy.

Trust Territory of Somaliland.[1]

Labour Code of 15 November 1958 (*Bolletino Ufficiale della Somalia*, 24 Nov. 1958, No. 11, Supplement No. 2) (*L.S.* 1958—It. Som. 1).

[1] See Introduction, p. 1.

Section 56 of the Labour Code provides that, where wage rates are not fixed by collective agreement, the Minister of Social Affairs, in consultation with the Council of Ministers and the Central Labour Commission, may determine minimum wage rates by decree.

The necessary regulations are being studied. Collective agreements are regulated by sections 19 to 30 of the Labour Code. Supervision of this legislation is exercised by the Ministry of Social Affairs, through the Department of Labour, as laid down by sections 95 to 115 of the Code.

United Kingdom.

Basutoland.

A labour adviser recently recommended that the Wages Proclamation be amended to enable both trade union and employers' representatives to be appointed to the Wages Board.

Bechuanaland.

Draft legislation setting up Wage Boards for the fixing of minimum wages is under consideration. The application of the Convention will be reconsidered in the light of these proposals.

British Honduras.

Wages Council Ordinance No. 21 of 1958.

British Virgin Islands (First Report).

Labour (Minimum Wages) Act, 1937, adapted for the Virgin Islands (*S.R. & O.*, No. 22/56).

Wages in the colony, though approximately 40 to 50 per cent. below current wage levels in the American Virgin Islands, have always

tended to move in sympathy with wages there due to the close commercial relationship.

It has, therefore, not been found necessary to establish minimum rates of wages under legislation in force or appoint the advisory councils prescribed by law.

North Borneo.

Wages Councils Ordinance No. 14 of 1960.

Northern Rhodesia.

Minimum Wages, Wage Councils and Conditions of Employment (Amendment) Ordinance No. 4 of 1960.

Nyasaland.

In reply to paragraph 33 of the General Report of the Committee of Experts for 1960 [1] the Government states that when considering the Regulations in application of the Minimum Wages and Conditions of Employment Ordinance, 1958, full consideration was given to ensuring that the application of the Convention would be maintained without modification.

Solomon Islands.

Labour Regulations No. 3 of 1960 (Supplement to *Western Pacific High Commission Gazette*, No. 7, 22 Mar. 1960).

Section 27 of the Labour Regulations provides that the High Commissioner may fix minimum wage rates for workers in all occupations in the Protectorate in any case in which he is satisfied that the minimum wage rates in that occupation are unreasonably low.

So far no wage rates have been fixed under the Labour Regulations.

Southern Rhodesia.

Industrial Conciliation Act No. 29 of 1959.

The Act repeals the Native Labour Act and its amendments. However, all regulations made before it came into force continue in force until amended or repealed under the new Act.

Sections 109 to 113 provide for a complete system of penalties for the payment of wages less than the minimum fixed by the machinery set up under the Act.

* * *

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Barbados, Bermuda, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, St. Helena, St. Vincent, Swaziland).

[1] See International Labour Conference, 44th Session, Geneva, 1960, *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV) (Geneva, I.L.O., 1960), p. 7.

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 : 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.

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 Principe, 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 Virgin Islands, Brunei, Dominica [3], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [3], Hong Kong, Jamaica [3], Kenya, Malta, Mauritius, Montserrat [3], 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.

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

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Belgium* (Ruanda-Urundi).

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 : 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 [2] :
Algeria : 24 June 1937.[1]
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.

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 Principe, 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 [3] : Guernsey, Jersey, Isle of Man : 3 June 1931.
Applicable without modification :
Aden [1] : 3 June 1931.
Antigua [4], Bahamas, Barbados [4], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [4], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [4], Hong Kong, Jamaica [4], Kenya, Malta, Mauritius, Montserrat [4], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [4], St. Helena, St. Lucia [4], St. Vincent [4], Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago [4], Uganda, Zanzibar : 3 June 1931.
Southern Rhodesia : 20 March 1933.

Belgium.

Ruanda-Urundi.

Order of 14 July 1952 on the native political organisation of Ruanda-Urundi (*Bulletin officiel du Congo belge*, 15 Aug. 1952, p. 2007).
Ordinance No. 21/86 of 10 July 1953.
Interim Decree of 25 December 1959 on the political organisation of Ruanda-Urundi (*Bulletin officiel du Ruanda-Urundi*, 15 Jan. 1960, p. 49).

The suppression of all forms of forced labour is under consideration.

Compulsory labour can be exacted only for essential public services, in accordance with the Order of 14 July 1952 and Ordinance No. 21/86 of 1953. Under this legislation, work may be imposed for cultivation of food crops in the exclusive interest of the population, cultivation of crops for educational purposes, maintenance of soil improvement, conservation and drainage works, and collective work of afforestation, irrigation, and improvement of land.

In addition, native districts are required to carry out certain works for public health purposes, to construct and maintain hospitals, schools, administrative buildings, court houses, prisons, regional roads, etc. For these purposes, paid voluntary labour should be used.

Owing to increased motorisation, recourse to compulsory porterage is much reduced. Maximum loads, daily hours, and minimum remuneration are prescribed.

The Interim Decree of 25 December 1959 repealed, by implication, the Order of 14 July 1952. Section 49 of the Decree of 1959 (which has not yet been brought into force) makes provision for the imposition of forced labour in the event of threatened public calamities.

[1] In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

[2] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 26 July 1954.

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

[4] Federation of the West Indies.

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

This Convention came into force on 29 August 1933

New Zealand. Ratification : 29 March 1938.
No declaration.

Spain. Ratification : 29 August 1932.
No declaration.

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

32. Protection against Accidents (Dockers) Convention (Revised), 1932 [1]

This Convention came into force on 30 October 1934

Belgium. Ratification : 2 July 1952.
Not applicable : Ruanda-Urundi : 2 July 1952.

France. Ratification : 27 May 1955.
No declaration.

New Zealand. Ratification : 29 March 1938.
No declaration.

Spain. Ratification : 28 July 1934.
No declaration.

United Kingdom. Ratification : 10 January 1935.
Applicable *ipso jure* without modification [2] : 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.

United Kingdom.

Barbados.

Factories Act No. 58 of 14 November 1956.

The Factories Act, 1956, which deals with the safety, health and welfare of workers in factories, came into operation on 1 September 1957. However, no order has yet been issued to apply the provisions of the Act to harbours and docks.

British Virgin Islands.

The only vessels putting in at the islands are small craft which are not equipped with the appliances described in the Convention.

Since there is no special legislation for the colony, harbour arrangements are regulated by the Docks and Wharves Ordinance, 1954.

Singapore.

Factories Ordinance No. 41 of 1958.
Singapore Port Rules, 1957.

Certain provisions of the Factories Ordinance apply to handling processes in the harbour.

Article 2 of the Convention. The Singapore Harbour Board complies with the provisions of this Article.

Article 3. Safe means of access are provided by the vessel or by the Harbour Board.

Article 4. The Singapore Port Rules, 1957, apply to loading and unloading carried on in the roads.

Article 9. Application of the provisions of this Article is partly the responsibility of vessels and lies partly within the province of the Factories Act.

Article 11, paragraphs 1 to 3, and 7 to 9. The Harbour Board complies with these provisions.

Article 12. The Factories Ordinance and Part VI of the Singapore Port Rules specify the requirements of this Article.

Articles 13 and 14. The Harbour Board complies with these provisions.

Article 17. This Article is applied by the Factories Ordinance and the Singapore Port Rules, both of which came into force on 1 June 1960.

Trinidad and Tobago.

Draft regulations have been prepared with the assistance of an I.L.O. expert and are currently receiving the attention of the Government.

* * *

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

United Kingdom (Guernsey, Jersey).

33. Minimum Age (Non-Industrial Employment) Convention, 1932 [1]

This Convention came into force on 6 June 1935

Belgium. Ratification : 6 June 1934.
Decision reserved : Ruanda-Urundi : 6 June 1934.

France. Ratification : 29 April 1939.
Applicable without modification [2] :
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 19 March 1954.
No declaration : Algeria and 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.
[2] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.

France.

Comoro Islands.

In reply to the request made by the Committee of Experts the Government indicates that it has submitted to the Central Advisory

Board on Labour the draft of an order intended to give effect to the provisions of Article 3 of the Convention.

Netherlands.

Netherlands New Guinea.

See under Convention No. 5.

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The following report supplies information on the practical effect given to the Convention :

France (St. Pierre and Miquelon).

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

France (French Polynesia, French Somaliland, New Caledonia), *Netherlands* (Netherlands Antilles).

35. Old-Age Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification : 23 August 1939.
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.

United Kingdom.

Jamaica.

Old-Age Pensions and Superannuation Schemes Law No. 63 of 19 December 1958.

Law No. 63 of 1958 sets up, under the Ministry of Welfare and Housing, a Pension Authority whose duty it is to formulate and administer old-age insurance schemes for certain categories of industrial workers. The law came into force on 1 January 1959, but no pension scheme has yet been established.

Mauritius.

Ordinance No. 42 of 28 December 1955.

The above-mentioned Ordinance established a pension fund for employees in the sugar industry, with salaried employees from 18 to 60 years of age contributing 5 per cent. of their earnings.

Trinidad and Tobago.

See under Convention No. 40.

* * *

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

United Kingdom (Guernsey, Jersey, Isle of Man).

36. Old-Age Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification : 23 August 1939.
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.

United Kingdom.

Jamaica.

See under Convention No. 35.

Trinidad and Tobago.

See under Convention No. 40.

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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 (Guernsey, Jersey, Isle of Man).

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

This Convention came into force on 18 July 1937

France. Ratification : 23 August 1939.
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.

United Kingdom.

Trinidad and Tobago.

See under Convention No. 40.

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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 (Guernsey, Jersey, Isle of Man).

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification : 23 August 1939.
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.

United Kingdom.

Trinidad and Tobago.

See under Convention No. 40.

* * *

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

United Kingdom (Guernsey, Jersey, Isle of Man).

39. Survivors' Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 8 November 1946

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.

United Kingdom.

Trinidad and Tobago.

See under Convention No. 40.

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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 (Guernsey, Jersey, Isle of Man).

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

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.

United Kingdom.

Trinidad and Tobago.

The Government is awaiting the report of the I.L.O. expert whose mission of drafting a basic social security scheme has now been completed.

* * *

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

United Kingdom (Guernsey, Jersey, Isle of Man).

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934[1]

This Convention came into force on 17 June 1936

Australia. Ratification : 29 April 1959.
Applicable without modification : Nauru, New Guinea, Papua : 8 February 1961.
Decision reserved : Norfolk Island : 8 February 1961.

Belgium. Ratification : 3 August 1949.
Applicable without modification : 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.

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.

France.

French Polynesia.

See under Convention No. 18.

French Somaliland.

See under Convention No. 18.

New Caledonia.

See under Convention No. 18.

Union of South Africa.

South West Africa.

Two further occupational diseases have been added to the second schedule in the Workmen's Compensation Act, 1941 : (1) asbestosis and other fibroses of the lungs caused by mineral dust ; (2) manganese poisoning.

* * *

The following report merely reproduces the information previously supplied :

France (St. Pierre and Miquelon).

43. Sheet-Glass Works Convention, 1934

This Convention came into force on 13 January 1938

Belgium. Ratification : 4 August 1937.
Not applicable : Ruanda-Urundi : 4 August 1937.

France. Ratification : 5 February 1938.
No declaration.

United Kingdom. Ratification [1] : 13 January 1937.
No declaration.

[1] Ratification denounced.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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.

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

France (French Polynesia, French Somaliland).

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

France (New Caledonia, St. Pierre and Miquelon).

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 : Ruanda-Urundi : 4 August 1937.

France. Ratification : 25 January 1938.
No declaration.

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 Principe, 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, Falkland Islands, Fiji, Gibraltar, Hong Kong, Kenya, Northern Rhodesia, Nyasaland, Sierra 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.

[1] See footnote 1 to Convention No. 2.
[2] See footnote 2 to Convention No. 15.
[3] Federation of the West Indies.

The following report supplies information on the practical effect given to the Convention :

France (New Caledonia).

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

France (French Polynesia, French Somaliland, St. Pierre and Miquelon).

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

France. Ratification : 25 January 1938.
No declaration.

New Zealand. Ratification : 29 March 1938.
No declaration.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Belgium. Ratification : 26 July 1948.
Applicable without modification : Ruanda-Urundi : 26 July 1948, confirmed 3 September 1957.

Japan. Ratification : 8 September 1938.
Applicable without modification : Pacific Islands (League of Nations mandate) : 8 September 1938.

New Zealand. Ratification : 8 July 1947.
Applicable without modification : Cook Islands, Western Samoa : 8 July 1947.
No declaration : Tokelau Islands.

United Kingdom. Ratification : 22 May 1939.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 22 May 1939.
Applicable without modification : Antigua [2], Barbados [2], British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Fiji, Gambia, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Mauritius, Montserrat [2], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [2], St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [2], 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, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar : 22 May 1939.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

United Kingdom.

Basutoland.

In reply to a direct request by the Committee of Experts the Government has supplied the following information.

Article 3 of the Convention. Attention will be given to amendment of the Native Labour Proclamation so as to limit the exceptions corresponding to Article 3, subparagraphs *(a)* and *(c)* to non-professional recruiting. Owing to the volume of legislation under consideration, this amendment may take some time. Professional recruiting of the type of labour concerned has never been undertaken.

Article 5. According to the 1956 census, 113,000 out of a total of 383,000 males were then absent from the territory. The figures remain fairly constant. The absence of able-bodied men is regrettable from an economic and social standpoint, but is unavoidable so long as the internal economy is unable to provide alternative employment. Any attempt to limit recruitment by using the powers conferred by section 20 of the Native Labour Proclamation would be strongly resisted by the Basuto themselves, since it would amount to denying the individual the opportunity to earn a living.

Article 18, paragraph 5. Climatic conditions in Witwatersrand and Natal, where workers recruited in Basutoland go, are similar to those in Basutoland, and measures of acclimatisation are therefore unnecessary.

Article 24, paragraph 4. Recruiting organisations may only operate under a licence prescribed in the African Labour Proclamation.

Bechuanaland.

In reply to a direct request by the Committee of Experts the Government has given the following information.

Article 5 of the Convention. Roughly one-third of the adult male population is recruited each year, the average absence being nine months. The lack of local demand for labour makes the Government reluctant to restrict labour migration to neighbouring territories. Should migration result in an adverse effect on the social life of the population, the imposition of restrictions under section 20 of the African Labour Proclamation would be promptly examined.

Article 6. Persons under 18 years may not be recruited for employment outside the territory. Further provisions concerning the employment of young persons will be considered by the Legislative Council in its 1961-62 Session.

Article 18. No exemptions from the requirement of medical examination have been granted under section 26 (5) of the African Labour Proclamation. The difference in climate between the workers' homes and place of work is not sufficient to necessitate measures of acclimatisation, etc.

British Honduras.

Labour Ordinance No. 15 of 31 December 1959.

The Convention is now applied by the provisions of the above Ordinance.

Northern Rhodesia.

In reply to the direct request made by the Committee of Experts in 1959 the Government has given the following information.

Article 5 of the Convention. The absence of adult males from their districts is mainly due not to recruiting, but to voluntary migration, particularly to the Copper Belt, where opportunities for paid employment and social amenities are superior to those in rural areas. On account of reduced employment facilities at the main centres it is government policy to divert surplus manpower from the area by encouraging farmers and other rural employers to engage labour at employment offices in the towns and by increasing employment opportunities in rural areas by means of develop-

ment schemes. Efforts are also to be made to regulate the flow of voluntary labour to towns by the establishment of rural employment exchanges.

A quota of potential recruits is fixed for each district after consultation between the Labour Commissioner and Administrative Officers.

Article 13, paragraph 2. Any breach of a recruiting licence in respect of numbers recruited can easily be checked, because the labour agent is required by administrative practice to report his presence in a district to the administrative authorities and because he must be present at the attestation of each recruit. The African Employment Bill, now under consideration, would specifically require a labour agent to submit monthly returns of labour recruited.

Nyasaland.

In reply to a request made by the Committee of Experts the Governemnt has given the following information.

Article 5, paragraph 1, *of the Convention.* There is a continuous flow of recruited labour in and out of the territory because the issue of recruiting permits is subject to the condition that recruits must be returned to their places of recruitment upon the termination of their contracts. Travel permits are also issued upon the condition that the applicant has resided in the territory for a continuous period of not less than six months.

Workers recruited by the Rhodesian Native Labour Supply Commission are allowed to be accompanied by their families at the expense of the Commission and to remain in Southern Rhodesia upon the completion of their two-year contracts. Workers recruited for a period of 18 months service in the South African mines are not accompanied by their families. In view of the lack of employment opportunities in Nyasaland, these measures are considered to meet the requirements of Article 5, paragraph 1.

Article 24. The Tripartite Agreement on Migrant African Labour (1947) between the Governments of the Rhodesias and Nyasaland was terminated on 30 June 1960, by notice given by the Governments of the Rhodesias.

Solomon Islands.

Labour Regulation No. 3 of 1960 (Supplement to the *Western Pacific High Commission Gazette*, No. 7, 22 Mar. 1960).

Swaziland.

In reply to a request by the Committee of Experts the Government has supplied the following information.

Articles 3, 6 and 18 of the Convention. Steps will be taken to amend the African Labour Proclamation to ensure full conformity with these Articles.

Article 5. Quarterly returns are submitted from every district of the number of workers attested and recruited for work outside the territory. District Commissioners watch the situation in their districts, in close touch with the tribal authorities. If there were any indication of an undue increase in the numbers recruited from any area, or of a depletion of the number of adult males, immediate action would be taken to restrict recruitment. Of an estimated 45,000 males between 18 and 50 years, roughly 7,000 are recruited annually for work outside the territory. Although the population is increasing, the number of workers recruited for work outside the territory has tended to decrease over the last six years. All recruits spend periods at home between employments; the average period of employment is about nine months; it is hoped to gain more precise information about this from the social survey at present being carried out. For some years, as a matter of policy no new licences have been granted for labour agents recruiting for work outside the territory, and this policy has been mainly instrumental in limiting the numbers so recruited.

Article 18, paragraph 5. The general standards of public health at the places of employment are usually better than those which exist in the homes of the recruited workers. Consequently, acclimatisation or immunisation against disease is unnecessary, although certain employers voluntarily immunise workers.

Tanganyika.

In reply to a direct request by the Committee of Experts the Government states that the persons specified in paragraph 2 *(b)* and *(c)* of the Employment Ordinance (Exemption) Order, 1958 are precluded from engaging in uncontrolled recruitment of labour. Administrative regulations prohibiting external interests prevent public officers from engaging in private recruiting. African chiefs are in practice not permitted to recruit labour either in their official or private capacity.

It is proposed to examine the means by which attestation and medical examination, in accordance with Articles 16 and 18 of the Convention, could be required for workers recruited for less than six months.

* * *

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

Belgium (Ruanda-Urundi), *United Kingdom* (British Virgin Islands, Brunei, Gilbert and Ellice Islands, Kenya, Mauritius, Nyasaland, Southern Rhodesia, Tanganyika, Trinidad and Tobago).

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

New Zealand (Cook Islands and Niue, Western Samoa), *United Kingdom* (Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Somaliland [1], Dominica, Fiji, Gambia, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Isle of Man, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Uganda).

[1] See Introduction, p. 1.

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.

New Zealand. Ratification : 10 November 1950.
Decision reserved : Cook Islands and Niue, Western Samoa : 10 November 1950.
Not applicable : Tokelau Islands : 10 November 1950.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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 : 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.

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.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Belgium. Ratification : 3 August 1949.
Decision reserved : 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 modification [1] : Guernsey, Jersey, Isle of Man : 30 September 1944.
Applicable with modification : Malta, 29 December 1958.
Decision reserved : Aden, Antigua [2], Bahamas, Barbados [2], Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Mauritius, Montserrat [2], North Borneo, St. Christopher-Nevis-Anguilla [2], St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [2], Zanzibar : 30 September 1944.
Not applicable : Basutoland, Bechuanaland, Gambia, Northern Rhodesia, Nyasaland, St. Helena, Swaziland, Uganda : 30 September 1944.
No declaration : Southern Rhodesia.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

58. Minimum Age (Sea) Convention (Revised), 1936 [1]

This Convention came into force on 11 April 1939

Belgium. Ratification : 11 April 1938.
Decision reserved : 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.

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, Dominica [3], Fiji, Gambia, Grenada [3], Jamaica [3], Kenya, Mauritius, St. Helena, Seychelles, Sierra Leone, Solomon Islands, Uganda, Zanzibar : 27 March 1950.
Gibraltar : 29 December 1958.
Applicable with modification :
Antigua [3], Bahamas, Barbados [3], British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Malta, Montserrat [3], North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla [3], St. Lucia [3], St. Vincent [3], Sarawak, Singapore, Tanganyika, Trinidad and Tobago [3] : 27 March 1950.
Brunei [1] : 1 June 1960.
Decision reserved : Bermuda : 27 March 1950.
Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland : 27 March 1950.
No declaration : 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.

Italy.

Trust Territory of Somaliland.

See under Convention No. 7.

United States.

Puerto Rico.

Act No. 230 of 1942 to regulate the employment of minors and to provide for compulsory public school attendance of children in Puerto Rico (*Laws of Puerto Rico Annotated*, section 445, Chapter 19, Title 29).

Section 15 of the above-mentioned Act sets a minimum age of 18 for employment on piers and on ships, motor boats and other vehicles engaged in the transportation of passengers or merchandise by water.

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The following report supplies information on the practical effect given to the Convention :

France (New Caledonia).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United States* (American Samoa, Guam, Panama Canal Zone, Trust Territory of Pacific Islands, Virgin 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.

59. Minimum Age (Industry) Convention (Revised), 1937 [1]

This Convention came into force on 21 February 1941

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 : Antigua [3], Bahamas, Barbados [3], Basutoland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica [3], Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada [3], Hong Kong, Jamaica [3], Malta, Montserrat [3], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [3], St. Helena, St. Lucia [3], St. Vincent [3], Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago [3], Uganda : 27 March 1950.
Decision reserved : Brunei : 27 March 1950.
No declaration : 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.

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 [1]

This Convention came into force on 29 December 1950

New Zealand. Ratification : 8 July 1947.
No declaration.

[1] This Convention revises the Convention of 1932. See Convention No. 33.

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Belgium. Ratification : 3 October 1951.
Applicable without modification : 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.
Applicable without modification : Surinam : 25 June 1951.
Decision reserved : Netherlands Antilles : 25 June 1951.
Not applicable : Netherlands New Guinea : 25 June 1951.
Spain. Ratification : 24 June 1958.
No declaration.

Netherlands.

Netherlands Antilles.

Ordinance of 3 February 1958 respecting industrial safety in undertakings (*Publicatieblad*, 1958, No. 14).
Order of 27 November 1958 respecting the safety of workers in the building industry (ibid, 1958, No. 162) and applying section 2 of the above-mentioned Ordinance).

Article 1 of the Convention. The Ministry of Social Affairs and the Labour Inspectorate are responsible for enforcing the legislation dealing with the safety of workmen. The Order of 27 November 1958 is based on the Safety Provisions (Building) Recommendation, 1937 (No. 53).

Article 2. The Order of 27 November 1958 covers the same types of work as the Convention.

Article 3. Heads of undertakings and their agents are responsible for the observance of safety measures.

Article 4. A corps of labour inspectors with police powers is responsible for supervising the observance of the law; it is headed by an engineer with sound theoretical and practical qualifications.

Article 5. There are no areas exempted from the application of the legislation in force.

Articles 7 to 10. The report deals mainly with the provisions of the above-mentioned Order relating to scaffolding. The height of working platforms above which special safety measures must be taken (Article 8, paragraph 2 of the Convention) is 2 metres.

Articles 11 and 12. There are no detailed regulations covering the quality of hoisting appliances and the testing thereof.

Article 13. The minimum age for operators of hoisting appliances is 18.

Article 14. The report refers to the Order of 27 November 1958.

* * *

The following report supplies information on the practical effect given to the Convention :

Belgium (Ruanda-Urundi).

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 : 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 Virgin Islands, Brunei, Dominica [2], Fiji, Gambia, Gilbert and Ellice Islands, Grenada [2], Hong Kong; Jamaica [2], Kenya, Mauritius, Montserrat [2], 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: 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.

Belgium.

Ruanda-Urundi.

Ordinance No. 22/43 of 23 January 1959 respecting contracts of employment.

United Kingdom.

Basutoland.

Article 6, paragraph 4, *of the Convention.* Owing to recent constitutional reforms, draft legislation defining the consequences of non-attestation of written contracts has been postponed and will have to take its place in a long list of pending legislation to be passed by the new legislature.

Bechuanaland.

In reply to a direct request by the Committee of Experts the Government states that recommendations are to be considered by the Legislative Council at its 1961-62 Session for various legislative amendments which, if approved, would assist in the application of the Convention.

British Honduras.

See under Convention No. 50.

Gambia.

In reply to the direct request made by the Committee of Experts in 1959 the Government has given the following information.

(a) Contracts of service under the Native Labour (Foreign Service) Ordinance are not being concluded nor have any been concluded for several years.

(b) Contracts of service within the meaning of the Convention are not in use for non-recruited manual workers.

Kenya.

In reply to a direct request by the Committee of Experts the Government has given the following information :

Articles 1 and 2 of the Convention. It is intended to raise, as soon as practicable, the wage ceiling for application of the Employment Ordinance, which has been 200 shillings per month since 1 December 1958, but the Ordinance must first be revised to render it capable of application to higher-grade workmen.

Articles 7, 13 and 14. When the general revision of the Employment Ordinance is undertaken, consideration will be given to measures to ensure the full application of these provisions.

Northern Rhodesia.

In reply to a request made by the Committee of Experts the Government states that the African Employment Bill, which makes specific provision for the full application of Article 6, paragraph 1, Article 7, and Article 13, paragraph 2, of the Convention, has been put down for consideration by the Legislative Council at its next session.

Sierra Leone.

Wages Boards (Recruitment of Maritime Workers) Rules, 1960 (Public Notice No. 43 of 1960).

In reply to the observations made by the Committee of Experts in 1958 the Government states that the Bill to amend the Employers and Employed Ordinance was considered by the Joint Consultative Committee in July 1960 and is being submitted to the Crown Law Officers for amendment in the light of the Committee's observations. The heavy legislative programme has not made it possible for action to be completed before submitting this report but it is hoped that by the time the next report is due, the Ordinance will have been amended in conformity with this Convention.

Solomon Islands.

Labour Regulation No. 3 of 1960 (Supplement to the *Western Pacific High Commission Gazette*, No. 7, 22 Mar. 1960).

* * *

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

Belgium (Ruanda-Urundi), *United Kingdom* (Aden, Basutoland, Bechuanaland, Brunei, Fiji, Gilbert and Ellice Islands, Jamaica, Kenya, Trinidad and Tobago, Zanzibar).

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

New Zealand (Cook Islands and Niue, Western Samoa), *United Kingdom* (Antigua, British Guiana, British Honduras, British Somaliland [1], British Virgin Islands, Dominica, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Swaziland, Tanganyika, Uganda).

[1] See Introduction, p. 1.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

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 [1] : Guernsey, Jersey, Isle of Man : 24 August 1943.
Applicable without modification :
Aden, Antigua [2], Barbados [2], Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Fiji, Gambia, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Mauritius, Montserrat [2], North Borneo, 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.
Bahamas, Bermuda : 30 September 1944.
Not applicable : 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 merely refer to the information previously supplied :

United Kingdom (Antigua, Brunei, Dominica, Seychelles).

68. Food and Catering (Ships' Crews) Convention, 1946

This Convention came into force on 24 March 1957

Belgium. Ratification : 5 December 1951.
Not applicable : 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 : 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.
Uganda : 13 February 1961.
Decision reserved :
Guernsey, Jersey : 8 March 1960.
Isle of Man : 22 September 1960.
Aden, Antigua [1], Bahamas, Barbados [1], Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [1], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [1], Hong Kong, Jamaica [1], Kenya, Malta, Mauritius, Montserrat [1], North Borneo, St. Christopher-Nevis-Anguilla [1], St. Helena, St. Lucia [1], St. Vincent [1], Sarawak, Seychelles, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [1], Zanzibar : 13 February 1961.
No declaration : Sierra Leone.

[1] Federation of the West Indies.

Portugal.

Angola.

The Convention is not applicable since the territory is served only by ships owned by undertakings established outside the territory, their crews also being recruited outside the territory.

Cape Verde.

See *Angola.*

Portuguese Guinea.

See *Angola.*

Portuguese Indies.

See *Angola.*

Macao.

See *Angola.*

Mozambique.

See *Angola.*

Timor.

See *Angola.*

San Tomé and Principe.

See *Angola.*

United Kingdom.

Aden (First Report).

No legislation on the lines envisaged by the Convention is in force.

Jersey (First Report).

The Government of the United Kingdom have decided that the Convention shall be applied to " foreign-going vessels of 1,000 gross tons or over ". At present no such ships are registered in Jersey and it is therefore considered unnecessary for the obligations of the Convention to be accepted on behalf of the Island. The States, by Act dated 28 June 1954, adopted a recommendation to that effect.

If, however, in the light of experience, it appears that a substantial number of ships of the class covered by United Kingdom legislation are being registered in Jersey with the object of avoiding the obligations of the Convention, the island authorities will reconsider the matter.

Uganda (First Report).

The territory is landlocked.

* * *

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

United Kingdom (Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jamaica, Jersey, Kenya, Malta, Mauritius, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Zanzibar).

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

Belgium. Ratification : 5 December 1951.
Not applicable : 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 : 23 February 1951.
Applicable without modification : Netherlands Antilles : 7 September 1951.
Decision reserved : Netherlands New Guinea, Surinam : 7 September 1951.

Portugal. Ratification : 13 June 1952.
No declaration.

United Kingdom. Ratification : 29 July 1949.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 29 July 1949.
Not applicable :
Basutoland, Bechuanaland, Swaziland : 3 November 1958.
Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.
Uganda : 8 March 1961.
Decision reserved : Aden, Antigua [2], Bahamas, Barbados [2], Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Malta, Mauritius, Montserrat [2], North Borneo, St. Christopher-Nevis-Anguilla [2], St. Helena, St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [2], Zanzibar : 8 March 1961.
No declaration : Sierra Leone.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Portugal* (Angola, Cape Verde, Macao, Mozambique, Portuguese Guinea, Portuguese Indies, San Tomé and Principe, Timor).

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

Belgium. Ratification : 5 December 1951.
Not applicable : 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.
Uganda : 8 March 1961.
Decision reserved : Aden, Antigua [1], Bahamas, Barbados [1], Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [1], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [1], Hong Kong, Jamaica [1], Kenya, Malta, Mauritius, Montserrat [1], North Borneo, St. Christopher-Nevis-Anguilla [1], St. Helena, St. Lucia [1], St. Vincent [1], Sarawak, Seychelles, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [1], Zanzibar : 8 March 1961.
No declaration : Sierra Leone.

United States. Ratification : 9 April 1953.
No declaration.

[1] Federation of the West Indies.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Portugal* (Angola, Cape Verde, Macao, Mozambique, Portugese Guinea, Portugese Indies, San Tomé and Principe, Timor).

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.

United Kingdom.[1]
Decision reserved : Aden, Antigua [2], Bahamas, Barbados [2], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Malta, Mauritius, Montserrat [2], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [2], St. Helena, St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago [2], Uganda, Zanzibar : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

[1] Unratified Convention. See footnote 2 to Convention No. 8.
[2] Federation of the West Indies.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

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.

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon).

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Belgium. Ratification : 5 April 1957.
Decision reserved : 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.

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.

Spain. Ratification : 30 May 1960.
No declaration.

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, Gibraltar, Grenada [3], Jamaica [3], Kenya, Malta, Mauritius [4], North Borneo, St. Vincent [3], Sarawak, Singapore, Tanganyika, Uganda : 22 March 1958.
British Guiana : 15 April 1958.
Sierra Leone : 27 March 1961.
Applicable with modification :
British Honduras, Hong Kong : 22 March 1958.
Southern Rhodesia : 11 April 1960.
Decision reserved : Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, 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.
Northern Rhodesia : 13 February 1961.

[1] Excluding Part II.
[2] See footnote 1 to Convention No. 2.
[3] Federation of the West Indies.
[4] Including Part II.

Denmark.

Faroe Islands.

The Convention has not been declared applicable because its subject-matter is within the self-governing powers of the Faroe Islands. The local government does not contemplate for the time being any revision of its factory inspection legislation.

Greenland.

The Convention has not been declared applicable because of the sparseness of the population and the stage of development of the territory.

United Kingdom.

Grenada (First Report).

Employment of Women, Young Persons and Children Ordinance No. 8 of 1934 (*L.S.* 1934—Gren. 1 A).
Shops (Hours) Ordinance No. 4 of 1938.
Wages Councils Ordinance No. 4 of 1951.
Accidents and Occupational Diseases (Notification) Ordinance No. 9 of 1951.
Factories Ordinance No. 15 of 1958.

Article 2 of the Convention. No undertakings have been exempted from the application of the Convention.

Article 3. There is at present only one labour inspector in the territory; his duties cover those mentioned in this Article and are confined to agriculture, commerce and a few minor industries. The inspector also acts as Secretary to the Labour Advisory Board, Wages Councils and industrial disputes meetings (conciliation), these activities in no way interfering with the effective discharge of his primary duties.

Article 4. The Labour Commissioner is head of the Department of Labour.

Article 5. The inspector informs employers and workers of their legal obligations and advises them as to the most effective means of complying therewith.

Article 6. The inspector is a permanent official not affected by changes of government or improper external influences.

Articles 7 and 8. An inspector must have the minimum qualifications for entrance to the Civil Service. Appointments, from which women are not debarred, are made by a Public Service Commission. A new inspector is initiated in his duties by the Labour Commissioner.

Article 9. Inspection duties are confined to the enforcement in agriculture and commerce of the legal provisions regarding wages, rest periods, meal breaks, annual and public holidays, and the employment of women and young persons. A Factories Ordinance has been enacted and will become operative in the latter part of 1960.

Article 10. It is hoped that a factories inspector will be appointed in 1960.

Article 11. The inspector is attached to the Department of Labour, which is accessible to all persons concerned. He is required to run a car and is paid a travelling allowance in accordance with local regulations.

Article 12. The inspector is empowered to enter workplaces freely "at all reasonable times", which does not rule out entry at any hour of the day or night. The inspector has the powers mentioned under subparagraphs *(b)* and *(c)* (i)-(iii) of paragraph 1; the need for applying the provisions of subparagraph *(c)* (iv) has not yet arisen in the territory.

Article 13. Under the Factories Ordinance the factory inspector will have power to remedy defects observed by instituting legal proceedings.

Article 14. Effect is given to this Article through the Accidents and Occupational Diseases (Notification) Ordinance, 1951.

Article 15. Labour inspectors, like other civil servants, are prohibited from having any direct or indirect interest in any undertaking. The existing undertakings do not deal in anything of a confidential nature, and it is considered that the code of conduct for officers in the civil service as contained in Colonial Regulations is sufficient to guarantee the discretion of inspectors.

Article 16. At least one visit is made yearly by the inspector to each centre of employment, but he may make several if occasion demands. He submits an immediate report on every visit.

Article 17. The practice has been for the labour inspector to give warning and advice instead of instituting or recommending legal proceedings.

Article 18. The national legislation contains provisions adequate to ensure the application of this Article.

Articles 20 and 21. The Government has taken note of the obligations imposed under these Articles.

Articles 22 to 24. The report states that these Articles are complied with.

Article 25. No declaration has been made to exclude Part II of the Convention.

Article 27. Arbitration awards and collective agreements do not have the force of law in the territory.

Southern Rhodesia (First Report).

Native Labour Regulations Act (Ch. 86).
Public Services Act (Ch. 68), as amended by Act No. 18 of 1956.
Shop Hours Act, 1945.
Industrial Conciliation Act No. 29 of 1959 (*L.S.* 1959—S.R. 1).
Factories and Works Act No. 20 of 1948 (*L.S.* 1948—S.R. 1).

Article 2 of the Convention. The labour inspection system applies to all workplaces in which legal provisions relating to conditions of work and the protection of workers are enforceable. There are no exemptions with regard to mining and transport undertakings.

Article 3. Inspectors are not required to undertake any functions interfering with their primary duties.

Article 4. Labour inspection is supervised by the Secretary for Labour who is responsible to the Minister of Labour.

Article 5. The labour inspection services co-operate with other government departments, with the Joint Industrial Councils and with the representative organisations of employers and workers.

Article 6. The inspection staff is augmented by a number of officials appointed on the recommendation of Joint Industrial Councils and whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government or of improper external influences. Otherwise the inspection staff is composed of government officials covered by the Public Services Act.

Article 7. Only qualified specialists are appointed to the inspection staff. Training is given upon recruitment, and refresher training at periodic intervals.

Article 8. No proscription is placed upon the employment of men and women in the public service.

Article 9. Health officers at various levels maintain constant contact with the inspection services, whose staff also includes medical and technical specialists.

Article 10. There are 50 European inspectors employed by the Government, who are assisted by 29 African Labour Assistants. In addition there are 16 designated agents employed by the Industrial Councils. Each inspector is assigned a specific area in one of the four regions under the control of a senior officer.

Article 11. Offices and transport facilities are provided.

Article 12. Inspectors appointed by the Minister and provided with special identity cards may enter, without notice, any premises which they may have cause to believe subject to inspection and may interrogate any person, either alone or in the presence of witnesses.

They may request the production of books and documents and may make extracts of them or seize them. They may enforce the posting

of notices. Inspection may take place at any hour of the day or night (at reasonable times under the terms of the Factories Act). There is at present no legislation empowering inspectors to remove samples of materials and substances from workplaces and the acceptance of the Convention has been modified in this respect.

Article 13. The Factories and Works Act empowers inspectors to require alterations to be carried out within a certain specified time and also to issue orders with immediate executory force where there is imminent danger. Inspectors are also empowered to serve notice in writing on local authorities, drawing their attention to any breach of regulations and requiring them to take the necessary action and inform the inspectors thereof.

Article 14. In terms of the Factories and Works Act all major accidents must be notified in the prescribed form. Provision exists in the Workmen's Compensation Act and the Silicosis Act for the notification of the scheduled occupational diseases.

Article 15. Under the Public Services Amendment Act No. 18 of 1956, an officer or his wife who has any interest in any firm or company conflicting with his official duties must report the facts and comply with the directions of the responsible Minister. An officer is guilty of misconduct if he discloses, except in the discharge of his official duties, any information acquired in the course of such duties. The revealing of information after an officer leaves the service is an offence under the Factories and Works Act and a similar provision is included in the new Industrial Conciliation Act, 1959. In accordance with an administrative instruction, inspectors are forbidden to reveal the name of a complainant except in a court of law and to divulge information from which an employer may identify a complainant. Attention was also drawn to the provision that no intimation should be given that an inspection is made in consequence of a complaint.

Article 16. Intervals at which inspections are carried out vary from once a month to once a year.

Article 17. Legal proceedings for violations are provided for in legislation. Previous warning is left to the inspector's discretion.

Article 18. Adequate penalties are provided for in legislation.

Article 19. All inspection officers are required to submit monthly reports.

Article 20. The annual report will be published and forwarded.

Article 21. The annual report will include this information.

Articles 22 to 24. These Articles are not applicable.

The Department of Labour has two specialised branches, i.e. the Industrial Inspectorate and the Factory Inspectorate, which have inspectors stationed in the main employment centres. These inspectors make frequent visits to all parts of the colony. Departmental meetings are held at monthly intervals to co-ordinate and review the workings of the inspectorates.

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

France (French Somaliland, New Caledonia, St. Pierre and Miquelon).

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 : Ruanda-Urundi : 27 January 1955.

France. Ratification : 26 July 1954.
Applicable with modification [1] :
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 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 without modification : Aden, Antigua [2], Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica [2], Gambia, Gibraltar, Grenada [2], Jamaica [2], Malta, Mauritius, Montserrat [2], Northern Rhodesia, St. Christopher-Nevis-Anguilla [2], St. Helena, St. Lucia [2], St. Vincent [2], Southern Rhodesia : 27 March 1950.
Applicable with modification :
Barbados [2], Basutoland, Bechuanaland, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Kenya, North Borneo, Nyasaland, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, Tanganyika, Trinidad and Tobago [2], Uganda, Zanzibar : 27 March 1950.
Sarawak : 23 February 1959.
No declaration : Guernsey, Jersey, Isle of Man.

[1] This Convention is also in force with modification for Mauritania in virtue of a declaration communicated by France on 26 July 1954.
[2] Federation of the West Indies.

United Kingdom.

Bermuda.

In reply to a direct request made in 1960 by the Committee of Experts the Government states that Part 5 of the Education Act, 1954 provides for compulsory schooling for all children under 13 years of age. Penalties are

imposed for irregular school attendance, it being forbidden under the provisions of the Act to employ such children during school hours.

Moreover, in view of the small number of industries in Bermuda, and the fact that children are not normally employed in them, it has not appeared necessary to take measures to establish a minimum age of admission to employment.

British Guiana.

In reply to direct requests made by the Committee of Experts the Government states the following.

Article 16 of the Convention. Legislation to give effect to the provisions of this Convention not covered by section 24 of the Labour Ordinance will be considered by the Government.

Article 18. There is no discrimination in the colony among workers on any of the grounds listed in the Article, except perhaps sex. Wages of female labourers are generally lower than those of male workers, but an unskilled female labourer is not usually required to undertake duties as heavy as those performed by men. In the public service women are now given a greater opportunity of filling posts formerly restricted to male officers. They receive the same salaries as the male holders of the posts.

British Honduras.

Compulsory full attendance areas have been declared in all areas of British Honduras where there are government schools (schools built entirely from government funds) or government-aided schools (schools erected by the religious denominations with a contribution from government funds). There are 120 government-aided schools and 2 government schools, with a total enrolment of 20,000 pupils. Schooling is compulsory from the age of 6 to 14 and it is estimated that 80 per cent. of the total school enrolment attends regularly.

The Government will continue its policy of granting financial assistance to denominational schools and of establishing government schools as the need arises.

Kenya.

In reply to a request of the Committee of Experts, the Government states the following.

In agriculture, contracts under the Resident Labourers Ordinance had been steadily declining in favour of employment on verbal monthly or "ticket" contracts, but have recently increased again with the return of resident labourers to this form of employment as emergency restrictions were gradually lifted. In forestry, the Government relies primarily on the resident labourer system; as large new developments have been embarked upon, the use of resident labourers by the Forest Department has substantially increased.

Employment on resident labourer contracts is much sought after by Africans, particularly those from the populous areas of Central Province, who take full advantage of the cultivation and grazing rights conferred under these contracts and thereby make a better living for themselves and their families than can other unskilled labour in rural areas. Although resident labourers' wage levels have traditionally been lower than those for other labour, because resident labourers are not in full-time employment, their wages have been raised in recent years and are now in many cases at the same level as for other farm labourers. The average wage level for all African wage earners in agriculture rose by 44 per cent. during the period 1954-58.

The Government has been considering the question of fixing a statutory minimum wage for agriculture, and plans to amend the legislation for this purpose during 1960. It is intended that statutory minimum wages should apply equally to workers on resident labourer contracts. Wage-fixing will be by bodies which include representatives of employers' and workers' organisations and will necessitate official inquiries to ascertain minimum standards of living.

The Labour Inspectorate and local government authorities have secured much improvement in housing and sanitation standards for resident labourers, and in the provision of welfare and recreational amenities for farm and forestry labour generally.

The Resident Labourers Ordinance is being reviewed with a view to ascertaining the possibility of separating completely the employment aspects from the land usage aspects, which will result in the employment and remuneration of workers under the ordinary labour legislation, without regard to any cultivation and grazing perquisities.

Article 15, paragraph 1, *of the Convention.* The expanding coverage by minimum wage regulation is bringing more employers under the Regulation of Wages and Conditions of Employment Ordinance, 1951, which requires the keeping of registers of wage payments. Attention will be given to increasing the statutory obligations of other employers to keep such registers and consideration will also be given to providing for the issue to workers of statements of wage payments.

Article 16. Fuller provisions relating to advances of wages will be considered in revising the Employment Ordinance.

Article 18. Penal sanctions of a discriminatory nature are to be found only in the Resident Labourers Ordinance. The repeal of this Ordinance and adoption of separate non-discriminatory provisions to regulate land usage by employees on farms is under consideration.

Mauritius.

In reply to the direct request made by the Committee of Experts in 1959 the Government states that it is policy of the Government to establish compulsory education for children from 5 to 12 years as soon as the staff and building accommodation are available. This, it is expected, will be achieved in 1962 at the end of the five-year plan.

Montserrat.

In reply to a direct request made by the Committee of Experts in 1959 the Government

states that legislation based on the provisions of Convention No. 95 is in course of preparation and provision is being made for the fulfilment of Article 16 of Convention No. 82.

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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 (Barbados, British Honduras, Kenya).

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

United Kingdom (Aden, Antigua, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Hong Kong, Jamaica, North Borneo, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Tanganyika, Uganda, Zanzibar).

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Belgium. Ratification : 27 January 1955.
Applicable without modification : Ruanda-Urundi : 3 September 1957.

France. Ratification : 26 July 1954.
Applicable without modification [1] :
Overseas Territories : Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon : 6 December 1954.
Not applicable :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : Algeria.

New Zealand. Ratification : 1 July 1952.
Applicable without modification : Cook Islands and Niue : 1 July 1952.
Not applicable : Tokelau Islands : 1 July 1952.
Decision reserved : Western Samoa : 1 July 1952.

United Kingdom. Ratification : 27 March 1950.
Applicable without modification : Aden, Antigua [2], Bahamas, Barbados [2], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica [2], Falkland Islands, Fiji, Gambia, Gibraltar, Grenada [2], Hong Kong, Jamaica [2], Kenya, Malta, Mauritius, Montserrat [2], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla [2], St. Helena, St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and and Tobago [2], Uganda, Zanzibar : 27 March 1950.
Decision reserved : Brunei, Gilbert and Ellice Islands, Solomon Islands : 27 March 1950.
No declaration : Guernsey, Jersey, Isle of Man.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 6 December 1954.
[2] Federation of the West Indies.

Belgium.

Ruanda-Urundi.

Decree of 7 November 1959 to amend the Legislative Ordinance respecting workers' and employers' organisations (No. 123/APAJ of 16 April 1942), given executory force in the territory of Ruanda-Urundi by Ordinance No. 222/21 of 12 January 1960 (*Bulletin officiel du Congo Belge*, Vol. 52, No. 23).

Italy.

Trust Territory of Somaliland.[1]

See under Convention No. 11.

[1] See Introduction, p. 1.

United Kingdom.

Barbados.

The revision of the relevant legislation to restore the right of association to agricultural and other workers affected by the Trade Union (Amendment) Act, 1949, is under active consideration. The amendment should be introduced in the legislature in the very near future.

Bechuanaland.

See under Convention No. 11.

Fiji.

Amendment of the Industrial Association Ordinance has been deferred pending the arrival of a recently appointed Industrial Relations Adviser.

Hong Kong.

In reply to the observations of the Committee the Government gives the following information.

Only one case has been recorded of refusal to register a trade union under section 10 of the Trade Unions and Trade Disputes Ordinance, 1948 ; no appeal was lodged. The Government is considering the possibility of making provision for appeals against the decisions of the Registrar.

Jamaica.

The Trade Union (Amendment) Law No. 55 of 1959.

Under the Trade Union (Amendment) Law any person aggrieved by the refusal of the Registrar to register a trade union or by the withdrawal or cancellation of the certificate of registration of a trade union may appeal to a judge in chambers.

Jersey.

See under Convention No. 98.

Kenya.

Essential Services (Arbitration) (Amendment) Ordinance No. 48 of 1958.
Building and Construction Industry Wages Council (Establishment) Order, 1960 (Legal Notice No. 240 of 1960).

Mauritius.

In practice, casual or seasonal workers have not been debarred from membership in unions. The Government does not propose to amend or supplement the existing provisions at the present stage.

North Borneo.

The request of the Committee of Experts for information on the measures to be taken to repeal or amend the provision under which tradesmen in government employment can become members of an ordinary union only with the prior approval in writing of the Chief Secretary (section 1711 of the Consolidated Trade Unions Ordinance) is still under consideration, in conjunction with further requests made by the Committee of Experts in relation to Conventions Nos. 87 and 98.

Northern Rhodesia.

See under Convention No. 87.

Nyasaland.

See under Convention No. 11.

St. Christopher-Nevis-Anguilla.

The Leeward Islands Miscellaneous Provisions Order in Council, 1956 (*S.I.*, No. 833, 1956).
The St. Christopher-Nevis-Anguilla Adaptation of Laws Regulations, 1956 (*S.R. & O.*, No. 19, 1956).

St. Lucia.

For legislation see under Convention No. 11.

Article 2 of the Convention. Sections 2, 3 and 6 of Ordinance No. 19 of 1959 define the meaning of trade union and stipulate that the purposes of any trade union duly registered under the Ordinance shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Workers in the various trades and occupations are organised in eight trade unions all of which are registered by law. There are, however, no registered unions of employers, who are nevertheless free to take advantage of the provisions of the law when they so desire.

Article 3. The right to conclude collective agreements is assured by section 6 (2) of Ordinance No. 19 of 1959.

Article 4. All matters of labour policy are referred to the individual trade unions for consideration. The employers, though they do not belong to any registered trade unions, are consulted through the Chamber of Commerce or the Agriculturists' Association.

Sierra Leone.

In order to give full effect to various Articles of the Convention a Bill amending the Trade Unions Ordinance was submitted to the Joint Consultative Committee (a labour advisory body) for consideration, in conformity with the usual procedure. The Bill was rejected, without discussion on its merits, by the workers' representatives on the grounds that, while workers' representatives on the various joint bodies are connected with one registered organisation or another, the employers' representatives on these bodies are associated with employers' organisations which are not registered under the Ordinance. It was also stated during the meeting that until steps were taken to ensure that employers' organisations were registered, workers' representatives would not consider the amendments.

Singapore.

The Trade Unions (Amendment) Ordinance No. 53 of 1959.
The Criminal Law (Temporary Provision) Ordinance No. 26 of 1955, Part V of which came into force on 21 October 1955 and which is to continue in force for four years from the date of commencement.

Article 2 of the Convention. The Trade Unions (Amendment) Ordinance, 1959 provides new rules for registration of trade unions.

In addition, an amendment under the Trade Unions (Amendment) Ordinance, 1959 adds new cases for the withdrawal or cancellation of a certificate of registration of a trade union.

Any person aggrieved by the refusal of the Registrar to register a trade union, or by an order to withdraw or cancel the certificate of registration of a trade union, may appeal to the Minister against such refusal or order.

In accordance with an amendment to section 17 of the Trade Unions Ordinance under the Trade Unions (Amendment) Ordinance, 1959, " the decision of the Minister on an appeal under section 16 of this Ordinance shall be final and shall not be called into question in any court ". The Government of the state of Singapore, having considered the suggestion of the Committee of Experts that appeal should lie to the Supreme Court, is of the opinion that this is a matter involving essentially an executive function based on government policy on trade unions and not one that would require reference to the judiciary.

Article 4. A reconstituted body known as the Labour Advisory Council with representatives from industry, trade unions and Government, under the chairmanship of the Minister for Labour and Law, is expected to be formed soon. It is envisaged that this body will advise, generally, on all labour matters.

Southern Rhodesia.

Industrial Conciliation Act No. 29 of 1959.

The Industrial Conciliation Act, 1959, also covers Africans and is entirely non-racial. It does not apply to agricultural workers. In certain cases it is possible to appeal against the refusal of the Registrar of Trade Unions to register a union.

Swaziland.

It has been decided that the definition of " workmen " contained in section 16, Part II of Chapter 125 of the Laws of Swaziland, should be interpreted as including agricultural workers. The legal immunities provided under sections 17, 18 and 19 of the Proclamation concerning trade unions do in fact apply to agricultural workers.

Tanganyika.

Trade Union (Amendment) Ordinance No. 17 of 24 June 1959 (*Tanganyika Gazette*, 26 June 1959, No. 35, Supplement No. 1, p. 108) (*L.S.* 1959—Tan. 1).

Zanzibar.

Decree No. 21 of 1958 respecting trade unions (*Zanzibar Official Gazette*, 6 Dec. 1958, No. 3894, Legal Supplement, Part 1, p. 67).

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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 (Ruanda-Urundi), *France* (Comoro Islands, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Basutoland, Bermuda, British Guiana, British Honduras, British Somaliland, Fiji, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobado, Uganda).

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

France (French Polynesia), *New Zealand* (Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, British Virgin Islands, Brunei, Dominica, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Isle of Man, St. Helena, St. Vincent, Sarawak, Solomon Islands, Seychelles).

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification : 27 March 1950.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 27 March 1950.
Applicable without modification :
Aden, Antigua [2], Bahamas, Barbados [2], British Guiana, British Honduras, British Virgin Islands, Dominica [2], Fiji, Gambia, Gibraltar, Grenada [2], Jamaica [2], Kenya, Mauritius, Montserrat [2], North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla [2], St. Lucia [2], St. Vincent [2], Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Trinidad and Tobago [2], Uganda, Zanzibar : 27 March 1950.
Sarawak : 23 February 1959.
Swaziland : 8 March 1960.
St. Helena : 1 June 1960.
Tanganyika : 22 September 1960.
Gilbert and Ellice Islands : 29 March 1961.
Applicable with modification :
Hong Kong : 27 March 1950.
Solomon Islands : 27 February 1959.
Brunei : 5 January 1961.
Decision reserved :
Basutoland, Bechuanaland, Bermuda, Nyasaland : 27 March 1950.
Not applicable : Falkland Islands, Malta : 27 March 1950.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

United Kingdom.

Aden.

In reply to a request by the Committee of Experts the Government states that there has been no instance when a worker has entered into a contract for employment in a place not involving a long and expensive journey. Should circumstances change, immediate consideration will be given to the amendment of section 6 of the Contracts of Employment (Indigenous Workers) Ordinance with a view to further restrictions on the contractual period.

British Honduras.

See under Convention No. 50.

Gilbert and Ellice Islands.

Labour (Amendment) Ordinance No. 4 of 1960.

The above ordinance prescribes maximum periods of service : in the case of employment in the Line Islands District (including Fanning, Washington and Christmas Islands) and overseas (except at Nauru)—two years for workers not accompanied by their families, three years for workers accompanied by their families ; in the case of employment elsewhere in the colony or in Nauru—one year for unaccompanied workers, two years for accompanied workers.

Kenya.

See under Convention No. 64.

Nyasaland.

In reply to paragraph 33 of the General Report of the Committee of Experts in 1960 [1], the Government states that re-examination of the question of applying the Convention more closely is unnecessary, since the Convention is fully applied without modification.

Labour and industrial relations are subjects dealt with by the administrations of the constituent territories of the Federation. Prior to federation, Article 4 of the Convention was covered by the Tripartite Migrant Labour Agreement of March 1947. As the governments of the Federation believe in the freedom of movement between the constituent territories, this agreement was terminated on 30 June 1960 on the initiative of the Northern and Southern Rhodesia governments.

It has been found that the engagement of Nyasaland nationals has sometimes been prejudiced by time limits in contracts of employment, because employers are required to allow

[1] See International Labour Conference, 44th Session, Geneva, 1960 : *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV) (Geneva, I.L.O., 1960), p. 7.

workers to return to their country of domicile at the end of a definite period ; the early years of learning a skill are likely to be lost to employers, who prefer to engage local labour for craft work and positions of responsibility.

Solomon Islands (First Report).

Labour Regulation No. 3 of 1960.

Article 1 of the Convention. This Article is applied by the definitions of " worker " and " employer " in section 2 and the definition of contracts in section 55 (2) *(a)* of the Labour Regulation.

Article 2. No advantage has been taken of paragraph 1 *(a)*. Paragraph 1 *(b)* and paragraph 2 are covered by sections 55 (2) *(b)* and 61 (3) of the Labour Regulation.

Article 3. This Article is applied by section 61 of the Labour Regulation, prescribing maximum periods for employment within and outside the Protectorate, corresponding to the provisions of the Convention.

Article 4. This Article is applied by section 66 *(e)* and *(h)* of the Labour Regulation. No agreements have been concluded with other territories.

Article 8. The enactment of the Labour Regulation has made unnecessary the modifications subject to which the Convention was declared applicable in 1958, and a revised declaration is under consideration.

* * *

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

United Kingdom (British Virgin Islands, Fiji, Gambia, Sierra Leone, Solomon Islands, Trinidad and Tobago).

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

United Kingdom (Antigua, Bahamas, Barbados, British Guiana, British Honduras, Dominica, Hong Kong, Gibraltar, Grenada, Jamaica, Kenya, Mauritius, Montserrat, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Uganda, Zanzibar).

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Belgium. Ratification : 23 October 1951.
Not applicable : Ruanda-Urundi : 23 October 1951.

Denmark. Ratification : 13 June 1951.
Applicable without modification :
Greenland : 31 May 1954.
Faroe Islands : 28 September 1960.

France. Ratification : 28 June 1951.
Applicable without modification [1] :
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.
No declaration : Algeria.

Netherlands. Ratification : 7 March 1950.
Applicable without modification : Netherlands Antilles, Netherlands New Guinea, Surinam : 25 June 1951.

United Kingdom. Ratification : 27 June 1949.
Applicable *ipso jure* without modification [2]: Guernsey, Jersey, Isle of Man : 27 June 1949.
Applicable without modification :
Aden, Malta, Trinidad and Tobago [3] : 19 June 1958.
Dominica [3], St. Lucia [3] : 29 December 1958.
Jamaica [3] : 21 June 1960.
Applicable with modification :
British Guiana, Gibraltar, Sierra Leone : 19 June 1958.
British Honduras, Grenada [3], Mauritius, North Borneo, St. Vincent [3], Sarawak : 29 December 1958.
Nyasaland : 23 February 1959.
Basutoland, Bechuanaland, Swaziland, Uganda : 17 March 1959.
Zanzibar : 8 March 1960.
Decision reserved :
Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands : 19 June 1958.
Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Hong Kong, Kenya, Seychelles, Tanganyika : 29 December 1958.
Southern Rhodesia : 23 February 1959.
Northern Rhodesia : 7 July 1959.
Antigua [3], Bahamas, Barbados [3], Montserrat [3], St. Christopher-Nevis-Anguilla [3], Singapore : 13 March 1961.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 19 March 1954.
[2] See footnote 1 to Convention No. 2.
[3] Federation of the West Indies.

Italy.

Trust Territory of Somaliland.[1]

See under Convention No. 11.

United Kingdom.

Aden.

In reply to a request of the Committee of Experts the Government gives the following information.

Considerable difficulty has been experienced in respect of the failure of the trade unions to present their audited accounts at their annual general meeting. This situation and regular allegations appearing in the press concerning the misuse of trade union funds suggest the continuing need for protection of trade union members by legislation.

Federations and confederations of employers' or workers' organisations enjoy the same rights as the trade unions.

[1] See Introduction, p. 1.

The measures of a general nature which apply to the trade unions would seem to include the Penal Code, particularly Chapter VI (Offences against the State) and the Police Ordinance.

Basutoland.

In reply to a request of the Committee of Experts the Government gives the following information.

Federations or confederations of employers' or workers' organisations do not exist. Employers' or workers' organisations are not affiliated directly or indirectly with international organisations.

Bechuanaland.

In reply to a request made by the Committee of Experts the Government indicates that only two workers' unions are registered and that neither of them is affiliated to an international organisation.

British Guiana.

Article 3 of the Convention. The supervision of the management of trade unions is subject to the safeguards suggested by the Committee of Experts in that it is exercised only for the protection of members of trade unions, the emphasis being on the supervision of the management of union funds. The officials responsible for the exercise of these supervisory powers are in all cases senior civil servants enjoying independent status. The actions of these civil servants are subject to judicial review. The stage of development of the trade union movement does not warrant abolition of these necessary safeguards.

Article 4. Steps are still being taken to amend section 27 of the Trade Unions Ordinance, which to some extent contravenes the provision of this Article.

Article 5. There is no legislation in force which prohibits the affiliation of workers' and employers' organisations with international organisations of workers and employers. Federations and confederations of employers' and workers' organisations enjoy the same rights as do trade unions.

British Honduras.

Article 3 of the Convention. On re-examination, and having regard to the comment made by the Committee of Experts, it appears that the limitation of the " use " of trade union political funds is not in fact a modification of the application of this Article as stated in the report submitted in 1959.

Article 8. Section 2 *(e)* of the Public Safety Ordinance, 1935 provides that " whenever the Governor in Council shall be satisfied that a state of civil commotion which threatens the public safety exists he may by order under his hand make regulations for all or any of the following matters : the regulation, restriction or prohibition of gatherings of persons in any place whatsoever and the prohibition of the holding of meetings in any place whatsoever without the permission of the Superintendent of Police and any gathering of persons or meeting held in contravention of any of the provisions of any regulations made under this subsection shall be deemed to be an unlawful assembly and may be dealt with accordingly ". Under this provision trade union meetings in trade union premises or in premises hired for such meetings can be prohibited. There have been no cases in which the Ordinance has been applied to trade unions.

The general observations of the Committee of Experts concerning the outside supervision of the management of trade unions has been noted. The nature of supervision referred to in these observations, is subject in a very substantial way to the type of safeguards mentioned by the Committee of Experts.

(a) Section 14 of Trade Unions Ordinance No. 1 of 1941 was amended in 1957 to provide that the accounts of trade unions must be audited by the Principal (Government) Auditor of the territory instead of " some fit and proper person approved by the Registrar ". Personnel for specialised audit supervision are not very readily found in this territory. Moreover, there were some reports and complaints that members of trade unions were of the opinion that the funds of their unions were being mis-managed to some extent. The requirement for the annual return of accounts to the Registrar of trade unions is intended also for the purpose of protecting the members of the unions.

(b) Both the Principal (Government) Auditor and the Registrar of trade unions, although being officials in the territory's civil service, exercise their function independently and in this connection are not subject to any administrative or other authority in so far as carrying out these functions are concerned.

(c) Failure to submit returns to the Registrar may be considered as a violation of the provisions of the Ordinance and one for which the Registrar can cancel the union's registration. Any such decision of the Registrar, however, is subject to judicial review by the Supreme Court.

It is considered that, having regard to the stage reached in the development of the trade union movement in this territory, it is still desirable to continue the methods of supervision of trade unions which have been mentioned in the preceding paragraphs. The observations of the Committee of Experts will, however, be borne in mind for progressive implementation as circumstances may permit.

The provisions of section 32 (3) and (4) of the Trades Unions Ordinance No. 1 of 1941, do not exempt trade unions from the application of the general law of the land as contained in the Criminal Code and in matters concerning riot, unlawful assembly, breach of the peace or sedition or any offence against the State or Sovereign.

There have been no instances in which the provisions of the Criminal Code referred to above have been applied to trade unions or members of trade unions.

British Somaliland (First Report).

No legislation is in force which would give effect to the provisions of the Convention, a decision in respect of which has been reserved.

British Virgin Islands (First Report).

The decision in respect of this Convention has been reserved pending clarification of the position in regard to the scope of the legislation applicable in the territory.

Dominica (First Report).

Trade Unions and Trade Disputes Ordinance No. 12 of 1952.

The Convention is applied in part by established practice and in part by the above Ordinance.

To register an organisation, seven or more members must submit a signed declaration to the Registrar of Trade Unions, together with a copy of the rules. There are no restrictions on the right to organise except in the case of members of the armed forces and police.

All appropriate measures are taken to ensure the right of organisations freely to organise their administration and activities without interference by the public authorities.

The rules of every union must make provision as to dissolution. The Registrar may cancel registration pursuant to section 11 of the Ordinance, subject to appeal to the Supreme Court.

There are no restrictions on the affiliation of organisations with other organisations.

Registration of an organisation, federation or confederation automatically confers legal personality.

The guarantees provided for in the Convention are not impaired by any law. Unions, like all other legal entities, require to obtain permission for the holding of any meeting in a public place.

There are no armed forces. The police may elect three members to a Central Committee to make representations on their behalf.

Gambia (First Report).

Trade Union Ordinance (Cap. 88 of the Laws of Gambia).
The Police Rules (Cap. 70 of the Laws of Gambia).

Article 2 of the Convention. The right to establish and join organisations is freely exercised by workers and employers without previous authorisation. It is governed by the provisions of sections 3, 4 and 12 of the Trade Union Ordinance. These organisations must satisfy the conditions laid down in sections 20 and 22 and the First Schedule of the Ordinance.

Article 3. No legal provisions relate to employers' organisations. Sections 6, 7, 8 and 21 (3)-(5) of the Ordinance preclude interference by the public authorities with the exercise of the right to organise trade unions.

Article 4. The legal procedure to effect dissolution is laid down in section 24 of the Ordinance.

Article 5. No legal provision governs international affiliation but two unions have exercised the right in practice.

Article 6. There are no federations or confederations and no legal provisions relating thereto.

Article 7. The acquisition of legal personality is governed by sections 15 and 16 of the Ordinance.

The Police Rules provide for the setting up of a Police Federation. There are no armed forces.

While a decision has been reserved with respect to the Convention, further consideration is being given to whether its provisions may be applied with or without modification.

Grenada.

In response to requests made by the Committee of Experts the Government supplies the following information.

The trade union movement is still in its infancy in this territory and it is desirable to maintain the provision in the legislation requiring the treasurer of a trade union to submit every year to the Registrar of Trade Unions, a statement of accounts and audit certificates. This provision is maintained solely for the protection of the members of trade unions against bad management of union funds.

A federation of workers' organisations has in fact been set up; it is an affiliate member of the Caribbean Congress of Labour which was established in September 1960. These organisations enjoy the same rights as trade unions.

Organisations of employers or workers are affiliated either directly or indirectly with international organisations.

Jamaica.

For legislation see under Convention No. 84.

As regards the amendment to the Trade Union Law see under Convention No. 84.

Articles 5 and 6 of the Convention. There is no specific provision in the Trade Union Law relating to federations or confederations of employers' or workers' organisations, but the existing employers' federation is now registered under this law.

Malta.

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

The Trade Union and Trade Disputes Ordinance requires trade unions to supply annual returns and also contains provisions for inspection of records of members of a trade union. Such supervision is considered useful for the protection of members against abuses. Failure on the part of a trade union to furnish the required returns may entail cancellation of the union from the Register. An appeal from the decision regarding the cancellation lies with the Court of Appeal.

Federations or confederations of employees or workers are not trade unions within the meaning of the Ordinance and cannot enjoy the same rights as trade unions. Organisations of workers and employees are affiliated directly or indirectly with international organisations.

Mauritius.

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

The Registrar has full discretion in interpreting section 24 of the Trade Union Ordinance No. 36 of 1954, whereas the right to appeal is provided for under section 6 of the ordinance. The existing federations enjoy the same rights, immunities, etc., as trade unions.

The reasons which necessitated the entering of a modification on the application of this Convention remain valid; the possibility of making a revised declaration is kept under review.

North Borneo.

The Registrar of Trade Unions has never, in fact, had to have recourse to the provisions of section 10 (1) *(d)* of the ordinance under which trade unions consisting of persons engaged in more than one trade or calling are required to make suitable provision for the protection of their respective sectional industrial interests; the matter has never therefore arisen in practice. Similarly, no criteria have been laid down for the interpretation of the term "suitable provision". Since, however, by virtue of the provisions of section 10 (4) of the ordinance, any refusal to register a trade union is subject, without qualification, to an appeal to the High Court, the Registrar's interpretation of the term "suitable provision" is subject to judicial review.

See also under Convention No. 84.

Northern Rhodesia.

The Rhodesia Railways Ordinance (Cap. 175, section 33).

Consideration is being given to the possibility of making a declaration of application with modification, but a decision concerning the precise nature of the modifications is dependent on certain proposed amendments to the Trade Unions and Trade Disputes Ordinance. Consultations on these amendments, which at present principally concern the Conduct of Ballot Rules, are now being held with organisations of employers and workers concerned.

Article 2 of the Convention. Part II of the Trade Unions and Trade Disputes Ordinance deals with the registration of trade unions. Section 6 of this Ordinance requires the registration of every trade union within six months of its formation. Part I of the Schedule to section 33 of the Rhodesia Railways Ordinance lays down the conditions for registration of a trade union for recognition as a statutory union under the Ordinance. Section 38 of the Northern Rhodesia Police Ordinance restricts the right of police officers to join a trade union or association to those associations established by regulations under the Ordinance.

Under the Trade Unions and Trade Disputes Ordinance, appeal from the decision of the Registrar may be made to the High Court.

Article 3. Workers' and employers' organisations have the right to draw up their constitutions, to organise their administration and to formulate policy, subject only to certain legal provisions which, with the exception of those contained in the Rhodesia Railways Ordinance, are such as are generally required for the efficient administration of union affairs.

Article 4. An appeal may be made, under the Trade Unions Ordinance against the Registrar's decision to withdraw or cancel a certificate. The Rhodesia Railways Ordinance also provides for an appeal.

Article 5. Workers' and employers' organisations have the right contained in this Article. No legal provisions apply.

Article 6. No special provisions exist. The provisions outlined in Articles 2, 3 and 4 apply equally to federations and confederations.

Article 7. Legal personality is bestowed upon a trade union by the act of registration, which is compulsory.

Article 8. In general, like every other organisation or person, workers' and employers' organisations or individuals are subject to the provisions of the Public Order Ordinance in regard to the holding of public meetings and processions in a public place.

The Public Utility Ordinance lays down the procedure for the settlement of disputes in essential services and prohibits strikes or lock-outs until this procedure has been exhausted.

Nyasaland.

In reply to a request of the Committee of Experts the Government gives the following information.

Former civil servants are not precluded from serving as officers of trade unions of Crown employees; this is a matter which the organisations themselves govern through their own constitutions. Such organisations are not prevented from forming or joining a federation of any kind.

The only existing combination of trade unions is the Nyasaland Trade Union Congress which is an association of trade unions and an advisory body. The purpose of section 2 (5) of the Trade Unions Ordinance is to remove from such an advisory body the liability to register as a trade union so long as the individual unions affiliated to the Trade Union Congress are registered. Section 36 (1) of the Ordinance requires the individual unions to report such affiliations or combinations to the Registrar of Trade Unions. Nothing in the Ordinance precludes the formation of a federation or confederation of trade unions.

Provisions for supervision by the Registrar of the management of trade unions are necessary in order to protect the illiterate and inarticulate members of trade unions from abuses. The Registrar of Trade Unions is a public servant who is the Registrar General and is of independent status. His decisions are subject to appeal in the High Court under section 19 of the Trade Unions Ordinance. The trade union movement in Nyasaland is insufficiently developed to permit adequate supervision by the membership over the actions of their trade union leaders.

St. Helena (First Report).

Trade Unions and Trade Disputes Ordinance 1959 (*S.R. & O.*, 1959, No. 3).
Trade Unions Regulations 1959 (ibid., 1959, No. 13).

Although the St. Helena General Workers' Union was formed in July 1958 it is still considered that the Convention should be in the reserved category as far as this colony is concerned.

St. Lucia.

For legislation see under Convention No. 11.

In reply to a request made by the Committee of Experts the Government states in its report that no federation or confederation of employers' or workers' organisations has been set up.

Sarawak.

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

No criteria have been laid down for the "suitable provisions" to be taken by trade unions covering several trades, occupations or industries in order to protect the industrial interests of their various sections. It is possible to appeal against a refusal of registration based on the multi-trade nature of a union. Up to the present no such appeal has been recorded.

There is no rule prohibiting former civil servants from continuing as members of organisations of government servants. However, officers of a trade union must be persons actually engaged in the industry or occupation represented by the union. Organisations of government servants may affiliate only to federations or confederations whose members are ordinarily employed in a similar occupation or trade.

Seychelles (First Report).

Trade Unions and Trade Disputes Ordinance No. 4 of 1943.
Trade Unions and Trade Disputes (Amendment) Ordinance No. 11 of 1947.
Trade Unions Regulations, 1943.
Police Force Ordinance No. 13 of 1959.

The Convention, in respect of which a decision has been reserved, is applied by the above legislation.

The Trade Unions and Trade Disputes Ordinance (Cap. 116) declares that trade unions are not criminal or unlawful for civil purposes; it provides for the compulsory registration of trade unions and for refusal and cancellation of registration in certain instances. The Ordinance contains provision for recognition of the rights of the members of trade unions to combine and bring pressure upon employers; recognition of the right to strike; immunity from civil proceedings of persons who do certain acts to the prejudice of the business interest of others in furtherance of a trade dispute; accounting for trade union funds and protection of such funds against civil proceedings in respect of acts committed by or on behalf of a trade union. The Ordinance also legalises peaceful picketing. The provisions relating to the immunities of trade unions and "workers" are applicable to agricultural workers.

Workers and employers enjoy the rights guaranteed by Article 2 of the Convention; the enjoyment of the rights guaranteed by Article 3 is ensured by section 14 of the Trade Unions and Trade Disputes Ordinance and the Schedule thereto. Section 11 of that Ordinance provides for cancellation of the registration of trade unions by the Registrar, subject to appeal to the Supreme Court; section 18 provides for amalgamation of trade unions, but there are no legal provisions relating to their international affiliation. The Ordinance is regarded as applying equally to federations and confederations. The acquisition of legal personality is compulsory for workers' and employers' organisations, but this is not subject to conditions likely to restrict the application of Articles 2, 3 and 4 of the Convention.

Section 39 of the Police Force Ordinance makes it unlawful for any police officer to be, or to become, a member of a trade union. There are no military units in the colony.

Sierra Leone.

Referring to a request made by the Committee of Experts the Government gives the following information.

The sole purpose of supervision by the Registrar of the management of trade unions is to ensure that the funds of the unions are properly managed. Notwithstanding the fact that some unions have been in existence for a number of years and are beyond reproach, recent experience has shown that, in the present stage of the country's development, these powers vested in the Registrar are necessary in the interest of sound trade union development. However, the position will be reviewed periodically so that the Ordinance can be amended when this is justified by changed conditions.

The offences relating to riot, unlawful assembly, breach of the peace or sedition, etc., are covered by section 3 (3) and (4) of the Trade Disputes (Declaration of Law) Ordinance. There has not been any case in which these sections have been applied to trade unions or members of trade unions.

Consideration is being given to the repeal of section 13 (1) of the Trade Unions Ordinance which prevents the registration of one union while another is already registered.

Southern Rhodesia.

The Government is taking steps to extend the application of the Convention, as is evidenced by the promulgation of the Industrial Conciliation Act, 1959, which is non-racial.

Swaziland.

Article 8 of the Convention. The proposed new legislation is still under consideration by the Swazi National Council. Meanwhile it can be stated categorically that the provisions of Transvaal Law No. 6 of 1894 are not applied so as to impair the guarantees provided for in this Convention.

Article 9. It is noted that in the opinion of the Committee of Experts the provision whereby officers of the prison service are prohibited from belonging to trade unions is not incompatible with the application of the Convention without modification. The Government therefore intends to reconsider in the light of this opinion

the question of accepting the full application of the Convention to the territory.

Articles 5 and 6. (1) No federations or confederations of employers' or workers organisations have yet been established. (2) There are no employers' or workers' organisations and therefore there are no such organisations affiliated with international organisations.

It is considered that the provisions in the territory's trade union legislation whereby every registered trade union is required to submit audited accounts to the Registrar will constitute an important protection for members against mismanagement of their finances in the early stages of development and will so assist in the orderly growth of trade unions. The majority of workers are illiterate or semi-literate, and a considerable period of time is therefore likely to elapse before members of trade unions are themselves capable of exercising the necessary supervision over the actions of their leaders. The outside supervision provided by the Registrar of Trade Unions under the law is considered to be subject to the first two safeguards proposed, i.e. the intention is that it should be exercised only for the protection of members of trade unions, and the official responsible has a sufficiently independent status. With regard to the last safeguard proposed, it is considered that administrative authorities are more appropriate than judicial authorities for undertaking the direct review of the actions of the Registrar at this stage of the development of the territory, since the former are more intimately concerned with the social, economic, and political advance of the indigenous people of the territory. The ultimate safeguard will, in any case, rest with the judicial authorities, since the common law provides civil remedies against the abuse of powers under this or any other law.

Subsections (3) and (4) of section 18 provide that trade unions are subject to laws concerning certain specified offences, including conspiracy and some offences against the State. There have been no cases up to date in which the laws in question have been applied to trade unions or to members of trade unions.

It is meanwhile proposed to amend the Trade Union and Trades Disputes Proclamation (Chapter 125 of the Laws of Swaziland) to empower the Registrar to refuse registration to any proposed union, the rules of which contain any discriminatory clause as to race, colour, sex, or creed. It is considered that this provision will further the application of this Convention.

See also under Convention No. 84.

Tanganyika (First Report).

The Government's policy is aimed at encouraging the formation of powerful and independent trade unions; however, existing trade unions have not reached a sufficiently advanced stage of development for the Convention to be applied.

Trinidad and Tobago (First Report).

Trade Unions Ordinance (Cap. 22, No. 9).
Trade Disputes and Protection of Property Ordinance (Cap. 22, No. 11).
Police Ordinance (Cap. 11, No. 1).
Supplemental Police Ordinance (Cap. 11, No. 2).

The right to establish and join trade unions, without restriction, is implicitly recognised by the Trade Unions Ordinance. Trade unions must be registered. Seven or more members may submit the application for registration to the Registrar of Trade Unions, together with a copy of the rules and a list of officers.

The rules of a union must provide for the matters specified in the Trade Unions Ordinance.

Unions are free from interference by the public authorities. They must comply with the provisions for securing proper accounting by trade unions contained in sections 16, 17, 18 and 29 of the Trade Unions Ordinance. Union funds must not be spent on political objects unless the furtherance of such objects has been approved by a majority of the members voting by secret ballot. Permitted political objects are defined in the Ordinance. The political fund must be maintained as a separate fund and members may contract out of contributing to it without thereby suffering any disadvantage as compared with other members.

Registration of a trade union may be cancelled, subject to appeal to the Supreme Court, on any of the grounds contained in section 21 of the Trade Unions Ordinance.

No legal provisions affect the right to federate, to confederate or to affiliate with international organisations. Registered federations and confederations are covered by the same provisions as are organisations.

Legal personality is automatic upon registration.

No general legal provisions impair the enjoyment of the guarantees laid down in the Convention.

There are no armed forces. The police, including the auxiliary police, may not join trade unions, but are represented by the Police Association.

The Government has on occasions made public pronouncements as to its policy of encouraging trade union development and its industrial relations department is always ready to further this policy.

Zanzibar (First Report).

See under Convention No. 11.

Article 2 of the Convention. Sections 2, 8, 9 and 13 of the Trade Unions Decree, 1958, are relevant to the establishment of trade unions. Workers and employers have the right to establish trade unions subject to the provisions of the Decree. Workers and employers have the right to join trade unions subject to the provisions of sections 24 and 25 of the Trade Unions Decree and the rules of the appropriate organisation.

Article 3. The enjoyment of such rights is governed by the provisions of sections 2 (definition of " trade unions "), 13, 16, 24, 25, 26, 32, 33 (and Schedule), and 37-44 of the Trade Unions Decree.

Article 4. The powers of a Registrar to refuse registration or to cancel an existing registration are set out in sections 13 and 14 of the Trade Unions Decree. Sections 13 (2) and 17 provide for dissolution to become effective as a consequence of these decisions, while section 61 (2) provides for automatic

dissolution if no application is made for registration within six months of the date the Decree came into force. Provision for appeals to the High Court against the above decisions by the Registrar is contained in section 15.

Article 5. There are no legal provisions relating to the affiliation of workers' and employers' organisations with international organisations of workers and employers.

Article 6. The provisions of the Trade Unions Decree cover federations of trade unions.

Article 7. Section 18 of the Trade Unions Decree provides that until a trade union is registered it cannot enjoy the rights, privileges and amenities of a registered trade union. In fact the effect of registration is to bring into existence a legal personality, in that the trade union is able to sue and be sued.

Article 8. (1) Sections 36 to 38 of Decree No. 22 of 1949 are relevant. A police officer may regulate meetings in public places. (2) Decree No. 18 of 1948 (as amended by Decree No. 8 of 1950) makes provision for a declaration of emergency in essential services. (3) Part IX of Cap. 9 of the Revised Laws of Zanzibar prohibits unlawful assemblies, riots, etc.

Article 9. Section 43 (1) of Decree No. 22 of 1949 prohibits any police officer joining a trade union.

* * *

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia), *United Kingdom* (Aden, Basutoland, British Guiana, Dominica, Grenada, Jamaica, Mauritius, Trinidad and Tobago).

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

Denmark (Faroe Islands, Greenland), *France* (St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, New Guinea), *United Kingdom* (Bermuda, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Kenya, Isle of Man, Solomon Islands).

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 : 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.

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.

Spain. Ratification : 30 May 1960.
No declaration.

United Kingdom. Ratification : 10 August 1949.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 10 August 1949.
Applicable without modification :
Gibraltar, Kenya, Malta, Singapore, Tanganyika : 22 March 1958.
Sierra Leone : 6 May 1958.
Applicable with modification :
British Guiana, Mauritius, Uganda : 22 March 1958.
Decision reserved :
Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, 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.
Barbados [2], Jamaica [2], Trinidad and Tobago [2] : 13 February 1961.
Antigua [2], Dominica [2], Grenada [2], Montserrat [2], St. Christopher-Nevis-Anguilla [2], St. Lucia [2], St. Vincent [2] : 13 March 1961.
Not applicable : Falkland Islands, St. Helena : 22 March 1958.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

The following report supplies information on the practical effect given to the Convention :

France (French Polynesia).

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

France (French Somaliland, New Caledonia, St. Pierre and Miquelon).

89. Night Work (Women) Convention (Revised), 1948 [1]

This Convention came into force on 27 February 1951

Belgium. Ratification : 1 April 1952.
Applicable without modification : 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.

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, Antigua [3], Bahamas, Barbados [3], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [3], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [3], Hong Kong, Jamaica [3], Kenya, Malta, Mauritius, Montserrat [3], 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] This Convention revises the Conventions of 1919 and 1934. See Conventions Nos. 4 and 41.
[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 :

France (French Polynesia, French Somaliland).

90. Night Work of Young Persons (Industry) Convention (Revised), 1948 [1]

This Convention came into force on 12 June 1951

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, Antigua [3], Bahamas, Barbados [3], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [3], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [3], Hong Kong, Jamaica [3], Kenya, Malta, Mauritius, Montserrat [3], 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] 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.

The following report supplies information on the practical effect given to the Convention :

Netherlands (Netherlands Antilles).

92. Accommodation of Crews Convention (Revised), 1949 [1]

This Convention came into force on 29 January 1953

Denmark. Ratification : 30 September 1950.
Applicable without modification : Faroe Islands : 28 September 1960.
No declaration : Greenland.

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.
Applicable without modification : Isle of Man : 13 February 1961.
Not applicable :
Basutoland, Bechuanaland, Swaziland : 3 November 1958.
Northern Rhodesia, Nyasaland, Southern Rhodesia : 7 July 1959.
Uganda : 8 March 1961.
Decision reserved :
Guernsey, Jersey : 8 March 1960.
Aden, Antigua [2], Bahamas, Barbados [2], Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Malta, Mauritius, Montserrat [2], North Borneo, St. Christopher-Nevis-Anguilla [2], St. Helena, St. Lucia [2], St. Vincent [2], Sarawak, Seychelles, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago [2], Zanzibar : 8 March 1961.
No declaration : Sierra Leone.

[1] This Convention revises Convention No. 75.
[2] Federation of the West Indies.

Portugal.

Portuguese Indies.

The Convention is not applicable since the gross tonnage of vessels built in the territory is always less than 200.

United Kingdom.

Jersey (First Report).

At the present time there are no vessels of more than 500 tons registered in Jersey and only five of between 200 and 500 tons. Therefore, it is considered unnecessary for the obligations of the Convention to be accepted on behalf of the Island, and the States, by Act of 28 June 1954, adopted a recommendation to that effect. The matter would be subject to reconsideration if circumstances were to change.

* * *

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

France (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Portugal* (Angola, Cape Verde, Portuguese Guinea, Portuguese Indies, Macao, Mozambique, San Tomé and Principe, Timor), *United Kingdom* (Guernsey).

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Belgium. Ratification : 13 October 1952.
Applicable without modification : 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.

Netherlands. Ratification : 20 May 1952.
Applicable without modification : Netherlands Antilles, Surinam : 10 June 1955.
Not applicable : Netherlands New Guinea : 10 June 1955.

United Kingdom. Ratification : 30 June 1950.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 30 June 1950.
Applicable without modification :
Aden, Antigua [2], Bahamas, Barbados [2], Bermuda, British Guiana, Brunei, Dominica [2], Gibraltar, Gilbert and Ellice Islands, Grenada [2], Jamaica [2], Kenya, Mauritius, North Borneo, St. Lucia [2], St. Vincent [2], Sarawak, Singapore, Solomon Islands, Tanganyika, Uganda : 22 March 1958.
British Virgin Islands : 15 April 1958.
Applicable with modification :
British Honduras, Malta, Trinidad and Tobago [2], Zanzibar : 22 March 1958.
Sierra Leone : 16 December 1958.
Fiji : 1 June 1960.
Decision reserved : Basutoland, Bechuanaland, Falkland Islands, Gambia, Hong Kong, Montserrat [2], St. Christopher-Nevis-Anguilla [2], St. Helena, Seychelles, Swaziland : 22 March 1958.
Northern Rhodesia : 8 March 1960.
Nyasaland, Southern Rhodesia : 29 March 1961.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

Netherlands.

Netherlands Antilles.

The Government states in reply to the observations of the Committee of Experts that the information requested would not be available before the next session of the International Labour Conference, because information on measures taken had not yet been received from all public services.

United Kingdom.

Aden (First Report).

The Government states that there are no legislative regulations which apply the provisions of the Convention. It is enforced administratively under the supervision of the Commissioner of Labour and Welfare, who is the competent authority for this purpose.

Article 1 of the Convention. The competent authority has not yet named any authorities other than the central authority for the application of this Convention.

No advantage has been taken of the exceptions provided under this Article.

Article 2. All public contracts contain clauses ensuring that the workers concerned shall be provided with wages and conditions of work not less favourable than the current wages and conditions of government-employed workmen. Wages and conditions provided for government employees are at least as good and frequently better than the standard negotiated or in operation in private undertakings. Public contracts also contain clauses ensuring the various conditions required by this Article, including provisions for the application of such clauses to subcontractors. The clauses of public contracts are brought to the notice of all contractors tendering for public contracts.

Article 3. The health, safety and welfare of workers engaged in the execution of public contracts is, in the case of factories, covered by the Factories Ordinance. Fair and reasonable conditions are otherwise ensured by the trade unions concerned.

Article 4. Arrangements are made to bring the provisions of this Convention to the notice of all persons concerned ; the person responsible for compliance with the provisions defines the arrangements made whereby workers are informed of the conditions of their service by clauses embodied in public contracts. Arrangements already exist by virtue of the provisions of the Labour Ordinance and the Minimum Wage and Wage Regulations Ordinance which ensure enforcement of the Convention.

Northern Rhodesia (First Report).

Employment of Natives Ordinance (Cap. 171).
Employment of Women, Young Persons and Children Ordinance (Cap. 191).

Minimum Wages, Wage Councils and Conditions of Employment Ordinance (Cap. 190), as amended by Ordinance No. 4 of 1960.
Factories Ordinance (Cap. 193) and regulations made thereunder.

The Government states that the report refers specifically to labour clauses in contracts awarded by the Northern Rhodesian Government. The federal Government is responsible for the terms of its contracts except in so far as they are governed by territorial labour legislation.

Article 1, paragraph 1, *of the Convention.* Labour clauses are included in contracts awarded by the Northern Rhodesian Government.

Paragraph 2. The Convention is only applied to contracts awarded by the central authorities.

Paragraph 3. Subcontractors may be required to indemnify contractors against the same obligations, including labour clauses, for which the contractor is liable.

Paragraphs 4 and 5. No exemptions have so far been made in view of the nature of the declaration. The conditions of these two paragraphs will be reconsidered when an improved declaration is made.

Article 2, paragraph 1. This paragraph is applied by section 3 *(a)* of Chapter 191. However, in the Copper Belt mining industry, conditions regulated by agreement between mining companies and the Northern Rhodesian Mineworkers' Union require that conditions should approximate to those provided by the mines themselves. The Government states that, in a time of high copper prices, it cannot be expected to require contractors to adopt these conditions; to do so would be to introduce undesirable inflationary pressures.

Paragraph 2. The government rates of pay are laid down for the territory by decision of Wage Councils or in collective agreements. Contractors in rural districts are bound to observe government rates of pay where no voluntary collective agreements exist. Government rates set the general level for the district.

Paragraph 3. The terms of labour clauses are laid down in the General Conditions of Contract issued by the Ministry of Transport and Works, which are set out in the report.

Paragraph 4. A copy of the General Conditions of Contract is issued to all persons tendering for a contract.

Article 3. Chapters 171, 190, 191 and 193 apply throughout the territory.

Article 4, subparagraph *(a)* (i). All legislative measures are published in the Official Gazette Section 4 of the General Conditions of Contract requires display of conditions.

Subparagraph *(a)* (ii). The persons responsible are defined in section I of the General Conditions of Contract.

Subparagraph *(a)* (iii). This point is applied under section 3 of the General Conditions of Contract.

Subparagraph *(b)* (i). This point is applied under section 2 of the General Conditions of Contract in conjunction with Regulation 26 of Chapter 171 and section 4 *(a)* of Chapter 190.

Subparagraph *(b)* (ii). Inspection service systems are set out in Chapter 171 for Natives and Chapter 190 and voluntary collective agreements for Europeans.

Article 5, paragraph 1. No specific sanctions for failure to observe labour clauses of a public contract exist, except those arising out of breach of civil contract. In practice, however, most government contractors fall within the sanctions applicable for failure to observe the relevant ordinances.

Paragraph 2. Action may be taken in terms of section 1 of the General Conditions of Contract. In practice, action is also possible under section 70 of Chapter 171 and section 9 of Chapter 190, as well as under the common law.

* * *

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

France (New Caledonia, French Polynesia, French Somaliland, St. Pierre and Miquelon).

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

France. Ratification : 15 October 1952.
Applicable without modification [1] :
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.
No declaration : Algeria.

Netherlands. Ratification : 20 May 1952.
Applicable without modification : Netherlands Antilles, Surinam : 10 June 1955.
Applicable with modification : Netherlands New Guinea : 10 June 1955.

Spain. Ratification : 24 June 1958.
No declaration.

United Kingdom. Ratification : 24 September 1951.
Applicable without modification :
Jersey, Isle of Man : 10 March 1956.
Aden, Bahamas, Barbados [2], British Guiana, Brunei, Dominica [2], Gibraltar, Grenada [2], Malta, Mauritius, Montserrat [2], North Borneo, St. Lucia [2], St. Vincent [2], Sarawak, Tanganyika, Uganda, Zanzibar : 22 March 1958.
British Honduras : 5 January 1961.
Applicable with modification :
Sierra Leone, Solomon Islands : 22 March 1958.
Kenya : 6 May 1958.
Trinidad and Tobago [2] : 19 June 1958.
Decision reserved :
Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jamaica [2], St. Christopher-Nevis-Anguilla [2], St. Helena, Seychelles : 22 March 1958.
Antigua [2] : 15 April 1958.
Basutoland, Bechuanaland, Swaziland: 10 June 1958.
Southern Rhodesia : 8 March 1960.
Guernsey : 1 June 1960.
Nyasaland : 8 March 1961.
Singapore : 13 March 1961.
Northern Rhodesia : 29 March 1961.

[1] This Convention is also in force without modification for Mauritania in virtue of a declaration communicated by France on 8 July 1958.

[2] Federation of the West Indies.

United Kingdom.

Bahamas (First Report).

Trade Union and Industrial Conciliation Act No. 30 of 1958.
Truck Act (Cap. 285, Revised Edition 1957).
Contracts of Service Act (Cap. 286, Revised Edition 1957).
Bankruptcy Act (Cap. 55, Revised Edition 1957).

Article 2 of the Convention. The Convention applies to all persons to whom wages are payable. At present, negotiations have been completed in the building, hotel, electrical, dock and airline industries. These cover the majority of the labour force.

Article 4. There is no payment in kind; payments are direct in wages or salaries.

Article 6. This Article is implemented by section 5 of the Truck Act as regards workmen.

Article 7. Stores and services, where available, are on a non-profit basis. Close vigilance is kept by the trade unions who inform the Labour Department in case of abuse. No such cases have been reported to date.

Article 8. No deductions are made.

Article 10. Wages may be attached, except wages which have not been paid. In addition, police salaries are exempt under section 65 of the Police Act.

Wages may be assigned, except those of workmen as defined by section 2 of the Truck Act and of all policemen (section 64 of the Police Act).

Article 11. This Article is implemented by section 30 of the Bankruptcy Act.

Article 12. No legislation provides for the regular payment of wages, but such payment has become a rule by common usage and custom.

Trade unions deal with the employers in any disputes regarding wages due to employees. Complaints brought to the notice of the Labour Department would be dealt with by taking appropriate action.

Article 14. Workers know of the conditions of their employment because the trade unions are signatories to negotiated contracts which are widely publicised. At present there are no effective measures in non-trade union occupations. Conditions are decided between employers and employees, but when the Registration of Labour Bureau opens at an early date labour statistics will become available when unemployed workers are placed with employers.

Article 15. Provision will be made for these measures when the Registration of Labour Bureau is functioning.

The Government also states that the Labour Department is in its infancy and that, as it enlarges its functions, it always bears in mind that provisions of Conventions should be applied whenever they become applicable.

Grenada (First Report).

Department of Labour Ordinances Nos. 16 of 1940 and 6 of 1941, and Regulations Nos. 68 of 1942, 45 of 1943, 48 of 1947 and 4 of 1950.
Wages Council Ordinance No. 4 of 1951 and Regulations No. 7 of 1952.
Factories Ordinance No. 15 of 1958 (not yet proclaimed).
Bankruptcy Ordinance No. 24 of 1887.

Article 2 of the Convention. Domestic help and workers in hotels, restaurants, clubs, hospitals and similar institutions are excluded from the application of all provisions of the Convention.

Article 3. Section 11 of Regulations No. 68 requires all payments to agricultural workers to be made in money; in practice all payments of wages to workers are made in legal tender.

Article 4. Section 5 of Regulations No. 48 of 1947 prohibits reckoning of any privilege, advantage, concessions, perquisite or benefit whatsoever (including free board and lodging) as payment of wages in lieu of cash to shop assistants.

By law all payments to agricultural workers must be made in money and no deduction is allowed for any privilege enjoyed by them.

The Labour Advisory Board has recommended to the Government the enactment of legislation specifically prohibiting the payment of wages in the form of alcoholic liquor or noxious drugs. It is hoped that this legislation will be passed shortly.

There are no collective agreements in the territory which authorise the partial payment of wages in kind.

Articles 5 and 6. Practice conforms to the provisions of the Convention.

Article 7. One small dry-goods store is operated on an agricultural estate. The workers reside in a town about one mile away and so are free to purchase all goods required wherever they please. Price controls are in application for all dry-goods stores and a government Price Control Inspector visits the store regularly to ensure fair and reasonable prices.

Articles 8 and 9. Section 11 of Regulations No. 68 of 1942 prohibits the making of any deductions in respect of any privilege enjoyed by agricultural workers. Section 13 (subsections 1-4) of the Wages Council Ordinance, 1951 contains provisions for deductions under the conditions set out in the subsections.

Article 11. This Article is implemented by section 31 of Bankruptcy Ordinance No. 24 of 1887.

Article 12. No intervals for the payment of wages are laid down by law, but by custom wages are paid at fortnightly intervals to daily paid workers, and monthly intervals for monthly paid workers. No measures have been taken regarding paragraph 2, but the final settlement of all wages is usually made in accordance with the terms of the contract.

Article 13. No legislation as the point exists, but in practice wages are paid on working days and at the place of employment.

Article 14. No legislation exists for this Article, but in practice employers display the current Wages Regulation Order in their establishments.

Article 15. There is no legislation in this respect, but in practice information is diffused by notices displayed at places of employment, through trade unions, the press and radio.

All relevant legislation is obtainable by interested persons from the Labour and Treasury Departments of the Government.

Guernsey (First Report).

Ordonnance provisoire du 8 juillet 1933 relative à l'arrêt de gages des employés (Ordinance of 8 July 1933 respecting attachment of wages).

The Ordinance provides that wages are not liable to attachment for debt, except by express order of Court. The maximum attachable may not exceed one-half of the wages.

Apart from this provision, the subject-matter of the Convention is not covered by legislation; current practice, however, corresponds with provisions of the Convention. In bankruptcy cases, wages due to workers have priority over all other creditors.

The Government states that legislation for a situation which does not exist is unlikely to find support in the States of Guernsey and so has decided that it is unable to accept the obligations of the Convention.

St. Lucia (First Report).

Wage Councils Ordinance No. 1 of 1952.
Protection of Wages Ordinance No. 30 of 1959.

Article 1 of the Convention. " Wages ", though not defined in the legislation, is construed as envisaged by this Article.

Article 2. Clerical workers are excluded from the Convention. The Protection of Wages Ordinance applies to all workers who perform manual labour.

Article 3. Under section 3 of the Protection of Wages Ordinance, wages must be payable in legal tender. They may be paid by cheque, subject to the workers' consent (section 5).

Article 4. Under section 13 of the Protection of Wages Ordinance employers may provide a worker with food, dwelling-house or other allowances, in addition to money wages, as remuneration for his services. It is, however, forbidden to give a worker any intoxicating liquor by way of such remuneration.

Article 5. Under section 5 of the Protection of Wages Ordinance wages must be paid to the worker concerned in legal tender.

Article 6. Section 4 of the Protection of Wages Ordinance forbids employers in any employment contract to impose conditions on the worker in the disposal of his wages.

Article 8. Under section 9 *(c)* of the Protection of Wages Ordinance any employer may deduct from the worker's wages :

(a) the actual or estimated cost to the employer of any materials, tools and implements supplied to the worker at his request for use in his occupation, or

(b) any money advanced by the employer to the worker, provided the total amount of any deductions does not exceed one-third of the wages due in any pay period.

Article 9. Section 15 *(b)* of the Protection of Wages Ordinance makes it an offence for an employer to make any deductions from the wages of a worker other than those expressly authorised in the Ordinance. Deductions for the purposes of obtaining or retaining employment are not permitted by the Ordinance.

Article 12. Practice is in conformity with this Article.

Article 13. Under section 14 of the Protection of Wages Ordinance the payment of wages in any shop selling alcohol is prohibited, except to persons employed therein.

Article 14. Section 15 (2) of the Wage Councils Ordinance provides for the posting of wages regulations informing the workers of the wages applicable in their case. It does not stipulate, however, that workers shall be informed of their conditions in respect of wages, but where collective agreements exist, the union informs workers of the wages and conditions of service.

Article 15. Section 15 of the Protection of Wages Ordinance lays down penalties for violation of its provisions.

Section 17 (1) requires employers to keep a register of wage payments and workers' accounts.

Southern Rhodesia (First Report).

The Government states that the Convention is applied with the exception of the following Articles.

Article 3 of the Convention. Under employment regulations and industrial agreements, wages must be paid in cash. However, this legislation does not apply to all classes of workers and there is no legislation which covers other categories of workers.

Article 6. Employers are not prohibited by legislation from limiting the worker's freedom in disposing of his wages. However, this freedom of the worker is a right under common law.

Article 7. It is considered impracticable to compel private individuals to run trade stores on a non-profit or co-operative basis, and such a move would merely result in private individuals closing down facilities provided essentially for the benefit of the worker.

Article 13. Existing legislation only partly covers the requirements of this Article, but it is the practice for wages to be paid on a working day before cessation of work, even where this is not compulsory, and as the practice has not been abused, it has not been necessary to provide legislation.

96. Fee-Charging Employment Agencies Convention (Revised), 1949 [1]

This Convention came into force on 18 July 1951

Belgium. Ratification [2]: 4 July 1958.
Decision reserved: Ruanda-Urundi: 9 July 1958.
France. Ratification [2]: 10 March 1953.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.
Netherlands. Ratification [2]: 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.

The following report supplies information on the practical effect given to the Convention:

France (French Polynesia).

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

France (French Somaliland, New Caledonia, St. Pierre and Miquelon).

97. Migration for Employment Convention (Revised), 1949 [1]

This Convention came into force on 22 January 1952

Belgium. Ratification: 27 July 1953.
Not applicable: 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.
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 [2], Jersey [2], Isle of Man [2]: 10 March 1956.
Gambia [3], Mauritius [3], North Borneo [3], Zanzibar [3]: 16 December 1958.
Barbados [4] [5], British Guiana [4], Dominica [4] [5], Grenada [4] [5], Jamaica [4] [5], St. Lucia [4] [5], St. Vincent [4] [5], Trinidad and Tobago [4] [5]: 22 September 1960.
Bahamas [2]: 13 February 1961.
Applicable with modification:
Kenya [3], Tanganyika [2], Uganda [3]: 16 December 1958.
Antigua [4] [5], British Virgin Islands [4], Montserrat [4] [5], St. Christopher-Nevis-Anguilla [4] [5]: 22 September 1960.
Decision reserved:
Aden, Bermuda, 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.
British Honduras: 5 January 1961.
Northern Rhodesia, Nyasaland, Southern Rhodesia: 29 March 1961.
Not applicable: Singapore: 13 March 1961.

[1] This Convention revises Convention No. 66 of 1939.
[2] Except Annexes I and III.
[3] Except Annexes I, II and III.
[4] Except Annexes I and III and with modification to Annex II.
[5] Federation of the West Indies.

United Kingdom.

Aden (First Report).

No specific legislation or administrative regulations apply the provisions of the Convention, but the law generally affecting labour in the territory contains nothing repugnant to these provisions. Immigration into the colony and emigration labour from Aden are controlled by the Immigration Ordinance and the Contracts of Employment (Indigenous Workers) Ordinance.

Article 2 of the Convention. Information concerning job opportunities is available at all times by reference to the Labour and Welfare Department.

Article 3. The need for controlling misleading propaganda has never arisen.

Article 4. Recruitment for service outside the territory is controlled by the Labour Commissioner who ensures that the provisions of the Contracts of Employment (Indigenous Workers) Ordinance are carried out. Movement of recruited workers by road, sea and air is arranged between the Labour Commissioner and the employer. The method of transportation and the accommodation provided is inspected, arrangements for food are checked and full details concerning the reception of workers are recorded before departure.

Article 5. Every recruited worker is medically examined prior to appearing before the Labour Commissioner. The availability of medical attention and the hygienic conditions at the time of departure and on arrival in the territory of destination have been confirmed as being up to local standards.

Article 6. No laws or regulations exist to ensure the rights of immigrant workers, but in

practice they are treated as nationals. There is no discrimination in respect of nationality, race, religion or sex where the terms of subparagraphs *(a)* to *(d)* apply.

Article 8. No action has ever been taken to remove a settled worker who is unable to follow his occupation by reason of illness or injury sustained subsequent to entry. No special measures to formalise what is established custom have been considered necessary.

Article 9. No limits are imposed upon the transfer of earnings and savings of immigrant workers arriving in the territory by land.

Article 11. The term " frontier workers " has no practical application in this territory. The term " short-term entry " is not included in the definition contained in the Immigration Ordinance.

British Somaliland (First Report).[1]

Contracts of Employment (Indigenous Workers) Ordinance of 1953.

Certain provisions of the Convention are applied by the above-mentioned ordinance. See also summaries under Convention No. 64. It has not yet been possible to introduce special legislation to give full effect to Convention No. 97.

Gambia.

In reply to a request made by the Committee of Experts the Government states in particular that alien workers are entitled to transfer all their earnings from the territory of Gambia.

Guernsey.

Aliens Restriction Law, 1958.

[1] See Introduction, p. 1.

St. Helena (First Report).

There is no immigration of the kind envisaged by the Convention, and emigration is limited to a few persons proceeding annually to the United Kingdom.

Sierra Leone (First Report).

A few Liberians enter the territory on an individual basis and enjoy equality of treatment with indigenous workers. Some two thousands of them are resident in the country. Any special arrangements for their protection or welfare are considered unnecessary.

Tanganyika.

In reply to the request made in 1960 by the Committee of Experts the Government states that adequate administrative arrangements exist for checking the health of members of migrants' families on arrival in Tanganyika. During the journey to the place of work migrants and their families pass through Government Transit Centres, where a specially trained African Dresser is responsible for checking the physical condition of *all* persons passing through that centre. In cases of doubt or difficulty, a Government Medical Officer is immediately available to give special treatment to workers and their families. The same procedure applies when workers and their families are returning home.

* * *

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

United Kingdom (Uganda, Zanzibar).

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

United Kingdom (Kenya, Isle of Man).

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 : Ruanda-Urundi : 10 December 1953.

Denmark. Ratification : 15 August 1955.
Applicable without modification : Faroe Islands : 28 September 1960.
No declaration : Greenland.

France. Ratification : 26 October 1951.
Applicable without modification :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

United Kingdom. Ratification : 30 June 1950.
Applicable *ipso jure* without modification [1] : Guernsey, Jersey, Isle of Man : 30 June 1950.
Applicable without modification :
Aden, British Guiana, Gibraltar, Sierra Leone, Trinidad and Tobago [2] : 19 June 1958.
British Honduras, Dominica [2], Grenada [2], Jamaica [2], Mauritius, North Borneo, St. Lucia [2], St. Vincent [2], Sarawak : 29 December 1958.
Uganda : 17 March 1959.
Zanzibar : 8 March 1960.
Nyasaland : 1 June 1960.
Tanganyika : 21 November 1960.
Malta : 8 March 1961.
Singapore : 13 March 1961.
Kenya : 29 March 1961.
Applicable with modification : Northern Rhodesia : 26 August 1958.
Decision reserved :
Basutoland, Bechuanaland, Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands, Swaziland : 19 June 1958.
Southern Rhodesia : 26 August 1958.
Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Hong Kong, Seychelles : 29 December 1958.
Antigua [2], Bahamas, Barbados [2], Montserrat [2], St. Christopher-Nevis-Anguilla [2] : 13 March 1961.

[1] See footnote 1 to Convention No. 2.
[2] Federation of the West Indies.

Italy.

Trust Territory of Somaliland.[1]

See under Convention No. 11.

[1] See Introduction, p. 1.

United Kingdom.

Basutoland.

A labour adviser suggested an amendment to the Wages Proclamation to broaden membership of the Wages Board in order to give employees and employers experience of wage negotiation, which could encourage direct negotiation in due course.

As regards Article 5 of the Convention, it is considered that the members of the Prison Service who, by law, are precluded from joining a trade union, should be included in the terms of this Article.

British Honduras.

Labour Ordinance No. 15 of 1959.

Article 1 of the Convention. Section 30 of the Ordinance provides that nothing in any contract of service shall in any manner restrict the right of any worker who is a party to such contract : *(a)* to join a registered trade union ; or *(b)* to participate in the activities of a registered trade union, whether as an officer of such union or otherwise ; or *(c)* to associate with any other persons for the purpose of organising a trade union in accordance with the provisions of the Trade Unions Ordinance, 1941.

Under section 46 of the Ordinance, an employer may dismiss a worker without giving notice, or payment in lieu thereof, as required by the provisions of the Ordinance if there is good and sufficient cause for such dismissal, provided that an employer may not advance as a good and sufficient cause that the worker at the time of the dismissal was a member of a trade union.

Article 2. Interference of the nature envisaged by the Convention has not been known to arise so far. There are no " company unions " and the existing trade unions were established as a direct result of the desire of workers to organise.

British Somaliland (First Report).[1]

No legislation is in force which would give effect to the provisions of the Convention, a decision in respect of which has been reserved.

British Virgin Islands (First Report).

See under Convention No. 87.

Dominica (First Report).

Effect is given to the Convention by practice and it has not been found necessary to enact legislation. The setting up of any machinery to ensure the right to organise is not envisaged, because the rights accorded by the Convention are applied by practice and no occasion of violation has arisen.

All except one of the existing agreements regulating terms and conditions of employment have been reached by collective bargaining and the Government's policy always has been, and will continue to be, to encourage voluntary machinery for negotiation.

The Convention is not applied to the armed forces and police.

Fiji.

For the proposals to amend the Industrial Association Ordinance see under Convention No. 84.

Gambia (First Report).

It has not so far been found necessary to enact any legislation to protect workers against acts of anti-union discrimination. Steps are being taken to encourage the principles of joint consultation.

Gibraltar.

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

The power of the trade unions is considered sufficient to prevent an employer dismissing a worker because he is a member of a trade union, even though due notice of termination of employment be given. No such case of discrimination has been reported. The Government is prepared to introduce legislation in order to protect workers should this be found necessary in practice.

Jersey.

The Industrial Disputes (Jersey) Laws, 1956 and 1959.
The Industrial Disputes (Scales of fees) (Jersey) Regulations 1960.

The Industrial Disputes Laws and Regulations contain provisions to enable the Industrial Officer to encourage and promote voluntary negotiation between employers and employees.

North Borneo.

See under Convention No. 84.

St. Helena (First Report).

Local circumstances do not at present indicate a need to apply the Convention.

St. Lucia.

Labour Regulations, 1960 (*S.R. & O.*, 1960, No. 15).

Under the Labour Regulations, the Labour Commissioner is responsible for ensuring that workers enjoy adequate protection against all anti-union discriminatory acts and that workers' and employers' organisations are protected against acts of interference by each other.

Sarawak.

The trade union legislation is under review and consideration will be given to the amendments needed to give effect to the provisions of the Convention.

Seychelles (First Report).

Trade Unions and Trade Disputes Ordinance No. 4 of 1943.
Trade Unions and Trade Disputes Regulations, 1949.
Trade Disputes (Arbitration and Enquiry) Ordinance No. 5 of 1943.
Police Force Ordinance No. 13 of 1959.

[1] See Introduction, p. 1.

Sections 3 and 4 of the Trade Unions and Trade Disputes Ordinance provide that the purposes of any trade union, by reason merely that they are in restraint of trade, are not, deemed to be unlawful so as to render any member of such trade union liable to criminal persecution for conspiracy or otherwise. The Ordinance provides for the compulsory registration of trade unions, recognises the right of members of trade unions to bring pressure on employers and the right to strike, protects against civil proceedings persons who do certain acts in furtherance of a trade dispute, but makes punishable intimidation, annoyance and violence in a trade dispute.

No legislative measures exist covering the matters dealt with in Article 2.

With respect to Articles 3 and 4, the Trade Disputes (Arbitration and Enquiry) Ordinance provides that in the event of a trade dispute either party to the dispute may report it to the Government with a view to settlement. The Governor may then, if both parties consent, refer it to an arbitration tribunal. If, however, there exists in the trade or industry any machinery for settlement of disputes by conciliation or arbitration, such machinery must first be tried before recourse is had to the Arbitration Tribunal. If the dispute is not reported to the Governor, or if the parties to it do not consent to arbitration, the Governor may of his own motion refer the dispute to a Board of Enquiry. Neither the award of the arbitration tribunal nor the report of the Board of Enquiry has any legally binding effect, but it is assumed that the procedure and the resulting publicity will influence the disputing parties to accept the recommendations.

Section 39 of the Police Force Ordinance provides for police officers to be members of the Police Federation but prohibits their membership in a trade union or in any body or association affiliated to a trade union. There are no military units in the territory.

Southern Rhodesia.

See under Convention No. 87.

Tanganyika (First Report).

The Government is at present considering legislation to amend the Employment Ordinance which would give effect to the provisions of the Convention.

Trinidad and Tobago (First Report).

Effect is given to the Convention by established practice. Organisations themselves are so strong as to prevent the types of discrimination referred to in Articles 1 and 2. Government policy, moreover, vigorously discourages and condemns attempts at such discrimination.

The Government sponsors courses in industrial relations for workers and employers and the Labour Department gives advice and encouragement.

The police and the auxiliary police are represented by the Police Association, but may not join trade unions. There are no armed forces.

Uganda.

With reference to the observation of the Committee of Experts regarding section 29 of the Trade Unions Ordinance, it is pointed out that the Registrar can give permission for persons as well as the secretary, who are not actually engaged in an industry or occupation with which the union is directly concerned and who have not been so employed for at least three years, to be officers of a trade union. Consideration will however be given to the amendment of the legislation to meet the point raised.

Zanzibar (First Report).

Minimum Wages Decree No. 1 of 1935 (*L.S.* 1935—Zan. 1).
Trade Disputes (Arbitration and Settlement) Decree No. 21 of 1954.
Trade Unions Decree No. 21 of 1958 (*Zanzibar Government Official Gazette*, 6 Dec. 1958, No. 3894, Legal Supplement, Part I, p. 67).

Articles 1 and 2 of the Convention. There is no legislation as regards acts of anti-union discrimination. It is possible to deal with acts of discrimination or interference by existing methods of conciliation. Protection against acts of discrimination or interference is enjoyed in practice.

Articles 3 and 4. The policy of the Government is to encourage the regulation of wages and conditions of labour by negotiation between the employers and the employees. The Trade Unions Decree of 1958 was designed to assist workers and employers in achieving this goal. Under section 3 of the Trade Disputes (Arbitration and Settlement) Decree of 1954 the Labour Office can attempt to act as conciliator to the parties to a trade dispute by arranging *ad hoc* joint meetings. On occasions when voluntary negotiations fail, advisory boards can be appointed under section 3 of the Minimum Wages Decree No. 1 of 1935. Negotiating machinery exists in the form of the Whitley Council for civil servants.

Article 5. Members of the police force are prohibited from being members of any trade union and similar associations except by approval of the Commissioner. There are no armed forces in Zanzibar.

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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 (British Guiana, British Honduras, Gibraltar, Grenada, Jamaica, Mauritius, North Borneo, St. Lucia, Sarawak, Sierra Leone, Trinidad and Tobago, Uganda).

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

United Kingdom (Antigua, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Guernsey, Hong Kong, Kenya, Isle of Man, Northern Rhodesia, Nyasaland, Solomon Islands, Swaziland).

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.
Antigua [1], Barbados [1], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [1], Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada [1], Hong Kong, Jamaica [1], Kenya, Malta, Mauritius, Montserrat [1], 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 : 29 December 1958.
Bahamas : 13 March 1961.
Not applicable : Aden, Gibraltar : 29 December 1958.

[1] Federation of the West Indies.

France.

New Caledonia.

Order No. 58-388 of 26 December 1958 to fix the minimum inter-occupational wage.

The above-mentioned Order fixes a minimum wage for all workers.

The present conditions in agriculture and the fact that there are only a small number of agricultural workers (500) have prevented the Government from fixing a scale of minimum wages above the basic minimum wage.

United Kingdom.

Aden (First Report).

There are no agricultural wage earners.

Antigua.

Under the law respecting minimum wages, machinery for this purpose can be set up. However, the law has not been put into execution since high wage rates are generally established by collective agreements.

Barbados.

Although there is a Wages Boards Act dating from 1955, the wages of agricultural workers are in practice fixed by voluntary collective bargaining.

Bechuanaland.

The recently appointed Labour Adviser has recommended that a Wages Board be set up to consider trade and other wage scales. This recommendation will be considered in due course in the light of experience gained.

British Honduras.

Wages Councils Ordinance, 1958.

Machinery for wage-fixing, as provided for in the above Ordinance, has not yet been applied to agricultural workers. Agriculture is the industry which employs the largest number of workers, but so far no wage councils have been set up because *(a)* more than two-thirds of the workers work for their own account, and *(b)* collective bargaining is being introduced in the two main industries.

British Somaliland.

There are no agricultural wage earners.

British Virgin Islands (First Report).

The Convention has little practical application to the territory, as agriculture is conducted on a peasant scale and very little wage labour is employed.

Dominica.

There are no statutory agricultural wage regulations, since the wages of agricultural workers are generally determined by collective bargaining.

Guernsey (First Report).

Industrial Disputes and Conditions of Employment Law, 1947, as amended.

Article 1 of the Convention. The present practice of making agreements by negotiation between representative organs of employers and workers has so far given adequate protection to both parties, so that it has not yet been found necessary to establish special wage-fixing machinery.

In the event of failure to negotiate or of a breakdown in any such agreement, either party may invoke the provisions of the Industrial Disputes and Conditions of Employment Law, 1947.

Article 2. It is not the practice to make partial payment of minimum wages in the form of allowances in kind and there has been no action to authorise such payment.

Article 3. Minimum wage rates are fixed by collective agreement.

The exceptions permitted by paragraph 5 are applied by the Industrial Disputes Officer in accordance with section 17 of the above-mentioned law.

Article 4. Section 7 of the Industrial Disputes and Conditions of Employment Law, 1947, permits the worker to recover, in certain circumstances, the amount by which he has been underpaid, from the date on which an arbitration tribunal is satisfied that the employer was aware or ought to have been aware of the minimum rates applicable to that worker.

Having regard to the size of, and conditions generally obtaining in, Guernsey no inspection organisation is considered necessary. The principles underlying the conditions prescribed by the Convention are implemented by the existing collective agreements.

Mauritius.

The Government states in reply to the request of the Committee of Experts that the terms and conditions of persons in the Tea Industry are regulated by Government Order No. 4 of 1960. Rates of wages paid to agricultural workers in the tobacco and aloe fibre industries compare favourably with those in the sugar industry. The Government does not contemplate fixing minimum wages for these workers at the present stage.

Nyasaland.

The Government states in reply to paragraph 33 of the General Report of the Committee of Experts, 1960 [1], that when considering legislation which affects wage-fixing machinery for minimum wages in agriculture, the Convention is kept in view to ensure that no lower degree of application is brought about. The Convention has only been applied since 1956; it is premature to make a special re-examination of the agricultural industry before such time as experience has shown how the legislation recently enacted operates in practice.

St. Christopher-Nevis-Anguilla.

Since the wages of agricultural workers are generally fixed by collective bargaining, it is not considered necessary or advisable to set up minimum wage-fixing machinery.

St. Helena (First Report).

Minimum Wage Ordinance (Cap. 73).

The Government is the only large employer of agricultural labour and no machinery is in operation for fixing wages in agriculture.

St. Vincent (First Report).

Wages Councils Ordinance No. 1 of 1953.
Wages Council (Agriculture) Order No. 19 of 1956.
Agricultural Workers' Wages Regulation Order No. 27 of 1956.
Wages Councils (Sugar Industry) Order No. 18 of 1956.

Article 1 of the Convention. All persons employed in agriculture are covered by the minimum wage legislation.

The Labour Advisory Council, on which the most important workers' and employers' organisations are represented, has been consulted.

Article 2. Payment in kind of a part of the minimum wage is not permitted.

Article 3. The wages of workers in the sugar industry are fixed by collective agreements.

The minimum wage for other agricultural workers is fixed by the Wages Council, on which employers' and workers' organisations are represented in equal numbers.

Article 5. The minimum wage legislation applies to roughly 12,000 persons.

Two officers of the Labour Department are responsible for supervising the observance of the laws.

Section 11 of the Wages Councils Ordinance, 1953 guarantees workers the right to recover any amount underpaid.

Sierra Leone.

Employers and Employed Ordinance No. 30 of 1934 (Cap. 70).
Wages Boards Ordinance No. 16 of 1945 (Cap. 258).
The Wages Boards (Agricultural Workers) (Establishment) Order in Council of 11 June 1958 (Public Notice No. 58, 1958).
The Agricultural Wages Board Order in Council (Public Notice No. 59, 1958).
Wages Board (Agricultural Workers) Rules, 1958 (Public Notice No. 60, 1958).

Article 1 of the Convention. The provisions of the Convention are applicable to all workers employed by the day, week, fortnight or month in farming, including all occupations ancillary thereto. They do not apply to workers engaged in co-operatives and local administration or peasant farming. Wages boards for agricultural workers have been set up after consultation with the employers and the trade union representing agricultural workers, but no meetings have been held.

Article 2. Section 10 of the Employers and Employed Ordinance of 1934 provides for partial payment of wages by means of a food ration. An amendment is under consideration that will bring the law into full harmony with paragraph 2 of this Article of the Convention.

Articles 3 and 5. After consultation with the employers and workers concerned, an Agricultural Wages Board was established which includes five employers' representatives and five workers' representatives.

Under the Wages Boards Ordinance (Cap. 258) the decisions reached by these Boards are binding on the workers and employers concerned.

The Agricultural Wages Board already set up has not yet started to function, so that the information requested cannot be supplied.

Article 4. The minimum wages fixed are published in the Royal Gazette and printed in the form of notices for circulation to all employers who are required to post them up in prominent positions for the information of the workers (section 9 of Public Notice No. 60, 1958).

[1] See International Labour Conference, 44th Session, Geneva, 1960 : *Report of the Committee of Experts on the Application of Conventions and Recommendations,* Report III (Part IV) (Geneva, I.L.O., 1960), p. 7.

Application of the legislation concerning minimum wages is entrusted to the Labour Department.

Tanganyika (First Report).

The Government will review its policy in the light of recommendations made by the Territorial Labour Advisory Board as a result of a recent inquiry into methods of wage determination.

Trinidad and Tobago (First Report).

Under the Wages Councils Ordinance, a council has been set up to fix minimum wages for workers in the sugar industry, including agricultural workers. However, while the minimum rates thus determined are still in force as far as the law is concerned, they have in practice been replaced by wage rates determined by voluntary collective bargaining.

A wages council has also been set up for agricultural workers employed otherwise than in the sugar industry, but it is the Government's intention to substitute voluntary collective bargaining for this method of wage-fixing as soon as possible.

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

France (French Polynesia), *Netherlands* (Netherlands Antilles, New Guinea), *New Zealand* (Western Samoa), *United Kingdom* (Basutoland, Bermuda, British Guiana, Brunei, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Jersey, Kenya, Malta, Isle of Man, Montserrat, North Borneo, Northern Rhodesia, St. Lucia, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Uganda, Zanzibar.

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

France (Comoro Islands, French Somaliland, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue).

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Belgium. Ratification : 23 May 1952.
Not applicable : Ruanda-Urundi : 25 June 1952.

Denmark. Ratification : 22 June 1960.
Decision reserved : Faroe Islands, Greenland : 22 June 1960.

France. Ratification : 10 March 1953.
Applicable without modification :
Overseas Departments : French Guiana, Guadeloupe, Martinique, Réunion : 27 April 1955.
No declaration : all other territories.

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

France (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon).

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

Belgium. Ratification : 20 March 1954.
Not applicable : 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.

Netherlands. Ratification : 27 November 1958.
No declaration.

New Zealand. Ratification : 24 July 1953.
Decision reserved : Cook Islands and Niue, Western Samoa : 24 July 1953.
Not applicable : Tokelau Islands : 24 July 1953.

United Kingdom. Ratification : 25 June 1956.
Applicable without modification :
Barbados [1], Tanganyika : 9 February 1959.
St. Lucia [1], St. Vincent [1] : 11 April 1960.
St. Christopher-Nevis-Anguilla [1] : 5 January 1961.
Isle of Man : 29 March 1961.
Applicable with modification : Singapore : 13 March 1961.
Decision reserved :
Northern Rhodesia, Nyasaland, Southern Rhodesia : 22 March 1958.
Basutoland, Bechuanaland, Swaziland : 19 January 1959.
Antigua [1], Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Kenya, Montserrat [1], North Borneo, St. Helena, Sarawak, Seychelles, Solomon Islands, Uganda, Zanzibar : 9 February 1959.
Guernsey, Jersey : 8 March 1960.
Mauritius, Sierra Leone : 10 October 1960.
Malta : 25 November 1960.
Dominica [1], Trinidad and Tobago [1] : 23 February 1961.
Grenada [1], Jamaica [1] : 13 March 1961.
Not applicable : Aden, Gibraltar : 9 February 1959.

[1] Federation of the West Indies.

Netherlands.

Netherlands Antilles.

Decree of 19 February 1949 to provide for a holiday scheme (*Publicatieblad*, 1949, No. 17), as amended by the Decree of 13 December 1952 (ibid., 1952, No. 166).

The above-mentioned Decrees provide for holidays applying to all workers, including agricultural workers.

Article 1 of the Convention. Under section 2 (1) of the Decree, as amended, a worker is entitled to an annual holiday with pay of at least 12 working days for each full year during which he has been in the continuous service of one employer.

Article 2. The supervision of the observance of the relevant provisions is entrusted to officials of the Labour Inspectorate of the Department for Social and Economic Affairs.

Article 3. A worker, whose length of service exceeds six months, is entitled to one day's holiday for each full month in service.

Article 4. The provisions regarding holidays apply to any person or corporate body employing one or more workers. The following persons are excluded : persons entitled to a holiday in virtue of the second book of the Commercial Code, homeworkers, children of an employer who work exclusively for his account and who live at home, and residential domestic staff working for less than six days in the week with the same employer.

Article 5. No provision is made with regard to the matters dealt with in subparagraphs *(a)* and *(b)* of this Article, but such provisions exist in regard to subparagraphs *(c)* and *(d)*.

Article 6. Holidays are normally granted in one uninterrupted period but may be divided into parts, in which case at least half of the holiday must be given in one uninterrupted period, if possible.

Article 7. Holiday remuneration is calculated by multiplying the number of days holiday to which the worker is entitled by his daily wage. Information is supplied regarding the definition of wages.

Articles 9 and 10. The provisions regarding holidays are in conformity with these Articles of the Convention. Supervision of its application by the employer is entrusted to the Labour Inspectorate.

Article 11. No data is at present available with regard to this Article.

Labour inspectors periodically visit employers with a view to ensuring that the provisions of the holiday scheme are applied.

Decisions have been given by courts of law on the question of the accumulation of holidays.

No observations have been received from employers' and workers' organisations.

Netherlands New Guinea (First Report).

The Government states that there are no particulars on the application of the Convention.

United Kingdom.

Aden.

There are no agricultural wage earners in the territory.

Antigua.

At present there is no legislation giving effect to the provisions of the Convention. Nevertheless, agricultural workers in the sugar and cotton industries enjoy paid holidays by virtue of an agreement arrived at by collective bargaining. This includes both weekly paid and task workers, the latter becoming eligible after having earned a predetermined minimum for the group. Other large employers of agricultural workers, for example the Government, also give paid holidays. The Government considers therefore that no improvement in the position could be achieved at present by the introduction of legislation to cover this subject.

Bahamas.

The number of agricultural workers in steady employment is infinitesimal. Agricultural employment is of a casual and irregular nature and the question of holidays with pay does not arise in these circumstances.

British Honduras.

There are at present no provisions, either in legislation or in voluntarily negotiated agreements for annual paid holidays for agricultural workers.

British Somaliland.[1]

There are no agricultural wage earners.

British Virgin Islands.

Agriculture is conducted on a peasant scale and very little wage labour is employed. The Government considers that, having regard to this and to the size and economy of the territory, there is little possibility of giving practical effect to the Convention

Brunei.

As there are no legislative provisions for annual paid holidays covering agricultural workers, effect cannot be given to the Convention. However, all workers who are governed by the Labour Enactment, 1954 are entitled to weekly rest days without pay and to eight prescribed holidays with pay.

Gambia.

Although the economy of the territory is predominantly agricultural, the system of farming is based on peasant cultivation of numerous scattered holdings by farmers assisted by members of their families. The only wage-earning agricultural workers are those employed by the Government and they enjoy annual leave with pay. They are, however, few in number.

Guernsey (First Report).

The agreement between employers and workers in the horticultural industry provides for two weeks' annual holiday with pay after 12 months' consecutive service ; proportionate holidays are granted to employees with less than 12 months' consecutive service. Although there is no such agreement in regard to agri-

[1] See Introduction, p. 1.

cultural workers, employers of that class of labour must of necessity pay the same wages and give the same holidays as are given to horticultural workers. This fact is acknowledged by the agricultural workers' representatives who have not pressed for the conclusion of an agreement with employers of such labour. It is considered that adequate arrangements with regard to holidays with pay are already in existence and that the cost of setting up a system of inspection as required by Article 10 of the Convention would not be justified. A decision has therefore been reserved on the application of the Convention.

Jersey.

An agreement between employers and workers with regard to rates of pay for agricultural workers provides that all employees with 12 months' consecutive service shall be entitled to two weeks' annual holiday with pay; that employees with less than 12 months' but over nine months' consecutive service shall be entitled to one day's holiday for every complete month's service; that certain public holidays or days in lieu thereof shall be paid holidays; and that employees with less than nine months' consecutive service shall not be entitled to any paid holidays.

Information is supplied in the report regarding the number of persons employed in agriculture. The Government states that in view of the limited number of such workers to whom the provisions of the Convention would be applicable, and having regard to the adequate arrangements with regard to holidays which have already been agreed between employers and workers, it is considered that acceptance of the obligations of the Convention would impose a burden on the Island which it would not be justified in undertaking. The implementation of Article 8 of the Convention would necessitate the enactment of legislation providing for the invalidation of agreements and, as a consequence, might well involve a serious reduction in manpower availability at times of particular pressure arising from abnormal climatic conditions. In addition the setting up of a system of inspection and supervision as required by Article 10 would involve disproportionate expenditure. In the present circumstances it is not therefore possible to apply the provisions of the Convention.

St. Helena.

The legislation contains no provisions relating to the Convention.

St. Lucia (First Report).

Holidays with Pay Ordinance No. 15 of 1957.

Article 1 of the Convention. Section 3 of the Ordinance provides for annual holidays after a given period of employment.

Article 2. Every employee is entitled to an annual holiday of at least 14 days after one year of employment. An agreement signed between the Workers' Union and the Sugar Association provides for holidays in respect of seasonal and factory workers, whether employed by day or by task during crop. The manner in which provision is made for holidays with pay does not permit prior consultation with employers' and workers' organisations. Prior to the enactment of the Ordinance a committee comprised of representatives of employers and workers was appointed and the Ordinance was drawn up to include the conclusions reached at meetings of this committee.

Article 3. The Ordinance defines the term "year of employment" and section 3 thereof prescribes the duration of holidays with pay.

Article 5. No distinction is made between the holidays enjoyed by young workers and those of other workers and no provision is made for longer holidays based on length of service. Sections 3 (1) *(b)* and 6 of the Ordinance contain provisions regarding holiday pay when employment is terminated after a short period. Section 3 (7) provides that public holidays shall not be counted as part of the annual holiday.

Article 6. Section 3 of the Ordinance prescribes rules regarding division of the holidays into parts.

Article 7. The Ordinance defines the term "average pay" and section 4 of the Ordinance provides for pay during annual holidays.

Article 8. Section 8 of the Ordinance provides that there shall be no power to renounce the right to annual holidays with pay.

Article 9. Section 6 contains provisions regarding holidays when a worker has ceased to be employed before taking a holiday due to him. The Ordinance lays down no system of appeal but the workers usually seek the assistance of the Labour Department and a thorough investigation is made into the matter.

Article 10. Section 7 of the Ordinance deals with records to be kept and the inspection of premises.

Article 11. Approximately 17,000 agricultural workers of all categories are entitled to an annual holiday of 14 days.

The Labour Commissioner is entrusted with the application of the relevant legislation. The laws are enforced by a system of inspection.

No decisions have been given by courts of law or other courts in this matter.

No observations have been received from employers' and workers' organisations.

St. Vincent.

Agricultural Workers Wages Regulation Order (*S.R. & O.*, No. 27, 1956).
Wages Council (Agriculture) Order (ibid., No. 19, 1956).
Wages Council Ordinance No. 1 of 1953.

Article 1 of the Convention. The Wages Councils Orders and collective agreements provide for annual holidays with pay.

Article 2. The inspection and enforcement of the holidays provisions are carried out by officers of the government Labour Department. Employers' and workers' organisations are represented on the Wages Councils. The proposals of these Councils are published, and proposals are invited from interested persons before legislation is enacted.

Article 3. A holiday of at least three days is prescribed after a minimum period of continuous service of 100 days.

Article 4. All persons employed in agriculture are covered by the decisions of the Wages Council and by collective agreements. The most representative employers' and workers' organisations are consulted in this connection.

Article 5. No special provision is made as regards holidays for young persons. The scale respecting holidays goes from three days' holiday for 100 days worked, to seven days' holiday when 201 or more days have been worked. No holidays are granted when less than 100 days have been worked. All public and customary holidays, weekly rest periods and temporary interruptions of attendance at work are included in holidays with pay. Persons engaged in agriculture are employed on a daily basis.

Article 6. No limits have been prescribed other than those indicated above.

Article 7. The remuneration paid per day of holidays is the same as a day's wage. All payments are made in cash.

Article 8. No agreement has been made to relinquish the right to annual holidays with pay.

Article 9. Provision is made in Ordinance No. 1 of 1953 for payment in respect of accrued holidays. In this connection workers may appeal to the government Labour Department.

Article 10. Officers of the Labour Department inspect and supervise all undertakings at least twice a year. Regulations are enforced by the Labour Department in the case of orders of the wages councils; collective agreements are enforced by the trade unions with the help of the Labour Department.

Article 11. All forms of agriculture—employing approximately 12,000 persons—are covered by the annual holiday provisions. On an average, workers receive five days' holiday with pay.

No decisions have been given by courts of law involving questions of principle.

No observations have been received from employers' and workers' organisations.

Seychelles.

Workers employed in agricultural and other undertakings are entitled to " estate holidays " which include Sundays and nine other holidays during the year.

Solomon Islands.

The Government considers that there is no necessity for the enactment of legislation to provide for annual holidays with pay for agricultural workers while written contracts of employment for a maximum period of one year remain the rule. After the expiry of that period of service, workers are normally repatriated to their homes.

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

France (New Caledonia, French Polynesia), *Netherlands* (Netherlands Antilles, Surinam).

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

France (French Somaliland, St. Pierre and Miquelon).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Belgium. Ratification : 26 November 1959.
Not applicable : Ruanda-Urundi : 26 November 1959.

Denmark. Ratification : 15 August 1955.
Not applicable : Faroe Islands, Greenland : 15 August 1955.

United Kingdom. Ratification : 27 April 1954.
Applicable without modification : Isle of Man [1] : 22 September 1960.
Decision reserved :
Northern Rhodesia, Nyasaland, Southern Rhodesia : 28 July 1958.
Aden, Antigua [2], Bahamas, Barbados [2], Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica [2], Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada [2], Hong Kong, Jamaica [2], Kenya, Malta, Mauritius, Montserrat [2], North Borneo, 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 : 16 December 1958.
Guernsey, Jersey : 8 March 1960.

[1] Parts II to V, VII and X.
[2] Federation of the West Indies.

Italy.

Trust Territory of Somalia.[1]

Part VI (Employment Injury Benefit) of the Convention is applied.

The introduction of other insurance schemes has been studied by an expert from the International Labour Office.

United Kingdom.

Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland [1], British Virgin Islands, Brunei, Cyprus [1], Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, Nigeria [2], North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.

[1] See Introduction, p. 1.
[2] The report relates to the period ending 30 June 1960.

A decision on the application of this Contion has been reserved in respect of the abovementioned territories.

In these territories schemes of social security which would sufficiently comply with the provisions of the Convention are not at present practicable. The reasons for this derive in part from the stage of economic development of the territories concerned and in part from the necessary priority accorded the development of other services.

A number of governments are, however, considering how best their existing arrangements can be improved, in some cases with advice from the United Kingdom or from the I.L.O., and the possibility of accepting the obligations of the Convention will, accordingly, be kept under review.

Guernsey (First Report).

Part II. Medical Care

The States provide hospital services for surgical, general, geriatic, maternity, mental and infectious cases. Apart from those in the isolation hospital, patients are expected to make a contribution based on their declared means, unless they are able to pay the standard hospital charges which include the cost of drugs while the patient is in hospital, but do not cover attendance by a private practitioner. The States provide X-ray and pathological services free of charge. Free medical, surgical, dental and ophthalmic treatment, including the supply of drugs and other medical requisites and appliances, is available to poor persons.

The States accept responsibility for paying a fee to a doctor who is called by a midwife to assist in a confinement. The States are entitled to recover, in whole or in part, its payment to a doctor from the person concerned. The States Insurance Authority pays the fee for the first attendance by a doctor to a person who is insured under the Contributory Pensions Laws and whose incapacity is due to an injury by accident. The Authority may pay for subsequent medical attendance to insured persons sustaining injury by accident; and in the case of an insured person whose capability to work can be wholly or partly restored, may pay all expenses incurred to that end.

On 16 September 1959, having considered a joint report of the States Insurance Authority and the Board of Health regarding the possibility of instituting a health services scheme, the States resolved, *inter alia*, that the present method of assessing hospital charges be retained until it is possible to introduce the payment of weekly contributions to be used towards meeting the cost of health services provided by the States; to take note of the recommendation for the introduction of a limited pharmaceutical service and to request the Board of Health and the States Insurance Authority to submit proposals, with proper estimates of cost, in regard thereto; to accept in principle the introduction of a medical service for non-contributory pensioners and persons in similar circumstances and to request the Board of Health and the States Insurance Authority to submit proposals in regard thereto to the States; to request the Board of Health and the States Insurance Authority to examine any suggestions which may lead to the creation of a medical service applicable to all persons ordinarily resident in Guernsey.

Part III. Sickness Benefit

In July 1959 the States instructed the States Insurance Authority to obtain estimates of cost of revising and extending the contributory pension cheme. The British Government Actuary has been invited to carry out this work. He has been asked to allow for the introduction of sickness benefit.

Part IV. Unemployment Benefit

It is not the present intention of the States Insurance Authority to invite the States to agree to the introduction of unemployment benefit. The Authority is of the opinion, having regard to the limited resources of Guernsey, that it is better to concentrate on improving existing benefit rates for the aged, widows, etc., and to introduce sickness benefit.

Part V. Old-Age Benefit

Old-age pensions are payable to persons insured under the Contributory Pensions Laws when those persons attain the age of 70. A wife of an insured person is, by virtue of that person's insurance, entitled to a pension on attaining the age of 70, if the insured person has himself attained 70 years.

The amount of an old-age pension payable under the Contributory Pensions Laws cannot be reduced on the grounds that the pensioner is gainfully occupied.

Any person who, having attained school-leaving age, is employed under a contract of service is compelled to insure under the Contributory Pensions Laws if his usual earnings, excluding bonus, commission and overtime, do not exceed £11 per week. On ceasing to be a compulsory contributor a person may elect to become a voluntary contributor. At 30 June 1960 there were 12,383 insured males and 7,260 insured females, including a few persons who were not employees. The number of insured employees embraces more than 50 per cent. of all employees.

The standard rates of benefit for a person entitled to an old-age pension under the Contributory Pensions Laws are, for the insured person: £1 6s. per week, and for a dependent spouse of an insured person: 16 shillings per week. These standard rates were adopted in 1947. Their revision is now under consideration. It is unlikely that any increase could be assessed in such a manner as to comply either with the requirements of Article 65 of the Convention or with the requirements of Article 66. To qualify for an old-age pension payable under the Contributory Pensions Laws the following conditions must be satisfied: to obtain a pension at the standard rate, the insured person must, during the period of 20 years preceding attainment of age 70, have paid or had credited sufficient contributions to produce a contribution average of 50 contributions per annum.

To obtain a pension at the minimum rate, the insured person must, during the period of 20 years preceding attainment of age 70, have paid or had credited sufficient contributions to produce a contribution average of 25 contributions per annum.

Any person who is qualified to receive a pension under the Non-Contributory Pensions (Guernsey) Law, 1955, is liable to suffer a reduction in his pension if his earnings or those of the dependent members of his household exceed a certain amount. In the case of a non-contributory pensioner who has no dependants, earnings in excess of 15 shillings a week are taken into account as a resource and the pension reduced correspondingly. If the pensioner has dependants, the amount of weekly earnings to be disregarded is 20 shillings, the balance being used to reduce the amount of pension otherwise payable. Aged people, whose means do not exceed certain limits, are entitled to draw a pension under the 1955 Law. For the purpose of this Law a woman may, on grounds of age, apply for a pension when she has attained the age of 60, and a man may apply when he has attained the age of 70. To qualify for a non-contributory pension, an applicant's capital, excluding the value of an owner-occupied house, must not exceed £400. As regards income the ordinary requirements of, for example, a married couple are set at £3 19s. 6d. plus an allowance for rent, rates, taxes and other outgoings on the house in which he lives. Additional allowances are made for dependent members of the applicant's household. An applicant is disqualified when his assessed resources exceed the sum of his requirements plus his rent allowance.

Part VII. Family Benefit

This Part of the Convention is implemented to some degree through the Family Allowances Laws, 1950-55. Any family consisting of two or more children is entitled to draw allowances, for the benefit of the family as a whole, in respect of each child other than the elder or eldest. A person is treated as a child during any period while he is under the age up to which education is compulsory by law, unless he has been exempted from attending school in order to take up full-time employment either with his parents or otherwise; and during any period before the first day of August next following the day on which he attains the age of 16 years while undergoing full-time instruction in a school, or while an apprentice. The means of a parent are not a factor in determining entitlement. The allowance is 7s. 6d. a child and is paid weekly. No residence test is applied if a parent is a British subject whose place of birth is in Guernsey. The rate of allowance is not determined in accordance with Article 44 of the Convention.

Part X. Survivors' Benefit

There are two schemes which implement to some degree this Part of the Convention. They are the Contributory Pensions Laws and the Non-Contributory Pensions (Guernsey) Law. The protected classes are those mentioned under Part V (Old-Age Benefit). The benefits are not calculated in accordance with Article 62 of the Convention. Included in a widow's pension are allowances for dependent children.

Under the Contributory Pensions Laws it is not a qualifying condition for a pension that a widow must be presumed to be incapable of self-support. Entitlement to a widow's pension is not affected by the earnings of the beneficiary. A widow must satisfy the following basic conditions irrespective of the cause of her husband's death : that at the time of his death she was wholly or in part dependent upon his earnings, and that, if the husband had attained the age of 65 at the date of the marriage, the marriage had existed for a period of at least three years or, if it had not, that immediately before the marriage the woman was in receipt of a widow's pension payable under the Contributory Pensions Laws. No further conditions have to be satisfied in the case of a widow whose husband's death is due to injury by accident. If the husband's death is due to natural causes a condition to be satisfied is that in the 104 weeks immediately preceding either the week in which the husband died or in the week in which he attained the age of 70, there have been paid or deemed paid in respect of him at least 100 contributions. If title to a widow's pension is established she receives a pension at one of the standard rates, depending on her age; the pension cannot be paid at a reduced rate on the grounds that there is a deficient contribution average.

A pension paid under the Non-Contributory Pensions (Guernsey) Law is affected by the earnings of a widow and by those of the dependent members of her household. In the case of a widow without dependants, earnings not exceeding 15 shillings a week are ignored in assessing her resources. Earnings in excess of 15 shillings a week are treated as a resource and the non-contributory pension is reduced correspondingly. If the widow has a dependant or dependants, her earnings and those of the dependants are aggregated and the first 20 shillings of those earnings are ignored, any excess being treated as a resource and the pension reduced correspondingly.

Part XII. Equality of Treatment of Non-National Residents

No distinction is made between persons who are British subjects and those who are not, except as regards family allowances, which are payable wholly out of public funds.

Part XIII. Common Provisions

Recourse is had to some provisions of Article 69. The provision of medical care is discretionary, but any complaint in regard to the quality of the care received, would be investigated and, if justified, remedied. For old-age, family and survivors' benefits, there is a right of appeal before the Royal Court or a tribunal appointed by it.

The report gives a summary of the resources of the schemes covered by the Convention, and the extent to which those schemes are implemented in Guernsey.

It will be apparent from the foregoing that the standards of social security in Guernsey are not such as would enable the obligations of the Convention to be accepted in full. The Island authorities are, however, conscious of the need to improve and extend social services in Guernsey and it may be anticipated that such improvement and extension will be effected gradually as the public need and the means to pay out of the Exchequer harmonise.

Jersey (First Report).

A compulsory insurance scheme covering all persons between the ages of 16 and 65 (with the exception of married women not gainfully employed) was introduced by the Insular Insurance (Jersey) Law, 1950.

The Family Allowances (Jersey) Law, 1951, provides for the payment of allowances in respect of every child other than the first in a family during the period while such child is under the upper limit of the compulsory school age or is under the age of 16 and is undergoing full-time instruction in a school or is an apprentice.

The law and practice of the Island are in conformity with the general requirements of Part I, with Parts III and VII, with the relevant provisions of Parts XI, XII and XIII, and with the general requirements of Part XIV of the Convention.

Part II. Medical Care

There is at present no statutory right to free medical care of any kind. In practice, however, a free health service is available to necessitous in-patients and out-patients at the various institutions administered by the Public Health Committee of the States. The report gives particulars of the charges made at various hospitals and measures of assistance.

Part III. Sickness Benefit

A standard beneficiary as described in the Convention receives under the Insular Insurance (Jersey) Law, 1950, benefits amounting to £3 7s., to which is added a family allowance of 7s. 6d., making a total of £3 14s. 6d. That sum slightly exceeds the minimum standard required by the Convention in the above circumstances, namely the sum of £3 14s. 1d. The law and practice of the Island are, therefore, in conformity with this Part of the Convention.

Part IV. Unemployment Benefit

No cash benefits are paid to unemployed persons under the Insular Insurance (Jersey) Law, 1950, but unemployment credits which count as paid contributions are given to employed persons who become genuinely unemployed. Unemployed persons whose means of subsistence are inadequate are maintained in the Parish of St. Helier by the St. Helier Assistance Board and in the other parishes by the Parish. The basic rate payable for a married couple is £5 per week. Each application is, however, taken on its own merits. The law and practice of the Island are, therefore, not in conformity with this Part of the Convention.

Part V. Old-Age Benefit

All insured persons are entitled to a retirement pension, if males, at the age of 65, and if females, at the age of 60. The rate of pension is £1 6s. for a man and 16 shillings for his wife. A married man of pensionable age with a wife also of pensionable age therefore receives a retirement pension of £2 2s., which is less than the minimum standard required by the Convention. The law and practice of the Island are, therefore, not in conformity with this Part of the Convention. A similar pension, subject to a means test, is paid to persons, on their attaining the age of 70 years, who have not qualified for a contributory pension.

Part VI. Employment Injury Benefit

Medical care is provided at the institutions previously mentioned in the circumstances to which reference has already been made under Part II.

Incapacity for work. The Convention requires that the amount of the benefit shall be not less than 50 per cent. of the wages of an ordinary adult male labourer and of the family allowances of such a person. Applying that formula to the Island, the minimum amount of benefit would be £4 2s. 3d. per week. In fact, the maximum amount of benefit, including family allowances, payable to a standard beneficiary is £3 14s. 6d. per week.

Under the Insular Insurance (Jersey) Law, 1950, the accident benefit provisions cover all insured persons who are gainfully employed, regardless of whether the accident is sustained during the course of employment or not.

Invalidity Benefit. Under the Insular Insurance (Jersey) Law, 1950, an insured person who is totally incapacitated by reason of accident or sickness is entitled to benefit calculated as above. An insured person who is partially incapacitated by an accident would, after receiving the maximum injury benefit, be entitled to a disablement award depending on the degree of incapacity assessed by a medical board. Where an insured person is partially incapacitated due to a prescribed disease contracted in the course of employment, there is no provision under the Insular Insurance (Jersey) Law, 1950, for the payment of benefit if the insured person is able to be employed or is unable to obtain periodic medical certificates.

Survivor's Benefit. Provision is made for the payment of a Widow's Allowance for the first 13 weeks, and thereafter for the payment of a Widow's Pension or a Widowed Mother's Allowance. A Widow's Pension is payable where the widow is aged 50 years or over at the time of her husband's death and a Widowed Mother's Allowance is payable where the widow is aged 40 years or over at the time. The period of the marriage must not be less than ten years.

The Convention requires that the benefit under this heading shall be not less than 40 per cent. of the wages of an ordinary adult male labourer and of the family allowances of such person. Applying that formula to the Island, the minimum amount of benefit would be £3 5s. 9d., whereas the maximum amount of

benefit including family allowance, payable to a standard beneficiary is £2 10s. The law and practice of the Island are, therefore, not in conformity with this Part of the Convention.

Part VII. Family Benefit

Children's allowances at the rate of 7s. 6d. per week per child are paid under the Family Allowances (Jersey) Law, 1951 in respect of every child other than the first in a family. Article 44 *(a)* of the Convention requires that the total value of benefits granted shall be such as to represent 3 per cent. of the wage of an ordinary adult male labourer multiplied by the total number of children of persons protected. Applying this formula to the Island, the number of children protected as at 30 June 1960 was approximately 5,200, and the basic wage of an agricultural labourer is £7 17s. Therefore the Convention would require that the total value of the benefit should be not less than approximately £63,600 for the year in question. In fact, the total amount of family allowances paid during the year ending 30 June 1960 was approximately £100,000. The law and practice of the Island are, therefore, fully in conformity with this Part of the Convention.

Part VIII. Maternity Benefit

Medical care is provided in the circumstances described in Part II. The Insular Insurance (Jersey) Law, 1950, provides for the payment of sickness benefit to women expecting to be confined, and that benefit may be paid in respect of any days in the period beginning with the second week before the expected week of confinement and ending two weeks after the date of confinement. The maximum period of confinement in respect of which sickness benefit may be paid is five weeks. The Convention requires that the benefit should amount to not less than 45 per cent. of the beneficiary's earnings. The amount of benefit payable in Jersey under this heading is £1 2s. per week. The law and practice of the Island are, therefore, not in conformity with the requirements of this Part of the Convention.

Part IX. Invalidity Benefit

Sickness benefit in accordance with the terms described in relation to Part III is paid under this heading to persons who are wholly incapacitated, provided that they are under medical care and can produce the prescribed medical certificates. No sickness benefit is payable to persons who are only partially incapacitated as a result of sickness. The law and practice of the Island are, therefore, not in conformity with this Part of the Convention.

Part X. Survivors' Benefit

The benefits payable are covered by Part VI above. The law and practice of the Island are, therefore, not in conformity with this Part of the Convention.

Measures designed to extend and increase the present provisions for medical care and for certain benefits either have been or are about to be presented to the States, as follows :

Medical Care (Part II). A report prepared by a Special Committee, setting out a scheme for the provision, for persons insured under the Insular Insurance (Jersey) Law, 1950, and their dependants, of hospital services, medical benefits, maternity benefits and pharmaceutical services, the cost of the hospital services being met out of the General Revenues of the States and the balance being provided by weekly contributions, has been presented to and considered by the States. The States approved the scheme and authorised the Committee to ask the Government Actuary to assess the amount of the appropriate contributions. If the financial aspects of the scheme are subsequently approved and the necessary legislation prepared, passed by the States and sanctioned by Her Majesty in Council, the law and practice of the Island would then be in conformity with the requirements of this Part of the Convention.

Old-Age Benefit (Part V). A proposal to increase the retirement pension of a married man of pensionable age with a wife also of pensionable age from £2 2s. to £2 14s., the same rate as for sickness benefit, was rejected by the States in September 1958. A similar proposal has again been presented to, but not yet considered by, the States. Even if legislation implementing that proposal were to be passed and sanctioned, the increased rate of retirement pension would still be less than the minimum standard required by the Convention. Moreover, this Part of the Convention requires that the rate of benefit should be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living. The proposal now before the States does not take account of that requirement.

Survivors' Benefit (Parts VI and X). A proposal has been presented to, but not yet considered by, the States to increase the Widowed Mother's Allowance by 3 shillings. If legislation implementing that proposal were to be passed and sanctioned, the maximum benefit, including family allowance, payable to a standard beneficiary under these Parts would be £2 13s., which would still be less than the minimum standard required by these Parts of the Convention.

Maternity Benefit (Part VIII). A proposal has been presented to, but not yet considered by, the States to provide for the payment of a Maternity Grant of £10 in respect of each birth, in addition to the entitlement to sickness benefit for the period of confinement. Even if legislation implementing that proposal were to be passed and sanctioned, the law and practice of the Island would still not be in conformity with the requirements of this Part of the Convention.

In considering the scope of any comprehensive health service and the quantum of benefits payable from time to time under the Insular Insurance (Jersey) Law, 1950, and the Family Allowances (Jersey) Law, 1951, those committees of the States of Jersey charged with such matters and the members of the States of Jersey are bound to have regard to the fact that the population of the Island is small as

compared with that of other countries and that the financial resources of the Island are limited and to a great extent subject to fluctuation from sources outside its control. It is considered that great care must be taken to ensure that the financial burdens imposed by the introduction of a comprehensive health service and of increased social security benefits can be safely contained within the existing economy of the Island. In February 1959 the Jersey branch of the Transport and General Workers' Union wrote to the Public Health Committee of the States of Jersey requesting that Committee to recommend to the States of Jersey " that they should favourably consider the provisions of free medical treatment in States Institutions ". Reference has already been made to a scheme which is now before the States of Jersey and which would provide for a limited form of comprehensive health service. Before presenting that scheme to the States of Jersey, the Special Committee charged with that matter ascertained the views of, *inter alia*, the Federation of Jersey Employers, the Transport and General Workers' Union and the Jersey Workers' Association.

* * *

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

Denmark (Faroe Islands, Greenland).

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Australia. Ratification : 7 June 1960.
No declaration.

Belgium. Ratification : 23 January 1961.
Applicable without modification : Ruanda-Urundi : 23 January 1961.

Denmark. Ratification : 17 January 1958.
Applicable without modification : Faroe Islands, Greenland : 17 January 1958.

Netherlands. Ratification : 18 February 1959.
Applicable without modification : Netherlands Antilles, Netherlands New Guinea, Surinam : 18 February 1959.

Portugal. Ratification : 23 November 1959.
No declaration.

United Kingdom. Ratification : 30 December 1957.
Applicable without modification : Aden, Antigua [1], Bermuda, British Guiana, Brunei, Dominica [1], Gibraltar, Grenada [1], Malta, Mauritius, Montserrat [1], North Borneo, St. Helena, St. Vincent [1], Sarawak, Sierra Leone, Singapore : 10 June 1958.
British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands : 8 July 1958.
Bahamas : 16 July 1958.
Seychelles : 28 July 1958.
Barbados [1], Jamaica [1], St. Christopher-Nevis-Anguilla [1], St. Lucia [1], Trinidad and Tobago [1] : 20 August 1958.
Guernsey, Jersey, Isle of Man : 17 March 1959.
Southern Rhodesia, Zanzibar : 7 July 1959.
Hong Kong : 25 November 1959.
Gambia : 11 April 1960.
Tanganyika : 27 May 1960.
Nyasaland : 5 January 1961.
Applicable with modification : Basutoland, Bechuanaland, Swaziland : 31 October 1958.
Solomon Islands : 8 March 1960.
Northern Rhodesia : 24 October 1960.
No declaration : British Honduras, Fiji, Kenya, Uganda.

[1] Federation of the West Indies.

Denmark.

Faroe Islands (First Report).

In the field coming within the self-governing powers of the local government of the Faroe Islands, no use is made of any form of forced or compulsory labour. The special compulsory labour for road work, etc., under Local Government Act No. 30 of 28 February 1872 has fallen out of use.

Greenland (First Report).

The principles of the Convention are being observed. There exists no special legislation on the subject.

United Kingdom.

Aden (First Report).

Penal Code (Cap. 112 of the Laws of Aden, 1955).

No use is made of any form of forced labour for any purpose whatsoever. Section 374 of the Penal Code expressly prohibits all forced labour.

Antigua (First Report).

No use is made of any form of forced or compulsory labour for the purposes enumerated in the Convention. The legal remedy for illegal exaction of forced labour would be a prosecution or civil action for assault, false imprisonment, etc.

Bahamas (First Report).

No use is made of any form of forced or compulsory labour for the purposes enumerated in Article 1 of the Convention.

Any use or threat of physical force to make a person work against his will would be an offence under the Penal Code (Cap. 69).

Barbados (First Report).

There is no forced or compulsory labour as specified in the Convention. No law or custom permitting the exaction of such labour exists.

Basutoland (First Report).

Laws of Lerothodi.

Though there is no legislation specifically providing a penalty for illegal exaction of forced labour, deprivation of liberty, physical assaults, threats or misrepresentation of authority would all constitute criminal offences under Roman-Dutch law.

Forced labour may not be exacted for the purposes mentioned in paragraphs *(a)*, *(c)*, *(d)* and *(e)* of Article 1 of the Convention.

The Convention was accepted subject to modification regarding paragraph *(b)* of Article 1. Under the Laws of Lerothodi, which have the force of law under the Native Administration Proclamation (Cap. 54), adult males may be ordered to assist at burials (Part II, section 30), adult males may be ordered to destroy wild oats (Part III, section 3), persons may be ordered to eradicate noxious weeds (Part II, section 26 (2)), and the village community is responsible for the repair and maintenance of soil conservation works (Part III, section 4 (10)). All these obligations are for the common good, and are unlikely to involve more than two or three days' work a year. If they were abolished, the people themselves would suffer, and no action to this end has therefore been taken.

Bermuda (First Report).

No legislation exists to apply the Convention. Forced labour ceased to exist with the abolition of slavery by the Emancipation Act, 1834.

Any official or private persons illegally exacting forced labour would be liable to prosecution and, on conviction, to punishment according to the circumstances and the provisions under which the proceedings were instituted.

British Guiana (First Report).

Summary Jurisdiction (Offences) Ordinance (Cap. 14 of the Laws of British Guiana).

There is no legislation permitting forced labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.

Section 27 (1) of the Summary Jurisdiction (Offences) Ordinance makes it an offence wrongfully to use violence, intimidation, etc., with a view to compelling another person to do any act which he is not legally bound to do or to abstain from doing any act which he has a legal right to do. Section 27 (2) of the Ordinance permits peaceful picketing.

In more general terms, under the common law of England—which applies by virtue of section 3 (B) of the Civil Law of British Guiana Ordinance (Chap. 2)—it is against public policy unduly to restrict the freedom of the individual, both with respect to his liberty of action and his freedom to dispose of his property as he wishes.

In cases of unlawful imprisonment, whether by an official or a private person, the victim might recover damages. The exaction of forced labour can be prevented by the courts by an injunction or the issue of one of the prerogative writs.

British Virgin Islands (First Report).

No legislation has been enacted to give effect to the Convention, nor does legislative action appear necessary. No person is or can be subjected to forced labour *(a)* as a means of political coercion or education or as a punishment for holding or expressing political views ideologically opposed to the established political, social or economic system, *(b)* as a means of mobilising and using labour for purposes of economic development or *(c)* as a means of labour discipline. No person is or can be subjected to forced labour except as a consequence of a conviction in a court of law and, in such cases, the work is performed under the supervision of a public authority.

Brunei (First Report).

Penal Code Enactment No. 16 of 1951.

No forced labour as defined in the Convention can be exacted. The Convention is applied by section 374 of the Penal Code Enactment, which makes it an offence unlawfully to compel any person to labour against his will.

Falkland Islands (First Report).

No forced labour may be exacted. There is no specific legislation declaring forced labour illegal, but if any case occurred, it could be dealt with under the Administration of Justice Ordinance. English law applies to the colony.

Any work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority, and the persons concerned are not hired to or placed at the disposal of private individuals or bodies.

Gambia (First Report).

Forced Labour Ordinance (Cap. 90 of the Revised Laws of Gambia), amended by Ordinance No. 14 of 1958.
Recruiting of Workers Ordinance (Cap. 91).
District Authority Ordinance (Cap. 48), amended by Ordinances No. 12 of 1958 and No. 4 of 1959.

Article 1 of the Convention. Forced labour may not be exacted for any of the purposes mentioned in this Article.

Compulsory labour may be exacted only for the limited purposes authorised by sections 6 and 7 of the Forced Labour Ordinance, as amended in 1958 (i.e. in certain calamities and for certain local minor communal services).

Article 2. The amending Ordinances (Nos. 12 and 14 of 1958 and No. 4 of 1959) were enacted to secure adherence to the provisions of the Convention.

Penalties for illegal exaction of forced labour are provided for by sections 4 and 5 of the Forced Labour Ordinance and section 11 of the Recruiting of Workers Ordinance.

Gibraltar (First Report).

There is no statutory or administrative authority for subjecting any person to forced or compulsory labour. As such labour has not been introduced in Gibraltar, it has not been necessary to secure its abolition, nor to provide penalties for its illegal exaction.

Gilbert and Ellice Islands (First Report).

Labour Ordinance (Cap. 13).

No forced labour within the meaning of the Convention may be exacted. Section 58 of the Labour Ordinance makes the exaction of forced or compulsory labour an offence. Section 57 of the Ordinance defines " forced or compulsory labour " so as to exclude *(a)* work exacted as a consequence of a conviction in a court of law (subject to specified safeguards), *(b)* work exacted in cases of emergency, *(c)* communal work or service exacted in accordance with the Native Governments Ordinance and *(d)* communal work or service exacted in accordance with the Native Laws (Extension) Ordinance. During 1958-60 the only compulsory labour performed was under *(a)* and *(c)* above. Proper supervision is exercised over prisons to prevent malpractices under *(a)*. As regards *(c)*, regulations clearly define the extent and nature of the work, which consists of customary minor social services of direct interest to the native community; a commutation fee may be paid in lieu of such services.

Guernsey (First Report).

Forced or compulsory labour, for the purposes mentioned in Article 1 of the Convention, does not exist. Consequently, no legislation is required to implement the Convention.

Hong Kong (First Report).

Forced labour as specified in the Convention does not exist. Although no specific legislation to prohibit such labour exists, administrative regulations and social conventions have proved sufficient safeguards against its use.

Persons sentenced by a court of law to serve a prison sentence are required to perform work, subject to detailed conditions laid down in sections 37 to 45 of the Prisons Ordinance (No. 17 of 1954).

Jamaica (First Report).

Forced or compulsory labour is not used for any of the purposes set out in Article 1 of the Convention.

Under the Prisons Law (Cap. 307), section 39, persons sentenced to penal servitude or to imprisonment with hard labour are subject to such labour as may be specified in the Prison Rules.

Jersey (First Report).

Forced or compulsory labour within the meaning of Article 1 of the Convention does not exist. The common law safeguards the rights of the individual, and any attempt to exact forced labour illegally would be punishable.

In certain circumstances, work is exacted from persons convicted by a court of law and sentenced to imprisonment. Such work is carried out under the supervision of the Prison Board, and in no circumstances are prisoners hired to or placed at the disposal of private persons or companies.

Malta (First Report).

The concept of forced labour is not specifically contemplated in the laws of Malta, as the state of civilisation is far in advance of such conditions, and none of the contingencies mentioned in Article 1 of the Convention can arise. Section 264 of the Criminal Code (Chap. 12) prescribes penalties for the use of violence to compel a person to do, suffer or omit anything.

Any work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority.

Mauritius (First Report).

Penal Code Ordinance (Cap. 195, 1945 edition of of the Laws).
Courts Ordinance (Cap. 168, 1945 edition of the Laws).

Although there is no legislation specifically prohibiting forced or compulsory labour, the use of force or threats to compel any person to work in a manner contrary to the definition in Article 2, paragraph 1, of Convention No. 29 would be contrary to law (sections 224 to 246 of the Penal Code Ordinance and section 132 of the Courts Ordinance). The penalties provided for in these ordinances are adequate, and they are strictly enforced.

Montserrat (First Report).

There is no legislation or any administrative practice permitting the use of any form of forced or compulsory labour, as defined in the Convention.

North Borneo (First Report).

Forced Labour (Unification and Amendment) Ordinance, 1950.
Penal Code.

Forced or compulsory labour cannot be exacted for any of the purposes mentioned in Article 1 of the Convention. Such labour has been completely abolished since the passing of the Forced Labour (Unification and Amendment) Ordinance. Section 374 of the Penal Code prescribes penalties for unlawfully compelling any person to labour against his will.

Prison labour may be exacted in execution of a sentence of a court of law for offences against the Penal Code or local legislation.

St. Christopher-Nevis-Anguilla (First Report).

In the absence of any law or custom permitting the exaction of forced or compulsory labour for any of the purposes mentioned in the Convention, no person can lawfully be required to perform such labour.

St. Helena (First Report).

No forced or compulsory labour in any shape or form is used, nor can it be exacted by any means whatsoever. By virtue of section 25 of the Interpretation and General Law Ordinance (Cap. 54), such punishments as may be prescribed by the law of England for illegal exaction of forced labour would also be imposable in St. Helena.

St. Lucia (First Report).

Civil Code of St. Lucia.

No use is made of any form of forced or compulsory labour for the purposes enumerated in Article 1 of the Convention.

Article 1571 of the Civil Code provides that contracts for personal services are subject to the general rules of contract. The parties to a contract must give their consent legally and the consideration must be lawful (articles 918 and 924).

Sarawak (First Report).

Slavery Ordinance (Cap. 79, Laws of Sarawak, 1948 edition).

Use is not made of forced or compulsory labour for any of the purposes mentioned in the Convention.

The illegal exaction of forced labour is not a penal offence, but section 4 of the Slavery Ordinance makes it an offence to do any act which implies any right of ownership over the person or property of any other person.

Sierra Leone (First Report).

Prohibition of Forced Labour Ordinance No. 33 of 1956 (*L.S.* 1956—S.L. 1).

Section 3 of the above-mentioned Ordinance forbids any form of forced labour, and lays down penalties for any person who employs, supplies or exacts forced labour or who causes or permits forced labour to be exacted for his benefit. Application of the Ordinance is entrusted to the Labour Department.

Solomon Islands (First Report).

Labour Regulation No. 3 of 1960.

Forced or compulsory labour may not be exacted for any of the purposes mentioned in paragraphs *(a)*, *(c)*, *(d)* and *(e)* of Article 1 of the Convention (sections 74 and 75 of the Labour Regulation 1960).

Paragraph *(b)* of Article 1 has been made the subject of modification, as certain limited services may still be exacted for purposes of economic development under native law and custom and under resolutions of Native Councils approved by the High Commissioner. Most communal services are rendered voluntarily. Services exacted under native custom are gradually dying out, and only Native Councils in the smaller islands with limited resources are likely to resort to resolutions which might be held to infringe the Convention.

Apart from the above cases, forced labour may be exacted as a consequence of a conviction in a court of law (subject to specified safeguards) and in cases of emergency (section 74 *(a)* and *(b)* of the Labour Regulation).

Southern Rhodesia (First Report).

No forced labour within the meaning of the Convention exists or may be exacted. In the absence of legislation permitting forced labour, the compelling of a person to do forced or compulsory labour would amount to contravention of the Roman-Dutch common law of the colony.

Swaziland (First Report).

Swaziland Native Administration Proclamation No. 79 of 1950.

The Native Administration Proclamation permits the issue of certain orders by the Paramount Chief of Swaziland, acting in conjunction with his Council according to Swazi law and custom, and by the subordinate native authorities when duly constituted under the Proclamation. These orders are considered to be designed to secure the self-preservation of an indigenous people living in communal circumstance (e.g. for finding and tending stray stock, for exterminating locusts, mosquitoes and other pests, for grain reserves and for work in times of famine) or to be minor communal service (e.g. for protection and construction of anti-erosion works, the making, maintenance and protection of roads, and the improvement and maintenance of communal water supplies). All major public works are a government responsibility. The Government therefore considers that, although a modification was made to Article 1 *(b)* of the Convention in respect of these provisions, they do not in fact contravene the Convention, and that the latter is fully applied. Moreover, during the period 1958-60, no orders for minor communal services were issued.

The common law relating to the crime of extortion is considered sufficient to prevent any forced labour contrary to the Convention.

Government policy aims at the abolition of penal sanctions for breaches of contract. Participation in strikes is not prohibited, except in the case of laws governing the discipline of prison and police forces.

There are no discriminatory laws or measures in force concerning the possibility of exacting forced labour from members of any racial, social, national or religious group.

Work exacted as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority, and no prisoner is hired to, or placed at the disposal of, private persons or bodies.

Tanganyika (First Report).

Employment Ordinance No. 47 of 10 November 1955 (Cap. 366) (*L.S.* 1955—Tan. 1), as amended by the Employment (Amendment) Ordinance No. 10 of 1960.

Employment (Forced Labour) Regulations (*G.N.*, No. 15 of 1957).

Forced labour may not be exacted as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system, as a means of labour discipline, or as a punishment for participation in strikes.

The Convention is applied by Part X of the Employment Ordinance. The use of forced labour is prohibited by section 122 of the Ordinance, subject to minor exceptions provided for by sections 125 and 126. Section 125 *(b)*, as amended by the Employment (Amendment) Ordinance, 1960, specifically excludes recourse to forced labour as a method of mobilising and using labour for purposes of economic or other development.

Existing measures do not provide for exaction of forced labour from any given racial, social, national or religious group.

Statistics of labour exacted in the period 1959-60 under sections 125 and 126 of the Employment Ordinance are appended to the report.

Trinidad and Tobago (First Report).

No use is made of any form of forced or compulsory labour for the purposes enumerated in Article 1 of the Convention.

The legal remedy for the illegal exaction of forced labour would be a prosecution or civil action for assault, false imprisonment, etc.

Zanzibar (First Report).

Forced or Compulsory Labour (Prohibition) Decree (Cap. 131 of the Revised Laws of Zanzibar, 1934).

Forced labour may not be exacted for any of the purposes mentioned in Article 1 of the Convention. Illegal exaction of forced labour is punishable under section 3 (1) of the abovementioned Decree. The application of this legislation is entrusted primarily to police officers, and also to officers of the Labour Section and other officers of the Provincial Administration who would inform the police of any contravention.

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 overseas territories : *Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon.*

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 : *Aden, Antigua, Barbados, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Gambia, Grenada, Jamaica, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Vincent, Trinidad and Tobago.*

In the territories listed below copies of the reports have been communicated to the organisations indicated :

Labour Advisory Board : *Fiji, 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 *British Guiana, St. Lucia, Sierra Leone, Southern Rhodesia.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations : *Basutoland, Bechuanaland, Bermuda, Brunei, Gilbert and Ellice Islands, Guernsey, Jersey, St. Helena, Sarawak, Seychelles, 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.

REPORT III
(PART II)

International Labour Conference

FORTY-FIFTH SESSION
GENEVA, 1961

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)

Minimum Standards of Social Security

GENEVA
International Labour Office
1961

CONTENTS

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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 the Social Security (Minimum Standards) Convention, 1952 (No. 102). The governments of Members were requested to send their reports to the International Labour Office before 1 July 1960. 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 1960.

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the Convention in question are presented to the Conference each year.[1] These summaries also cover, this year, the reports which have been requested from these States, in accordance with Article 76, paragraph 2, of the Convention, in regard to any of Parts II to X of the Convention for which the States in question have not accepted the obligations of the Convention.

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 45th Session (1961), will include the conclusions reached by the Committee on the reports on the above-mentioned Convention.

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[1] These summaries have been presented to the Conference for this Convention from the 40th Session (1957) 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).*

Social Security (Minimum Standards) Convention, 1952 (No. 102)[1]

Argentina.

Decree No. 29176 of 27 October 1944 respecting the setting up and organisation of the National Social Welfare Institution (*L.S.* 1944—Arg. 4 A).[2]

Act No. 14236 of 13 October 1953 to reorganise the National Social Security Office (*Boletín Oficial*, 16 Oct. 1953, p. 1).

Act No. 14370 of 13 October 1954 to amend all welfare schemes (*Boletín Informativo*, 27 Oct. 1954, p. 10).

Acts and Legislative Decrees on pensions schemes covering different branches of activity: Nos. 4349/04 (civil servants); 10650/19 (railways); 11110/21 (public utilities); 11575/29 (banks and insurance); 12581/39 (journalists); 12612/39 (mercantile marine); 31665/44 (commerce); 13937/46 (industry); 14397/54 (self-employed workers, employers and the liberal professions); 14399/54 (agricultural workers); 11911/56 (domestic service); and subsequent amendments).

Legislative Decrees Nos. 7913/57 and 7914/57 respecting family allowances for employees in commercial and industrial undertakings.

Act No. 15223/59 to set up family allowance funds for employees in commercial and industrial undertakings.

Act No. 9688 of 11 October 1915 respecting industrial accidents.

Act No. 11933 of 15 October 1934 respecting the employment of women before and after confinement (*L.S.* 1934—Arg. 1 B).

Argentine social insurance legislation provides compulsory protection in the case of old age, invalidity and death. In addition collective agreements have amplified certain benefits which the employer is obliged by law to pay in case of sickness, maternity, industrial accidents, family responsibilities, etc.

Scope.

The various laws which have successively set up pension schemes covering the different branches of activity apply compulsorily to all persons employed in the said branches of activity.

Conditions for Entitlement to Benefits.

Old age. Insured persons who meet the requirements as regards age and length of time in employment are entitled to an old-age pension. Depending on the branch of activity, the age is 50, 55 or 60 for men and 47, 50 or 55 for women, while the qualifying period is 30 years (27 years for women in certain occupations). Earlier pensions or supplements to the pension may be paid to persons whose age or period in employment is below or above that prescribed.

Invalidity. Invalidity pensions are awarded to workers who, irrespective of the number of years in employment, suffer from a disability (due to natural or occupational causes), physical or mental, total or partial, permanent or temporary, which affects their capacity for work. Total invalidity is taken to mean an attested incapacity which prevents the sufferer from earning two-thirds of the wage or salary he received previously. Partial incapacity is where the incapacity, while not attaining two-thirds, deprives the worker of not less than one-third of his former wage or salary. The Directorate of Social Medicine is responsible for determining the degree of invalidity. Benefits are paid throughout the duration of the contingency or until the death of the beneficiary. Without prejudice to entitlement to these benefits, compensation for invalidity resulting from an industrial accident or occupational disease must be paid by the employer, who is obliged by law to provide the victim with such medical care and pharmaceutical products as are necessary.

Death. In the event of the death of an insured person or of the holder of an old-age or invalidity pension, the following dependants are entitled to a survivors' pension: the widow, together with sons under 18 years of age and unmarried daughters under 22 years of age; a disabled widower who has been dependent on his insured wife, together with their children; sons and daughters under the above ages; a disabled widow or widower, together with the father and mother of the insured person if they were completely dependent on him; a disabled widow or widower, together with the unmarried sisters of the insured person under 22 years of age, and his brothers under 18 years of age if they have no father or mother, provided that they were dependent on the insured person at the time of his death; the insured person's father and mother if dependent on him at the time of his death; the insured person's unmarried sisters under 22 years of age, and his brothers under 18 years of age if they have no father or mother, provided that they were dependent on the insured person at the time of his death. Without prejudice to entitlement to these benefits, in the event of death due to an industrial accident or occupational disease, compensation of up to 30,000 pesos must be paid by the employer, who is also responsible for funeral expenses up to a fixed amount.

Level of Benefits.

Old age. The amount of an ordinary old-age pension is equivalent to 82 per cent. of the monthly wage of the beneficiary at the time of his leaving employment. Where the pension thus calculated exceeds 5,000 pesos, the excess amount is reduced in accordance with the following scale: 5,000-7,000 pesos: 5,000 pesos plus 70 per cent. of the excess; 7,000-9,000 pesos: 6,400 pesos plus 50 per cent. of the excess; 9,000 pesos or more: 7,400 pesos plus 20 per cent. of the excess. If after application of this scale the amount is still more than 10,000 pesos, a block reduction of 10 per cent. is applied to the excess.

Invalidity. The amount of the invalidity pension for beneficiaries with less than ten years in employment may not exceed the minimum prescribed for the ordinary old-age pension, i.e. 1,900 pesos per month. For insured persons with more than ten years in employment, the pension may not be less than 4 per cent. of the ordinary old-age pension for each year in employment.

Death. The amount of the survivors' pension is equivalent to 75 per cent. of the benefit to which the deceased would have been entitled.

Medical care. Insurance legislation does not provide for such benefits; a comprehensive free medical service is offered throughout the country by the public establishments run by the Ministry of Social Assistance and Public Health. In addition occupational organisations

[1] This Convention came into force on 27 April 1955. Eleven ratifications had been registered up to 30 November 1960.

[2] Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

have their own establishments for the benefit of their members.

Miscellaneous.

Appeals may be made in the first instance to the National Welfare Institute and in the second instance to the National Labour Chamber of Appeal.

Contributions are paid by employers and by insured persons.

Administration is in the hands of the National Welfare Institute and the National Welfare Funds on which employers' and workers' organisations are represented.

Argentina being a federal State, competence in the matter has been delegated to the national Government, except that the provincial authorities are empowered to make provision for provincial public servants and occupations which are not covered by the national legislation.

The Convention has been submitted to the Argentine Legislative Power with a view to its ratification. The Senate labour committees began examination of it in June 1959.

Austria.

General Social Insurance Act of 9 September 1955 (*Bundesgesetzblatt*, 30 Sep. 1955, No. 50, Text 189) (*L.S.* 1955—Aus. 3), and subsequent amendments.

Unemployment Insurance Act of 1 July 1958 (*Bundesgesetzblatt*, 10 Sep. 1958, No. 57, Text 199) (*L.S.* 1958—Aus. 1), and subsequent amendments.

Federal Act of 16 December 1949 respecting children's grants (*Bundesgesetzblatt*, 31 Jan. 1950, No. 5) (*L.S.* 1949—Aus. 5), and subsequent amendments.

Scope.

The number of persons compulsorily insured in 1959 under the terms of the General Social Insurance Act was 1,957,000 in the case of sickness insurance; 1,959,000 for pensions insurance; 1,966,000 for accident insurance; and 1,806,000 for unemployment insurance. The total number of workers in 1959 was 2,353,000. Family allowances were paid on behalf of some 1,830,000 children.

Conditions for Entitlement to Benefits.

Medical care. An insured person is entitled to medical care for himself and his family if the contingency occurs during the period of insurance. The insurance comes into effect (1) in case of sickness, as from the onset of the illness, i.e. the abnormal physical or mental state which renders medical treatment necessary; (2) in case of incapacity for work resulting from sickness, at the onset of the incapacity for work brought about by illness.

Medical treatment is provided throughout the duration of the illness. If an illness occurs before the end of the insurance period but treatment must continue after the patient ceases to be insured, he may continue to receive benefit for a maximum of 26 weeks after insurance has come to an end or, if sickness benefit continues to be paid, until such benefit is stopped. If the contingency arises after insurance has come to an end, medical treatment is provided for a maximum of 26 weeks.

Insured persons are also entitled, in respect of any one event giving rise to benefit, to treatment for not more than 26 weeks in a public hospital or similar institution, even if in the course of that period a fresh illness occurs in addition to the one in respect of which the hospital treatment was granted. In the case of insured persons whose maximum period of entitlement to sickness benefit has been increased by virtue of the rules of the insurance fund to 52 weeks, the maximum period of hospital treatment is 52 weeks.

Sickness. Sickness benefit is governed by the same conditions as medical care. Insured persons are entitled to receive sickness benefit as from the fourth day of incapacity for work. The right to benefit is suspended for such time as *(a)* the insurance carrier has not been informed of the incapacity for work; *(b)* the insured person is given hospital treatment at the expense of the insurance carrier or is placed at the expense of the insurance carrier in a rest or convalescent home, or is entitled to repayment of his hospital or similar expenses by an insurance carrier; *(c)* the insured person continues to receive his remuneration by virtue of statute law or contract. The period of entitlement to sickness benefit shall be 26 weeks in respect of any one event giving rise to benefit, even if a fresh illness occurs during the period in addition to the illness that first caused the incapacity for work. The rules of the insurance carrier may provide for the maximum period of entitlement to sickness benefit to be increased to 52 weeks.

Unemployment. Any person who is capable of and willing to work and is unemployed, has completed the qualifying period, and has not yet exhausted the benefit period is entitled to unemployment benefit.

The qualifying period is deemed to have been completed if an unemployed person has engaged in insurable employment in Austria for an aggregate of 20 weeks in the last 12 months before unemployment benefit is claimed (reference period). Where unemployment benefit is claimed for the first time, the qualifying period is deemed to have been completed if the unemployed person has engaged in employment in Austria in the last 24 months before unemployment benefit is claimed. The reference periods of 12 or 24 months are prolonged under certain circumstances.

Unemployment benefit is payable after a waiting period of seven days, beginning on the first day of unemployment. If no claim is made until after the expiry of the waiting period, such benefit is payable as from the date of the claim.

Unemployment benefit is payable for a period of 12 weeks, which may be increased to 20 weeks if the claimant proves that in the last two years preceding the claim he has engaged in insurable employment for 52 weeks, and to 30 weeks if the claimant proves that in the last five years preceding the claim he has engaged in insurable employment for 156 weeks.

An unemployed person who has exhausted his entitlement to unemployment benefit may be granted emergency aid, on condition that he possesses Austrian citizenship, is capable of and willing to work, and is in need.

Old age. Insured men who have reached their sixty-fifth birthday and women who have reached their sixtieth birthday are entitled to a manual workers' or salaried employees' old-age pension. Miners' pension insurance entitles them to a miner's old-age pension.

The general conditions governing the award of pensions are the completion of the qualifying insurance period and the coverage of one-third by months of insurance. For this purpose credit is given for valid insurance months in any branch of the pension insurance scheme. The qualifying period is deemed to have been accomplished where a minimum of 180 insurance months have been completed on the appointed day.

Insurance months occurring after 31 December 1938 are taken into consideration if they fall within the crediting period. The crediting period is the longest period preceding the appointed day, but subsequent to 31 December 1938, that is at least half covered by contribution months. In this connection credit is given for insurance months completed in any branch of the pension insurance scheme. The so-called " neutral months " (such as, for instance, a period during which the person concerned is in receipt of sickness benefit or pecuniary unemployment benefit) are ignored in making this calculation. The condition as to one-third coverage is fulfilled if 12 insurance months have been completed in the course of the last 36 calendar months (excluding neutral months) preceding the appointed day.

Employment injury. An insured person suffering from an infirmity as a result of an industrial accident or occupational disease is entitled to the following benefits: *(a)* treatment to remedy the effects of the accident, including medical care, therapeutic requisites and auxiliary items such as treatment in a hospital, sanatorium or similar establishment (which will be provided as long and as often as an improvement in the condition resulting from the employment injury or occupational disease or an increase in earning capacity may be hoped for, or as treatment is necessary to prevent an aggravation); *(b)* occupational rehabilitation; *(c)* the supply of prosthetic and orthopaedic apparatus and other therapeutic requisites; *(d)* an accident pension. An insured person is entitled to an accident pension if as a result of an industrial accident or occupational disease his earning capacity is reduced by at least 20 per cent. for more than three months following the occurrence of the event giving rise to benefit. Accident pensions which form not more than 25 per cent. of the entire pension may, with the consent of the victim, be replaced by the award of a lump sum equivalent in value to the pension. At the request of the beneficiary the insurance carrier may replace all or part of an accident pension which forms more than 25 per cent. of the entire pension by a lump sum equivalent in value to the pension or the part of the pension considered, if it can be assured that the single payment will be put to good use.

If an insured person dies as the result of an industrial accident or occupational disease, survivors' pensions are awarded as follows: a widow's pension until the widow remarries; orphans' pensions until the children are 18 years of age, or 24 years of age if they are continuing scientific studies or vocational training, or indefinitely if they suffer from an infirmity.

Family allowances. The following benefits are awarded: *(a)* children's grants, including supplementary allowances (intended primarily for workers in dependent employment); *(b)* family allowances (intended primarily for self-employed workers); *(c)* lump-sum confinement grant.

There is no difference in the amount payable by way of children's grants (including supplementary allowances) and family allowances. An insured person may not, however, receive more than one of these benefits at the same time.

Benefits are payable to persons with at least one child and belonging to one of the following categories: workers in dependent employment; self-employed workers; those in receipt of allowances or pensions, or of assistance benefit; other persons who have to contribute to the support of children; and full orphans whose income is less than 500 schillings per month.

Allowances are in principle payable until the child reaches 21 years of age (25 years of age if the child is undergoing vocational training or if he is an orphan without father or mother), as long as the child himself does not have an income of more than 500 schillings per month. In the case of children unable to work (permanently incapacitated), the allowances are paid without limit of time. The child should not, however, have an income of more than 500 schillings per month nor assets of more than 120,000 schillings.

Maternity. An insured woman fulfilling the conditions for entitlement to medical care has the right to maternity benefits. An allowance is payable during the last six weeks preceding the probable date of her confinement and the six weeks immediately following it. A mother breast-feeding her baby may receive the allowance for eight weeks, or 12 weeks in the case of a premature birth. The six weeks preceding the probable date of the confinement are calculated on the basis of a medical certificate. If the medical practitioner miscalculates the date of the confinement, the period prescribed is shortened or lengthened accordingly.

Invalidity. An insured person suffering from a decrease in his earning capacity, and who fulfils the necessary conditions, is entitled under the manual workers' pension insurance scheme to an invalidity pension, if he is disabled; under the salaried employees' pension insurance scheme to an occupational incapacity pension, if he is no longer able to carry on his occupation; and under the miners' pension insurance scheme to the full miner's pension, if he is disabled. Under the miners' pension insurance scheme a worker who, as the result of sickness or other infirmity or physical or mental debility, is unable to earn half his normal earnings in a suitable occupation is deemed to be a disabled person. An insured person is deemed to be suffering from occupational incapacity if, as the result of sickness or other infirmity or physical or mental debility, his working capacity falls below one-half that of a worker in good physical and mental health having similar training and equivalent knowledge and ability.

The general conditions governing the award of pensions are the completion of the qualifying insurance period and the coverage of one-third by months of insurance. Insurance months comprise contribution periods and periods of substitution. The qualifying period is deemed to have been accomplished where on the appointed day (which is generally the first day of the month following the date when the insurance falls due, or when application was made, if later) the minimum number of insurance months, i.e. 60 months (96 months in the case of persons who have become compulsorily insured for the first time after their fiftieth birthday and subsequent to 31 December 1955), has been completed. Contribution months under voluntary insurance count as half-months. Calculation of benefits and one-third coverage are governed by the same provisions as in the case of old-age pensions (see above).

Survivors. The pension insurance schemes for manual workers, salaried employees and miners provide for pensions to be paid to widows, orphans and other surviving dependants on the death of insured persons. The conditions of entitlement to such benefits are the completion by the insured person of the qualifying period of insurance and the coverage of one-third by months of insurance. Insurance months comprise contribution periods and period of substitution. Credit is given for valid insurance months in any

branch of the pension insurance scheme. The qualifying period is deemed to have been accomplished where on the appointed day (which is generally the first day of the month following the occurrence of the event giving rise to benefit) the minimum number of insurance months, i.e. 60 months (96 months in the case of persons who have become compulsorily insured for the first time after their fiftieth birthday and subsequent to 31 December 1955) has been completed.

Level of Benefits.

Medical care. Medical treatment comprises medical care, therapeutic requisites and auxiliary therapeutic requisites. The medical treatment should be adequate and appropriate without exceeding the limits of what is necessary. The aim of the treatment should be, in so far as is possible, to restore, strengthen or improve the patient's health, working capacity and ability to provide himself with the basic necessities of life.

Sickness. The minimum statutory amount of sickness benefit is fixed at 50 per cent. of the basis of assessment for each day (including Sundays and holidays). As from the forty-third day of any sickness involving incapacity for work, the sickness benefit is increased to 60 per cent. of the basis of assessment for each day (including Sundays and holidays). The basis of assessment in respect of benefits in cash is the average daily income for the wage class in which the insured person has been placed by virtue of his remuneration during the contribution period immediately prior to the occurrence of the event giving rise to benefit, or in which he would have been placed if his contribution had been calculated according to the system of wage classes.

Unemployment. Unemployment benefit is calculated on the basis of wage classes. The wage class is determined in accordance with the average remuneration that the unemployed person was entitled to receive during a fixed period of insurable employment. Unemployment benefit consists of a basic amount, plus family allowances and a rent allowance. The basic amount of unemployment benefit for the lowest class (up to 145 schillings per week) is 82 schillings per week; for the highest class (over 500 schillings per week) it is 156 schillings per week. The family allowance for the first dependant is 30 schillings per week; for each additional dependant it is 22 schillings per week. The rent allowance is 27 schillings per month in the case of unemployed persons who are entitled to a family allowance and 21 schillings per month in the case of other unemployed persons. For a standard beneficiary (Article 65 of the Convention), the benefit (236.30 schillings) represents more than 45 per cent. of his previous earnings (514.90 schillings).

Old age. (a) The old-age pension is composed of a basic sum and an increment. The monthly basic sum payable is 30 per cent. of the basis of assessment; the following are payable as monthly increments for every period of 12 insurance months: up to 120 months, 0.6 per cent.; from 121 to 240 months, 0.9 per cent.; from 241 to 360 months, 1.2 per cent.; 361 months and over, 1.5 per cent. of the basis of assessment. In assessing the increment, all insurance months completed in any branch of the pension insurance scheme are taken into consideration, up to a maximum of 540 months. The basis of assessment for benefits is the basis of contribution for an average insurance month during the period of assessment.

(b) The miner's old-age pension is composed of a basic sum and an increment, plus a supplementary benefit in the case of essentially mining activities. The monthly basic sum payable is 30 per cent. of the basis of assessment. The following are payable as monthly increments for every period of 12 insurance months: up to 120 months, 0.9 per cent.; from 121 to 240 months, 1.2 per cent.; from 241 to 360 months, 1.4 per cent.; 361 months and over, 1.5 per cent. of the basis of assessment.

In addition to the pensions referred to under *(a)* and *(b)*, a children's bonus is payable in respect of each child (in principle until he reaches his eighteenth birthday), the amount of which is equal to 5 per cent. of the basis of assessment, and which in no case may be less than 32 schillings per month.

For a standard beneficiary as defined by the Convention (Article 65), the payments amount to at least 61.75 per cent. of his previous earnings (70.42 per cent. in the case of miners).

Employment injury. The accident pension is calculated in accordance with the degree of loss of earning capacity as the result of an industrial accident or occupational disease. The yearly rate of the pension is $66^2/_3$ per cent. of the basis of assessment (full pension) for such time as the injured person is, as a result of the industrial accident or occupational disease, totally incapable of earning his living; for such time as he is partially incapable of earning his living, the rate is the percentage of the full pension corresponding to the degree of loss of earning capacity (part pension). Furthermore, injured persons who are entitled to an accident pension of at least 50 per cent. of the full pension or to two or more accident pensions amounting in all to that percentage (seriously injured persons) receive in respect of each child (in principle until he reaches his eighteenth birthday) a children's bonus equal to 10 per cent. of the accident pension. The total amount of the pension plus the children's bonus should not exceed the basis of assessment. For a standard beneficiary as defined by the Convention (Article 65), the pension and supplementary payments represent $86^2/_3$ per cent. of his previous earnings.

The widow's pension is 20 per cent. of the basis of assessment. The orphan's pension for each orphan bereaved of one parent is 20 per cent., and for each full orphan 30 per cent., of the basis of assessment. In the case of a standard beneficiary as defined by the Convention (Article 65) these payments amount, as a general rule, to 65 per cent. of previous earnings.

Family allowances. Children's allowances, including supplementary payments or family allowances, amount monthly to 115 schillings for the first child, 135 schillings for the second child, 160 schillings for the third child, 185 schillings for the fourth child, and 210 schillings for the fifth child and for each subsequent child. These allowances are payable 13 times a year.

Maternity. The maternity allowance is equal to the average daily rate of the mother's remuneration over the last 13 weeks (including Sundays and holidays), after the various statutory deductions have been made. Under the Austrian sickness insurance scheme the maternity allowance generally amounts to between 70 and 88 per cent. of the above-mentioned remuneration in the case of a standard beneficiary (Article 65 of the Convention).

Invalidity. The invalidity pension and occupational incapacity pension are calculated on the same basis as is described under *(a)* in respect of old-age pensions, with the difference that a supplement of 10 per cent. of the basis of assessment for the basic sum is added to the said sum in so far as the pension, plus the sup-

plement, does not exceed 50 per cent. of the basis of assessment.

Survivors. The manual workers' pension insurance scheme and the salaried employees' pension insurance scheme provide for a widow's pension equal to 50 per cent. of the occupational incapacity pension, less family allowances, to which the insured person was entitled or would have been entitled on the date of his death. If the widow is 40 years of age or over on the appointed day, or has a child in respect of whom an orphan's pension is payable, the pension is not less than 25 per cent. of the highest basis of assessment where two or more bases of assessment are applicable; in this connection the basic sum is taken as 20 per cent. of the basis of assessment. Under the miners' pension insurance scheme the miner's full pension replaces the invalidity pension for the calculation of the widow's pension, and the rate of 25 per cent. is replaced by 28 per cent. of the basis of assessment.

The orphan's pension amounts, for each orphan bereaved of one parent, to 40 per cent., and for each full orphan, to 60 per cent. of the widow's (widower's) pension payable on the death of the parent in question.

In the case cited in Article 65 of the Convention these payments would represent at least 48.75 per cent. of previous earnings (54.60 per cent. in the case of miners).

Miscellaneous.

As regards questions concerning benefits under general social insurance, particularly when it is a case of determining the existence, extent or suspension of entitlement to insurance benefits, or the existence of an obligation on the part of a person having received benefit in error to reimburse it, an insured person who considers that he has been unjustly treated through the decision of an insurance carrier may during the ensuing three months lodge a complaint with the social insurance arbitration tribunal (procedure for the settlement of disputes in the first instance). Social insurance arbitration tribunals exist in each of the nine provinces *(Bundesländer)* of the federal State. In certain circumstances the person affected may appeal against the ruling of an arbitration tribunal to the Provincial Supreme Court at Vienna (procedure for the settlement of disputes concerning benefits in the second instance).

With respect to unemployment insurance, the insured person may appeal against the decisions of the labour office concerning unemployment benefit (or emergency aid) to the provincial labour office.

The expenditure on benefits under the General Social Insurance Act and the 1958 Unemployment Insurance Act is covered by contributions from insured persons and their employers and by a contribution from the federal State.

The General Social Insurance Act of 9 September 1955 is applied through the agency of the sickness insurance, accident insurance and pension insurance institutions. All insurance institutions are administered by bodies on which employers and workers are represented. The unemployment insurance scheme is operated by the labour offices controlled by the Ministry of Social Administration. Family allowances are the responsibility of the Ministry of Finance.

The difficulties which have manifested themselves during consideration of the possibility of ratifying the Convention concern the following points: in Part II, the duration of entitlement to hospital treatment for an insured person (section 146 of the above-mentioned Act) and for members of his family (section 147); in Part III, the duration of periodical payments for a single illness (section 139 of the Act); in Part IV, the possibility of reducing benefits in proportion to the means of unemployed workers; in Parts V, IX and X, the requirements for the qualifying period (" one-third coverage ", sections 235 and 237 of the Act); in Part VI, the lack of medical care in convalescent homes and of provisions guaranteeing all the measures specified in Article 34, paragraph 4, of the Convention; in Part VII, the rights of aliens; in Part IX, the possibility of suspending the benefit where the person concerned is receiving remuneration; in Part XIII (Article 69), the suspension of benefit in the event of the beneficiary's being committed to a penitentiary establishment, where he must make a contribution to his keep, and the denial of the right to benefit where the illness is brought about through deliberate indulgence in brawling, habitual drunkenness or drug-taking; with respect to Article 71, the re-evaluation of benefits, which is not automatic; finally, the duration of obligations consequent on ratification.

Nevertheless, taking into account the views of the central authorities and of the employers' and workers' organisations, the Government will endeavour, with the approval of the National Council, to ratify the Convention in respect of all its parts, or at least of some of them.

Belgium.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

PART VIII. MATERNITY BENEFIT

PART IX. INVALIDITY BENEFIT

Legislative Order of 28 December 1944 respecting social security for employees (*Moniteur belge (M.B.)*, 30 Dec. 1944) (*L.S.* 1944—Bel. 2), amended by the Act of 14 July 1955 (*M.B.* 7 Aug. 1955).

Royal Order of 22 September 1955 respecting the organisation of sickness and invalidity insurance (*M.B.* 25-27 Sep. 1955) (*L.S.* 1956—Bel. 1 B), and subsequent amendments.

PART IV. UNEMPLOYMENT BENEFIT

Legislative Order of 28 December 1944 respecting social security for employees (*M.B.* 30 Dec. 1944) (*L.S.* 1944—Bel. 2), amended by the Act of 14 July 1951 (*M.B.* 16 Dec. 1951) (*L.S.* 1951—Bel. 2 B).

Order of the Regent of 26 May 1945 to set up the National Placement and Unemployment Office (*M.B.* 25-26 June 1945), and subsequent amendments.

Order of the Regent of 22 June 1945 respecting payment to home workers of benefit under the Provisional Fund for the Maintenance of Unemployed Persons (*M.B.* 7 July 1945), and subsequent amendments.

Order of the Regent of 12 March 1946 laying down conditions for provision of involuntary unemployment benefit in case of strike or lockout (*M.B.* 5 Apr. 1946).

Order of the Regent of 12 March 1949 respecting the payment of unemployment benefit by the Provisional Fund for the Maintenance of Unemployed Persons to seasonal workers (*M.B.* 24 Mar. 1949).

Ministerial Order of 3 December 1938 consolidating the various orders respecting classification of communes with regard to unemployment (*M.B.* 31 Dec. 1938), and subsequent amendments.

Ministerial Order of 13 June 1945 laying down the number and terms of reference of claims boards (*M.B.* 8 July 1945), and subsequent amendments.

Ministerial Order of 13 June 1945 respecting supervision of unemployed persons (*M.B.* 8 July 1945), and subsequent amendments.

Ministerial Order of 14 February 1955 laying down conditions for payment of benefit to wage earners engaging in an additional occupation or living in the household of a self-employed worker (*M.B.* 18 Mar. 1955).

Ministerial Order of 9 December 1958 fixing base wages for the application of section 83, subsection 2 of the Order of the Regent of 26 May 1945 to set up the National Placement and Unemployment Office (*M.B.* 14 Dec. 1958).

Ministerial Order of 18 December 1958 placing certain days without employment on the same footing as days of employment for the application of section 75 of the Order of the Regent of 26 May 1945 to set up the National Placement and Unemployment Office (*M.B.* 31 Dec. 1958).

PART V. OLD-AGE BENEFIT

PART X. SURVIVORS' BENEFIT

Act of 21 May 1955 respecting retirement and survivors' pensions for wage earners (*M.B.* 19 June 1955) (*L.S.* 1955—Bel. 4), and subsequent amendments.

Act of 9 August 1958 raising retirement pensions for married wage earners to 36,000 francs (*M.B.* 16-17 Aug. 1958).

Royal Order of 17 June 1955 setting out general regulations for the retirement and survivors' scheme for wage earners (*M.B.* 19 June 1955), and subsequent amendments.

Royal Order of 19 April 1958 to set up the National Retirement and Survivors' Pension Fund (*M.B.* 19-20 May 1958).

Act of 12 July 1957 respecting retirement and survivors' pensions for salaried employees (*M.B.* 21 July 1957) (*L.S.* 1957—Bel. 4), amended by the Act of 18 February 1959 (*M.B.* 22 Feb. 1959, *errata M.B.* 5 Mar. 1959).

Act of 17 February 1959 raising retirement and survivors' pensions for salaried employees (*M.B.* 22 Feb. 1959, *errata M.B.* 5 Mar. 1959).

Royal Order of 30 July 1957 setting out general regulations for the retirement and survivors' pension scheme for salaried employees (*M.B.* 1 Aug. 1957), and subsequent amendments.

Royal Order of 29 July 1957 setting out regulations for the organisation and operation of the National Pension Fund for Salaried Employees (*M.B.* 2 Aug. 1957), and subsequent amendments.

Royal Order of 28 May 1958 laying down the statute of the National Miners' Pension Fund with regard to the organisation of the retirement and widows' pension scheme (*M.B.* 2-3 June 1958), and subsequent amendments.

Royal Order of 28 May 1958 laying down the statute of the National Miners' Pension Fund (*M.B.* 2-3 June 1958) amended by the Royal Order of 29 August 1959 (*M.B.* 10 Sep. 1959).

Legislative Order of 25 February 1947 to consolidate and amend the laws governing the system of pensions for miners and other workers placed on the same footing as miners (*M.B.* 19 Apr. 1947) (*L.S.* 1947—Bel. 1 B), and subsequent amendments.

Order of the Regent of 15 October 1947 put into effect under the Legislative Order of 25 February 1947 to consolidate and amend the laws governing the system of pensions for miners and other workers placed on the same footing as miners (*M.B.* 14 Dec. 1947), and subsequent amendments.

Act of 28 April 1958 amending the Legislative Order of 10 January 1945 respecting social security for miners and other workers placed on the same footing as miners (*M.B.* 2-3 June 1958).

PART VI. EMPLOYMENT INJURY BENEFIT

Royal Order dated 28 September 1931 concerning the Act respecting compensation for injuries resulting from industrial accidents. Consolidated Acts of 24 December 1903, 3 August 1926, 15 May 1929, 30 December 1929 and 18 June 1930 (*M.B.* 30 Oct. 1931) (*L.S.* 1931—Bel. 9), and subsequent amendments.

Royal Order of 10 January 1904 setting up an employment injury board (*M.B.* 18-19 Jan. 1904).

Royal Order of 13 April 1936 amending the scale for computation of pensions and actuarial reserves (*M.B.* 4-5 May 1936).

Order of the Regent of 8 March 1948 concerning medical and pharmaceutical expenditure with regard to employment injury (*M.B.* 18 Mar. 1948), and subsequent amendments.

Act of 21 July 1890 setting up a Welfare and Assistance Fund in case of employment injury (*M.B.* 22-23 July 1890).

Order of the Regent of 19 October 1944 respecting the payment of benefit to certain categories of persons in case of employment injury (*M.B.* 26 Oct. 1944), and subsequent amendments.

Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (*M.B.* 12 Aug. 1927) (*L.S.* 1927—Bel. 7), and subsequent amendments.

Royal Order of 15 November 1927 respecting the organisation of the Welfare Fund in case of occupational diseases and of the Management and Technical Boards of that Fund (*M.B.* 21-22 Nov. 1927).

Order of the Regent of 3 March 1948 fixing the special benefit payable for cost of curative treatment (*M.B.* 12 Mar. 1948).

Order of the Regent of 23 May 1949 respecting payment of additional benefit to certain beneficiaries of the Act of 24 July 1927 respecting compensation for injury caused by occupational diseases (*M.B.* 15 June 1949), and subsequent amendments.

Royal Order of 9 September 1956 containing a list of occupational diseases showing for each the industries or occupations in which they give rise to compensation and the categories of workers entitled to such compensation (*M.B.* 15-16 Oct. 1956) (*L.S.* 1956—Bel. 2), amended by the Royal Order of 15 September 1958 (*M.B.* 26 Sep. 1958).

PART VII. FAMILY BENEFIT

Royal Order of 19 December 1939 consolidating the Act of 4 August 1930 respecting family benefit for wage earners and the Royal Orders issued under subsequent delegation of legislative power (*M.B.* 22 Dec. 1939) and subsequent amendments.

Legislative Order of 10 January 1947 establishing a National Office for the Consolidation of Family Benefit (*M.B.* 26 Jan. 1947), and subsequent amendments.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

PART VIII. MATERNITY BENEFIT

PART IX. INVALIDITY BENEFIT

The sickness and maternity insurance scheme covers all wage earners with the exception of domestic employees.

The workers covered are required to belong to a national union of recognised federations of mutual benefit societies or the auxiliary fund, through the regional office. Choice is free; dependants are, however, bound by the insured person's choice. Foreign workers engaged in remunerated activity and residing in Belgium for the first time belong for three months to the auxiliary fund, through the regional office of their place of residence. After that period they may make a free choice of an insurance carrier.

For entitlement to primary incapacity and invalidity benefit for themselves and to cash benefit for themselves and their dependants, workers are required to have performed remunerated work for a period of three months if not under 25 years of age, and six months if aged over 25 and to have worked not less than 60 and 120 days respectively during those periods.

For seasonal workers the total of the different periods of work is taken to prove that the qualifying period has been completed and to determine the number of days of actual work. When claiming medical care workers must be under a contract of hire or in a period of unemployment confirmed by the authority, be in domestic service or be covered by continuous insurance.

Medical Care.

Medical care under the sickness and invalidity scheme covers—continuous observation for maintenance and improvement of health; detection and diagnosis of any abnormal state, in order to carry out treatment to restore health and capacity for work; treatment required for any pathological state; any assistance which may usefully serve for functional and occupational education and re-education. Beneficiaries may make a free choice of practitioner, pharmacist and hospital.

Beneficiaries share the cost of pharmaceutical supplies and dental care. This participation may not exceed 25 per cent. of the cost of pharmaceutical supplies. For medical fees in respect of consultations and domiciliary visits by general practitioners and

specialists there is a scale of charges established according to the type of consultation.

Sickness Benefit.

Benefit in respect of primary incapacity or invalidity is granted to insured persons who have given up all remunerated activity and whose injuries are recognised as causing a reduction in earning capacity of not less than 66 per cent. For each period of incapacity for work (except in the first 25 working days following the end of a period of benefit), a waiting period of three working days applies, from the date when incapacity for work begins. The insurance carrier pays to insured persons suffering from a state of primary incapacity for work, subject to a maximum period of six months and in respect of each working day, cash benefit equivalent to 60 per cent. of the remuneration lost. This benefit is not payable for any form of incapacity for work which entitles insured persons to their normal remuneration under the legal provisions.

Benefit in respect of primary incapacity and invalidity is reduced to 20 per cent. of remuneration when insured persons without dependants are hospitalised in a public institution.

Invalidity Benefit.

When incapacity for work lasts over six months, workers who are not eligible for an invalidity pension under legislation respecting the pension scheme for miners receive invalidity benefit. This benefit is fixed at 60 per cent. of the remuneration lost for the first six months of invalidity, whereafter insured persons who are not in regular employment receive invalidity benefit equivalent to 60 per cent. of remuneration lost in respect of each working day, subject to a maximum of 106 francs per day. This benefit is reduced to 40 per cent. of the same remuneration for insured persons without dependants, subject to a maximum of 75 francs per day. Insured persons without dependants who are recognised as needing the assistance of a third person are entitled to benefit equivalent to 60 per cent. of remuneration.

For persons in regular employment, invalidity benefit is uniformly fixed at the maximum figures above, beginning with the seventh month of invalidity. Average daily remuneration estimated on a uniform basis is subject to a maximum of 180 francs. Those persons are considered as workers in regular employment who were occupied in a wage-earning capacity for not less than 40 hours per week for the quarter preceding the quarter during which incapacity took place.

In the case of miners entitled to receive an invalidity pension under the laws respecting the miners' pension scheme, after expiry of the period of primary incapacity, the difference between the invalidity benefit (i.e. 100 per cent. of remuneration lost) and the invalidity pension granted under the miners' scheme is payable, in respect also of each of the first six months of invalidity, if applicable. The invalidity benefit is reviewed according to the considerable variation in the general level of earnings resulting from the considerable variation in the cost of living.

Maternity Benefit.

Insured persons and beneficiaries are entitled to medical care, including hospital in-patient care and surgery for pregnancy and confinement, and for all other forms of sickness. Insured women who, not earlier than the fifth month of pregnancy, have given up their work owing to the pregnancy, are entitled to benefit equivalent to 60 per cent. of remuneration lost, during the period of six weeks before and six weeks after confinement. This benefit is not payable to insured women for any period giving entitlement to payment of remuneration, in accordance with the legal provisions.

Without prejudice to the right of parties to bring any dispute before the competent courts, any claim by the insured person against the insurance carrier or the National Fund is submitted to boards set up to hear disputes concerning compulsory sickness or invalidity insurance. Disputes between insurance carriers or between an insurance carrier and the National Sickness and Invalidity Insurance Fund are heard by an appeals board.

The National Sickness and Invalidity Insurance Fund is financed from: (1) its share of employers' and workers' contributions allotted to it by the National Social Security Office and the National Miners' Pension Fund; (2) state subsidies.

Application of the regulations of the sickness and invalidity insurance scheme is the responsibility of the national unions of federations of recognised mutual benefit societies and the Auxiliary Sickness and Invalidity Insurance Fund.

The National Sickness and Invalidity Insurance Fund examines benefit paid to insured persons and supervises the operation of the national unions and of the Auxiliary Sickness and Invalidity Insurance Fund. Representatives of the employers, the workers and the Government participate in such control. The recognised mutual benefit societies, the federations of mutual benefit societies, the national unions of federations and the Auxiliary Sickness and Invalidity Insurance Fund are subject to the control of the Ministry of Social Welfare.

Part IV. Unemployment Benefit

The unemployment benefit scheme covers all employed persons with the exception of domestic workers. Workers deprived of employment as a result of circumstances beyond their control, and physically able and prepared to accept any suitable work, are entitled to unemployment benefit.

Entitlement is subject to a qualifying period of employment of varying duration according to age (75 days to 600 days).

Benefit is paid weekly and is not subject to any maximum duration. The only exceptions to this rule are when unemployment is extended or renewed to an abnormal degree, in the case of certain unemployed persons who, during the period of unemployment, help a self-employed worker, or in the case of unemployed married women.

Benefit may also be refused if certain prescribed conditions are not satisfied, in the case of home workers, seasonal workers, part-time workers and unemployed persons engaged in an additional occupation or living in the household of a self-employed worker.

Daily rates of unemployment benefit vary according to the category of the commune, the sex of the worker, and the family situation. At present, in communes of the second category, the rate is 100.45 francs for a married worker whose wife performs no remunerated work.

Rates are increased by 20 per cent. when workers are employed on a five-day system, by payment of a wage equivalent to that for six days' work.

The rate of benefit is tied to the retail price index, and may be increased or reduced according to variations in that index.

Unemployed persons have the right of appeal when their entitlement to any unemployment benefit or the amount of their claim is disputed. The competent bodies for purposes of appeal are the claims boards, and, for purposes of appeal against a decision by such a board, the appeals board.

The unemployment insurance scheme is financed by employers' and workers' contributions and by state subsidy.

The National Placement and Unemployment Office is responsible for application of laws and regulations covering the unemployment insurance scheme. The management committee is composed of an equal number of representatives of employers and workers; the organisations of employers and workers therefore co-operate, through their representatives on the committee, in the application of the scheme.

Part V. Old-Age Benefit

Part X. Survivors' Benefit

Old-age and survivors' benefit covers all employed persons.

There is no qualifying period of membership, residence, contribution or employment. The concept of a probationary period does not exist. To become eligible for benefit workers must show that they have been employed, as laid down by the law.

Retirement pensions are granted to men at the age of 65 (or, if so desired, at 60) and to women at the age of 60 (or, if so desired, at 55).

Survivors' pensions may not be granted under the age of 45. In the case of widows, however, such pensions may be granted, irrespective of age, if incapacity for work amounting to 66 per cent. is present or if the beneficiary has to maintain a dependent child.

Under the special old-age insurance scheme for miners the normal retirement pension is granted at the age of 55 for workers with not less than 20 years' service underground or assimilated activities, and at 60 for workers with not less than 20 years' service above ground.

Under the insurance scheme for wage earners, according to the rules of computation for old-age pensions based on annual contractual remuneration, the annual pension for a married worker whose wife no longer performs any gainful activity is fixed at a minimum of 44,454.15 francs and a maximum of 52,685.10 francs, according to the categories of " skilled " and " semi-skilled ". These benefits are far in excess of the minimum figures fixed by the Convention, since 40 per cent. of remuneration (the minimum standard provided for a beneficiary under the terms of the Convention) represents, in the case of the same Belgian worker, a minimum of 23,708.88 francs and a maximum of 28,098.72 francs.

Under the insurance scheme for salaried employees, the rules of computation for old-age pensions are the same as for the scheme for wage earners.

Under the insurance scheme for miners, retirement pensions are computed according to the number of years of service in the undertakings covered. Entitlement to pension is acquired at the rate of one-thirtieth per year. For each year of service after 1 January 1958 the pension is fixed at—60 per cent. of remuneration taken into account, whether the beneficiary is married or not; 75 per cent. of remuneration taken into account, for beneficiaries whose wives do not receive a retirement pension.

The rate for survivors' pensions is equivalent to 30 per cent. of the highest annual remuneration earned by the deceased husband during all his years of employment, for the schemes for wage earners and salaried employees. These benefits, increased by family benefit at the rate for a fatherless orphan, amount to a maximum of 54.65 per cent. and a minimum of 51.29 per cent. for a standard beneficiary (widow with two children). These rates are higher than the rates laid down in the Convention (40 per cent.).

With regard to the insurance scheme for miners, the annual survivors' pension rate for the widow whose deceased husband worked as a miner, or in an assimilated occupation, after 1 January 1958 is equivalent to 30 per cent. of the annual remuneration to be taken into account. For widows whose husbands worked as miners only before 1 January 1958, the pension is fixed at a lump sum, increased by family benefits. This benefit is higher than that laid down in the Convention.

Under the insurance schemes for wage earners and for salaried employees, applicants can appeal against decisions to the appeal boards of first instance. Appeals against the decisions of these boards may be brought before the Higher Pension Board. Under the scheme for miners, an administrative board required to give first decisions on pension applications is attached to each welfare fund under the National Miners' Pension Fund. Appeals against the decisions of these administrative boards may be made to a higher arbitration council.

The insurance scheme for workers is financed from the following sources: an annual subsidy paid to the National Pension Fund by the State, and equal con, tributions paid by the worker and by the employer-as well as the total of pensions received on behalf of beneficiaries under the General Savings and Pension Fund.

Under the insurance scheme for salaried employees, expenditure is met by a state subsidy, contributions by salaried persons covered by social security, the total of pensions received on behalf of beneficiaries through the insurance carrier concerned and the sums paid to the National Pension Fund for Salaried Employees by the insurance carrier.

Under the scheme for miners, resources are represented by contributions paid by workers and employers and by state contributions.

The Minister of Social Welfare deals with pension applications through the officials to whom he delegates this function. Benefit is paid by national retirement and survivors' pension funds and the National Pension Fund for Salaried Employees. The scheme for special retirement pensions for miners comes under the National Miners Pension Fund, administered by a management board on which employers and workers are represented.

Part VI. Employment Injury Benefit

Benefit in respect of employment injury and occupational disease is granted to all employed persons. However, a Royal Order lists occupational diseases and shows for each one the industries or occupations in which it gives rise to compensation.

Protection in case of employment injury or occupational disease covers the following contingencies: a morbid condition; incapacity for work resulting in loss

of earnings; total loss of capacity to earn or partial loss in excess of a prescribed degree; the loss of support suffered by the widow or children as the result of the death of the breadwinner. No qualifying period is required, except for pneumoconiosis, in the case of occupational diseases. There is no waiting period.

There is no maximum duration of benefit, except as regards benefit in respect of loss of support suffered by children, which is granted only until the age of 18 years.

Benefit in kind includes all those forms of benefit mentioned in Article 34 (1) of the Convention. With regard to cash benefit, according to the prescribed rules of computation the level is far higher than that laid down in the Convention. A standard beneficiary (i.e. a labourer) whose annual earnings, including family benefit for two children, amounts to 81,287.40 francs, or 83,807.40 francs, or 85,703.40 francs (according to whether the children are under 6, under 10 or over 10), is entitled to benefit equivalent to the following percentage of his remuneration: for temporary incapacity, for the first 28 days, 92.85 per cent., 90.06 per cent. or 88.06 per cent.; for temporary incapacity lasting over 28 days, 100.26 per cent., 98.44 per cent. or 95.06 per cent.; for permanent incapacity for work, 110.13 per cent.; 106.82 per cent. or 104.46 per cent. In case of death the benefit payable to his widow and his two children would be equivalent to 80.07 per cent., 77.66 per cent. or 76.02 per cent. of his remuneration, depending on the age of the children, as set out above. All these percentages are considerably higher than those prescribed by the Convention (50 per cent. and 40 per cent.).

The Justice of the Peace of the canton in which the employment injury was sustained is competent to deal with questions relating to benefit due to workers or their dependants, or with any disputes arising therefrom. He is empowered to settle cases where the value involved is not in excess of 2,000 francs. With regard to undertakings belonging to approved joint insurance funds, the statutes of those funds may specify that any decision regarding disputes shall be referred to an arbitration board. For occupational diseases, appeals against decisions by the welfare fund are heard by the Justice of the Peace of the canton in which the person concerned is resident.

The cost of benefit in respect of employment injury is borne exclusively by employers, unless they have elected to take out insurance with an insurance carrier approved by the Government, in which case the cost of benefit is financed by means of premiums. For seafarers and in the case of occupational diseases, benefits are financed through insurance contributions borne by the employers.

Application of the provisions of the general employment injury scheme is ensured by the Minister of Social Welfare. A welfare fund is responsible for application of the provisions of the occupational diseases scheme. A representative of the employers and a representative of the workers sit on the employment injury board, which consists of 11 members and is required to advise the Minister of Social Welfare. A governing body with five members appointed by the King administers the welfare fund for persons suffering from occupational diseases.

Part VII. Family Benefit

The scheme covers all employed persons.

Family benefit is payable to workers having a contract for hire of services, unless they normally work less than 100 days a year or less than four hours a day for one or more employers covered by the scheme. These minimum standards of employment are considered to be met as soon as an employed person begins work, and family benefit is payable from that day without any qualifying period or waiting period. Benefit is payable for days of actual work and days treated on the same footing.

Subject to certain conditions regarding occupational service, higher rates of family benefit are payable in respect of half orphans, full orphans, fatherless orphans whose mothers do not engage in any gainful activity, half orphans whose surviving parent is not known to the authorities, and the children of disabled workers. Family benefit is also payable in respect of the children of pensioned workers.

Family benefit is payable from the first child, and is not subject to a maximum number. Benefit is payable up to the age of 14 years, unconditionally. It is paid until the age of 21 years in respect of children continuing studies, engaged in a form of apprenticeship approved by the Government and to girls who do not go out to work. Benefit is payable without age limit to disabled children provided they are cared for by a person who may claim benefit under the consolidated Acts respecting family benefit for employed persons.

The rates for family benefit are fixed by the consolidated Acts respecting family allowance for employed persons. Family benefit does not depend on the means of the worker or of his family. Certain means requirements arise in special circumstances stipulated by the law (young persons in apprenticeship, etc.).

Disputes between equalisation funds for family benefit and persons to whom such benefit is due are heard by conciliation councils.

The cost of family benefit is met by capitation contributions paid directly to equalisation funds for family benefit by employers who employ persons not covered by the social security scheme, and by State subsidies.

The Minister of Social Welfare, the National Family Benefit Consolidation Office, the National Family Benefit Equalisation Fund and the Primary Family Benefit Funds are responsible for application of the provisions under the scheme. The most representative employers' and workers' organisations have members on those boards.

Canada.

Hospital Insurance and Diagnostic Services Act, 12 April 1957 (*Statutes of Canada*, 1957, ch. 28), as amended.

Unemployment Insurance Act, 11 July 1955 (*L.S.* 1956—Can. 2), as amended.

Old-Age Assistance Act, 1951 (*L.S.* 1951—Can. 1), as amended.

Old-Age Security Act, 1951 (*L.S.* 1951—Can. 2), as amended.

Government Employees' Compensation Act (*Revised Statutes of Canada*, 1952, ch. 134), as amended.

Merchant Seamen's Compensation Act (ibid., 1952, ch. 178), as amended.

Family Allowance Act (ibid., 1952, ch. 109), as amended).

Disabled Persons Act (*Statutes of Canada*, 1953-54, ch. 55), as amended.

Blind Persons Act (*Revised Statutes of Canada*, 1952, ch. 17), as amended.

Provincial Acts and regulations concerning Hospital Insurance, Medical Care, Social Assistance, Workmen's Compensation, Mothers' Allowances.

The Canadian legislation covers the following contingencies: medical care, old age, employment injury, family allowances, invalidity, survivors' benefit. Sickness benefit and maternity benefit (Parts III and VIII of the Convention) are not provided.

Part II. Medical Care

Hospital Insurance.

Insured services authorised by the federal Hospital Insurance and Diagnostic Services Act of 1957 are available to all residents of each province participating in the scheme.

All provinces except Quebec now operate programmes and Quebec is expected to participate by 1 January 1961. Services are provided by the province, with the federal Government reimbursing it for approximately half the expenditure which is shareable under the Act.

Both in-patient and out-patient services are authorised by the Act, though the latter are not compulsory and there is considerable variation between provinces in the extent to which they are provided. Residence within the province is the only condition required for entitlement. In the five provinces which finance their share of the programme through premiums, the premium is paid on behalf of public assistance cases.

In-patient services provided under the Act include standard ward accommodation; necessary nursing services; laboratory, radiological and other diagnostic procedures; drugs administered in hospital; routine surgical supplies; use of operating room, caseroom and anaesthetic facilities; use of radiotherapy and physiotherapy where available, and services rendered by persons paid by the hospital.

There is no appeal machinery. The cost is financed from public funds.

Medical Insurance.

Seven provinces—British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and Newfoundland—administer formal programmes, through public assistance legislation, under which comprehensive ranges of medical, optical, nursing and dental care are provided to recipients of social assistance. Quebec, New Brunswick and Prince Edward Island provide services to indigent persons through local public assistance administration.

Some 313,000 persons were covered in 1958 under the provincial programmes for social assistance recipients. In general, all persons in receipt of social assistance through the province are eligible.

Ontario and Nova Scotia provide services largely limited to physician's care. The other provinces offer more comprehensive care including medical, dental, nursing, pharmaceutical and optical services, and in British Columbia, Alberta and Saskatchewan a wide range of drugs and appliances. Ontario provides free dental services for all dependent children, under the age of 16, of recipients of mothers' allowances.

There is no appeal machinery. The cost is financed from public funds.

Part IV. Unemployment Benefit

All persons, regardless of age, under a contract of service are covered, provided they are not in an employment excepted by section 27 of the Act, or by regulations made under authority of section 28 of the Act.

For the year ended 31 March 1959 there were 4,114,000 wage earners insured out of a total of 5,008,000. The total civilian labour force was 6,152,000 which, in addition to wage earners, included unpaid family workers, self-employed workers and employers. Persons protected constitute not less than 56 per cent. of all employees; the requirement laid down in Article 21 *(a)* of the Convention is therefore met.

To be eligible for benefit a person must have paid contributions for at least 30 weeks in the preceding 104 weeks (eight of these 30 weeks must have been in the preceding 52 weeks); be unemployed; be capable of and available for work; be willing to accept a training course if required.

The maximum duration of benefit is 52 weeks, the minimum 12 weeks. During 1959 the average duration of benefit (including regular and seasonal benefit) for all beneficiaries was 17.3 weeks, which exceeds the requirements of Article 24, paragraph 2, of the Convention. The scheme also conforms with Articles 20 and 23 of the Convention.

Seasonal benefit is payable between 1 December and the following 15 May to a claimant unable to qualify for regular benefit, provided he has 15 weekly contributions since the preceding 31 March, or since the termination of a benefit period subsequent to the preceding 15 May.

Benefit may be paid to a person who becomes ill, is quarantined or is injured during a period of unemployment, provided he has served the required waiting period and has qualified for receipt of benefit. The waiting period is a period equivalent to a week of full benefit.

Unemployment insurance benefit is payable to any employee in covered employment for a period related to the length of his contribution record and according to a scale related to his previous earnings. A higher rate is allowed to a worker with one or more dependants. In any benefit period, one week's benefit is paid for every two weekly contributions made during the preceding 52 weeks. (A benefit period is a period of 52 weeks commencing with and including the week in which the benefit period was established.)

The amount of benefit, which is the same for regular and seasonal benefit, ranges from 6 to 27 dollars a week for a person without a dependant, and from 8 to 36 dollars for a person with one or more dependants. The amount of benefit is related to the average weekly contributions, which are scaled in accordance with the claimant's earnings during the period for which contributions are payable.

A claimant may appeal to a board of referees composed of representatives of employers and employees, and to the umpire. The cost is financed by contributions from employers and employees and the federal Government.

Part V. Old-Age Benefit

Old-Age Security.

Pension is paid to all persons aged 70 or over who have been resident in Canada for at least ten years immediately preceding commencement of payment or, if absent during that period, have been present in Canada prior to it for double any period of absence. Residence in Canada is required for at least one year immediately preceding commencement of pension. Payment may be made indefinitely to a pensioner residing outside Canada if he has been a resident for 25 years since the age of 21; for others it may be paid for six consecutive months after the month of departure from Canada.

The old-age security pension is payable at the rate of 55 dollars a month.

The provinces of British Columbia, Alberta and Saskatchewan make supplementary payments to re-

cipients of old-age security pensions who qualify under a means and residence test. In British Columbia the allowance may not exceed 20 dollars per month; in Alberta it may not exceed 15 dollars per month; in Saskatchewan it is a minimum of 2.50 dollars per month rising to a maximum of 10 dollars per month. In Ontario the provincial government shares to the extent of 80 per cent. in the first 20 dollars per month of supplement paid by a municipality to a needy recipient of old-age security. In Manitoba the province may reimburse a municipality for 80 per cent. of the supplementary assistance it pays to needy recipients of old-age security pensions. There is no provision for appeal, except to establish an applicant's age. The cost is financed from public funds (special taxes).

Old-Age Assistance.

In December 1959 there were 98,495 recipients of old-age assistance. At 1 June 1959 the estimated population between the ages of 65 and 69 was 467,900.

Old-age assistance is paid to persons aged 65 and over who are in need and who have resided in Canada for at least ten years or who, if absent from Canada during these ten years have been present in Canada prior to commencement of that period for double any period of absence.

On reaching the age of 70 a pensioner is transferred to old-age security. Payment of assistance is suspended when the recipient leaves the country but may be paid, if circumstances are considered to justify it, for a total of 92 days in the 12 months period preceding return to Canada.

All provinces and territories make the maximum payment of 55 dollars per month. For an uninsured person total income allowed, including assistance, may not exceed 960 dollars a year. For a married couple it may not exceed 1,620 dollars a year or, when the spouse is blind within the definition in the Blind Persons Act, 1,980 dollars a year. Assistance is not paid to a person receiving an allowance under the Blind Persons or War Veterans Allowance Acts.

Appeal may be made to one provincial authority administering the programme. The cost is financed from public funds.

Part VI. Employment Injury Benefit

Workmen's compensation lies, for the most part, within the jurisdiction of the provinces. All provinces provide protection to employed persons against loss of income due to employment injury or illness. Coverage is compulsory for all employment within the scope of each law. There is also provision in all provinces for coverage of most non-covered employment on a voluntary basis. Each provincial law provides for a system of compulsory insurance in a state fund operated on a collective liability basis. Ordinances of the Yukon and Northwest Territorial Councils provide for workmen's compensation for employees of private employers in the territories.

There are two federal laws—one providing for compensation for employment injury to employees of the Government of Canada and the other covering merchant seamen not protected by a provincial Act. The Federal Government Employees Compensation Act provides that compensation benefits payable to an employee of the Crown be the same as those provided for employees employed in private industry under the workmen's compensation law of the province in which the federal government employee is usually employed. The right to compensation and the amounts of benefits are determined by the provincial Workmen's Compensation Boards which, by arrangement, handle the adjudication of claims under the Federal Act as the agents of the federal Government.

In the provincial programme coverage of Workmen's Compensation Acts is limited to enumerated employments, but the range of industries covered by each Act is very wide. The principal hazardous industries and practically all requiring manual labour (excluding farming) are covered in all provinces. The Acts also cover various types of commercial establishments. Shops, hotels and restaurants are within the scope of the Act in all provinces except Quebec and hospitals are covered in eight provinces. Office employees in industries under the Act are covered in the same way as manual workers.

Agriculture and domestic service are outside the Act in all provinces. Casual workers and outworkers are also excluded. Some of these groups may, however, obtain voluntary coverage under most of the Acts. Undertakings in which not more than a stated number of workmen are usually employed are excluded in some provinces. In Nova Scotia no industry is eligible for coverage unless a minimum of five workmen are employed; in Newfoundland, New Brunswick and Prince Edward Island all businesses employing fewer than three persons are excluded.

Official figures are not available for the number of employees covered by each provincial workmen's compensation Act. In view of the wide coverage of the Acts, a larger percentage of the total number of employees in each province would appear to be covered than the 50 per cent. required by Article 33 of the Convention.

The qualifying condition for entitlement to employment injury benefits is employment at the time of the injury. The Acts cover personal injuries resulting from accidents arising out of and in the course of employment and disablement from industrial diseases which are directly attributed to employment. The question of negligence or its absence on the part of the employer or workman is not a factor in determining compensation.

The injured worker is not entitled to compensation where the accident can be shown to have been due solely to his serious and wilful misconduct. The Acts provide, however, that even in such cases compensation may be paid if the injury results in death or serious disablement.

Compensation is only payable where disability extends beyond the waiting period—the statutory minimum number of days during which the workman must be disabled to an extent that prevents him from earning full wages to qualify for compensation. The waiting period under the Acts ranges from one to five days, as follows: Alberta, Manitoba and Saskatchewan —one day; British Columbia—three days; Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island—four days; Ontario and Quebec—five days.

Pension to a widow is payable during her lifetime or until she remarries. On remarriage her pension ceases, but she is entitled, in lieu of the pension, to a specified lump sum—in some provinces equal to monthly payments for two years. Payments are made in respect of dependent children until they reach the age of 16, except in New Brunswick and Quebec where the age limit is 18 years. In New Brunswick payment is conditional on the child's attending school regularly. In British Columbia payment of compensation is continued between the ages of 16 and 18 if a child attends school. In the remaining provinces

compensation may, at the discretion of the Board, be paid to assist a child to continue his education to the age of 18 (in Saskatchewan, to the age of 19). Payments are made to invalid children until recovery or for the period during which, in the Board's opinion, the workman would have contributed to the child's support.

When a workman's claim is allowed by the Board, medical aid is provided for as long as necessary, regardless of the duration of the disability.

Compensation for temporary total disability equals 75 per cent. of the workman's average earnings, subject to the maximum annual earnings set out in the Act concerned. The maximum annual earnings fixed by the various provincial Acts vary from 3,000 to 6,000 dollars. In addition to fixing a maximum amount of annual earnings which may be taken into account in computing compensation, each Act sets a minimum amount of compensation which an injured workman may receive for temporary total disability, unless his actual average earnings are less than the minimum, in which case his actual earnings must be paid. In four provinces compensation may not be less than 15 dollars per week; in one not less than 20 dollars; in four not less than 25 dollars, and in one not less than 30 dollars per week (or in each case actual earnings, if less).

Compensation is paid at the full rate for the period of total disability and at a partial rate during any period of temporary partial disability. Where a workman is able to do only light work and suffers a loss of earnings, compensation is paid on a wage-loss basis (75 per cent. of the difference in his earnings before and after disability), or is a fraction of the total disability allowance based on impairment of earning capacity.

Benefits for permanent total disability are calculated at the same rate as for temporary total disability—i.e., at the rate of 75 per cent. of the workman's average earnings, except that the amount is computed on average earnings for a longer period. Any earnings above the maximum annual earnings fixed in the Act are disregarded. In all provinces except New Brunswick the Acts fix minimum amounts of compensation to be paid for permanent total disability.

In calculating benefits for permanent partial disability, the degree of physical disability is generally the determining factor, although the Board has power under some Acts to base an award on wage loss resulting from the accident if deemed more equitable.

The Boards have discretionary power to commute periodical payments where it is considered a recipient will make proper use of a lump sum. In some provinces they may not do so except on the application of, and in an amount agreed to by, the dependant or workman concerned. In permanent partial disability cases a lump sum may be given where impairment of earning capacity does not exceed 10 per cent. (in Alberta, 5 per cent.).

Benefits to dependants in fatal cases are monthly payments fixed by law, without relation to the earnings of the deceased workman. Widows are granted a monthly pension, ranging from 50 to 90 dollars, according to the terms of the Act concerned, a special lump-sum payment ranging from 100 to 300 dollars in the various provinces, and a monthly award for each child under the age limit specified by the law.

Children's pensions range from 20 to 35 dollars a month. Somewhat higher pensions, varying from 30 to 45 dollars a month, are provided for orphan children. Where there is no dependent widow or child, and there are other dependants, such as a parent or parents, an award may be made which, in the Board's judgment, is proportionate to the pecuniary loss sustained, subject to fixed maximum amounts for one or more such other dependants.

Most of the Acts restrict the total monthly payments to dependants, in case of death, to an amount not exceeding 75 per cent. of the deceased workman's earnings or, in two provinces to the amount of the average earnings of the workman, but, in order to protect the family of the low-paid wage earner, some Acts also provide that the compensation to a widow and children may not fall below a specified minimum amount.

The Boards in all provinces assist with burial expenses up to a specified maximum amount (varying from 200 to 400 dollars) and in all provinces except Prince Edward Island an additional amount to defray costs of transporting the body is allowed.

Medical aid furnished by the Boards under the provincial Workmen's Compensation Acts covers all the benefits mentioned in Article 34 of the Convention, with the possible exception of those mentioned in paragraph 2 *(f)*.

Appeal may be made to the Workmen's Compensation Boards in each province. The cost is financed from contributions paid by the employers.

Part VII. Family Benefit

In December 1959 family allowances were paid on behalf of 6,166,610 children, a number in excess of one-third of the total population of the country. According to the June census for 1956, the latest available information, the total number of children in the country was, in that month, 5,473,367. In the same month family allowances were paid on behalf of 5,425,125 or 99 per cent., so that the provisions of Article 41 of the Convention are satisfied.

Allowances are payable in respect of every child under the age of 16 who was born in Canada, or who has been a resident of the country for one year, or whose father or mother was domiciled in Canada for three years immediately prior to the birth of the child. (Landed immigrants who intend to make their permanent residence in Canada, or Canadians returning to Canada to reside permanently are paid family assistance for each child under 16 years of age not eligible for family allowances. Assistance is paid for one year until the child becomes eligible for allowances.)

Family allowances are not payable in respect of any child who fails to comply with provincial school regulations, or in respect of a girl who is married and under 16 years of age. The allowance terminates if the child ceases to be maintained wholly or substantially by the parents, ceases to reside in Canada, reaches age 16, or dies.

Family allowances are paid monthly at the rate of 6 dollars for each child under ten years of age and 8 dollars for each child aged ten and over, but under 16 years of age. (Family assistance for immigrant children amounts to 5 dollars per month for each child under 16 years of age and is paid quarterly.)

Appeal may be made to a tribunal established under the regulations. The cost is financed from general revenues.

Part IX. Invalidity Benefit

As at 31 December 1959 the number of recipients of Disability Allowances was 49,446. On 1 June 1959 the population aged between 18 and 69 was about 9,975,000.

To qualify for an allowance a person must suffer from a major physiological, anatomical or psychological impairment, verified by objective medical findings. The impairment must be one that is likely to continue indefinitely without substantial improvement and that will severely limit activities of normal living. Blind persons receive a special " blindness allowance " under the Blind Persons Act. The allowance is paid to disabled persons aged 18 to 69 who are in need and who have resided in Canada for at least ten years immediately preceding commencement of allowance or, if absent from Canada during these ten years, have been present in Canada prior to its commencement for that period equal to double any period of absence. The allowance is not payable to a patient in a mental institution or tuberculosis sanatorium. Residents of a nursing home, an infirmary, a home for the aged, an institution for the care of incurables or a private, charitable or public institution are eligible only if the major part of the cost of their accommodation is paid by themselves or by any other individual. After entering a public or private hospital the allowance may be paid for no more than two months of hospitalisation in a calendar year, excluding months of admission and release. The allowance may, however, continue to be paid for the period during which a recipient is in hospital for therapeutic treatment for disability or for rehabilitation, as approved by the provincial authority. The allowance is suspended during the absence of a recipient from Canada. However, the provincial authority may, if satisfied that the circumstances justify it, pay the allowance for any period of absence not exceeding a total of 92 days in the 12-month period preceding the return of the recipient to Canada.

All provinces and territories make a maximum payment of 55 dollars a month. Some also make supplementary payments to needy recipients of disability allowances. The province of British Columbia makes supplementary payments of 20 dollars a month to recipients of disability allowances who qualify under a residence test. In Ontario the Government shares to the extent of 80 per cent. in the first 20 dollars a month paid by a municipality to a needy recipient. In Manitoba the province is empowered to reimburse a municipality for 80 per cent. of the supplementary assistance it pays to needy recipients of disability allowances. Total income allowed, including the allowance, may not exceed 960 dollars a year for an unmarried person, 1,620 dollars a year for a married couple, except that if the spouse is blind within the meaning of the Blind Persons Act, income of the couple may not exceed 1,980 dollars a year.

Appeal may be made to the provincial authority administering the programme. The cost is financed from general revenues.

Part X. Survivors' Benefit

All provinces make statutory provision for allowances to needy mothers with dependent children who are deprived of the breadwinner. These programmes were initially established to protect needy widows with dependent children but they have been gradually broadened to cover loss of the breadwinner for specified reasons other than death. Mothers' allowances are authorised either under separate statutes or included in general assistance legislation, but are administered as separate programmes except in British Columbia; in that province, since September 1958, the Mothers' Allowances Act is inoperative and aid is provided through the social assistance or residual aid programme.

In March 1959, 123,000 children in 45,450 families were assisted through mothers' allowances programmes.

Mothers' allowances are payable to needy applicants who are widowed or whose husbands are mentally incapacitated and, except in Alberta, to those whose husbands are physically disabled and unable to support their families; in most provinces, also, to a mother whose husband is committed to a penal institution and following a waiting period of from one to two years, to deserted mothers who meet specified conditions; in several provinces to mothers who have been granted a divorce or legal separation and, under certain conditions, to unmarried mothers; in Ontario and Quebec to certain Indian mothers. Foster mothers may be eligible under particular circumstances in all provinces but one.

The age limit for children is generally 16 years, but in two provinces it is 17 and in one province 18 years, with provision to extend payment for a period if the child is attending school or if he is physically or mentally handicapped. Other factors governing eligibility are income, resources, period of residence (generally one year, but in one province five years) and, in two provinces, citizenship.

In the majority of provinces a basic rate of allowance is set for a mother with one child, with additional amounts for each subsequent child and, where applicable, for a disabled father in the home; usually a family maximum is set. The actual allowance paid is determined on the basis of need, and there is generally a provision for supplementary aid under special circumstances.

Anyone may make an appeal for reconsideration of an application to the Minister concerned. Mothers allowances are financed from funds appropriated by the legislatures.

The various social-security programmes coming within the federal jurisdiction are subject to continuing study. Over the years very considerable progress has been made in the scope of the protection offered and the level of benefits afforded and also towards bringing Canadian programmes into conformity with the conditions of the Convention as, for example, in the 1957 amendments to the Old-Age Security Act which raised the level of benefit and reduced residence qualifications.

As a minimum standard the Convention requires a comparatively high level of benefit in three programmes—Unemployment, Old-Age and Family Benefits. As wage levels increase, a member State which has ratified the Convention must continue to raise benefits in these programmes to continue to qualify under the instrument. There may thus be a tendency to place emphasis on the three specified programmes rather than to permit the development of a more balanced approach to social security through establishment of further programmes. In certain circumstances this latter approach may be preferable and, in any case, the member State may wish to avoid ratification, even though it could qualify under the

Convention, to ensure flexibility in future social-security development.

Federal programmes in Canada covering three contingencies—unemployment, family and old-age benefits—appear to meet the requirements of the Convention. The other programmes specified in the Convention do not fall within federal jurisdiction.

Constant co-operation and discussion between the federal and provincial governments through formal channels such as are provided by federal-provincial conferences and advisory bodies are useful in the administration of existing programmes and as a means of considering amendments or extensions.

Finland.

Assistance Funds Act. Dated 19 June 1942 (*Suomen Asetuskoelma—Finlands Författningssamling, (S.A.-F.F.)* No. 471).

Insurance Companies Act. Dated 30 December 1952 (*S.A.-F.F.*, No. 450).

Welfare Assistance Act. Dated 17 February 1956 (*S.A.-F.F.*, No. 116).

General Medical Care Act. Dated 9 March 1951 (*S.A.-F.F.*, No. 141).

Communal Midwives Act. Dated 31 March 1944 (*S.A.-F.F.*, No. 223).

Public Health Act. Dated 1 July 1927 (*S.A.-F.F.*, No. 192).

Hospital Act. Dated 20 January 1956 (*S.A.-F.F.*, No. 49).

Unemployment Assistance Act. Dated 20 June 1960 (*S.A.-F.F.*, No. 322).

Act respecting unemployment funds entitled to a state grant. Dated 23 March 1934 (*S.A.-F.F.*, No. 125) (*L.S.* 1934—Fin. 3).

National Pensions Act. Dated 8 June 1956 (*S.A.-F.F.*, No. 347) (*L.S.* 1956—Fin. 2A).

Act respecting accident insurance. Dated 20 August 1948 (*S.A.-F.F.*, No. 608) (*L.S.* 1948—Fin. 4A).

Act respecting occupational diseases. Dated 12 May 1939 (*S.A.-F.F.*, No. 139) (*L.S.* 1939—Fin. 3).

Act respecting invalidity assistance. Dated 30 December 1946 (*S.A.-F.F.*, No. 907) (*L.S.* 1946—Fin. 7).

Act respecting child allowances. Dated 22 July 1948 (*S.A.-F.F.*, No. 541) (*L.S.* 1948—Fin. 3).

Act respecting family allowances. Dated 30 April 1943 (*S.A.-F.F.*, No. 375) (*L.S.* 1943—Fin. 2A).

Act respecting communal maternity and child-care guidance centres. Dated 31 March 1944 (*S.A.-F.F.*, No. 224).

Maternity Allowances Act. Dated 13 June 1941 (*S.A.-F.F.*, No. 424).

Invalid Allowances Act. Dated 14 June 1951 (*S.A.-F.F.*, No. 374).

Benefit Funds Act. Dated 19 June 1942 (*S.A.-F.F.*, No. 421).

Pensions Funds Act. Dated 2 December 1955 (*S.A.-F.F.*, No. 769).

Act respecting family pensions insurance of civil servants and government employees. Dated 29 June 1951 (*S.A.-F.F.*, No. 395).

Part II. Medical Care

In Finland sickness insurance is voluntary and the insurance scheme is operated by means of assistance funds which are mostly set up in connection with individual undertakings. The setting up of a fund is voluntary, but membership is generally made compulsory. The funds grant the members and their dependants, *inter alia*, compensation for costs of medical care. In addition to the sickness insurance scheme mention should be made of the activities carried on by life-insurance companies, which, under a special licence, cover sickness insurance in connection with life insurance. In addition the State, municipalities and private employers within the framework of collective agreements share to a considerable extent in the cost of sickness and of compensation for earnings lost because of sickness. For people without means the municipalities concerned provide medical care free of charge.

In 1957 the total number of members of assistance funds was about 145,000. (The total number of employees in the whole country was, in 1950, about 1,140,000.) The persons insured by assistance funds, including members of their families, constituted about 5 per cent. of the total population.

A condition for entitlement to benefit is that the person concerned be himself a member of the fund or belong to the family of a member of the fund. If the contingency covered is a confinement, benefit is paid only where membership has continued for one year at least. The maximum duration of benefit is usually 90-180 days.

The benefits relating to medical care granted by assistance funds vary to some extent, but in general they seem to cover the benefits mentioned in Article 10 of the Convention. The beneficiary is required to participate, but only to a limited extent, in the cost of medical care—75 per cent. of the cost of pharmaceutical supplies is reimbursed; the cost of hospital treatment is reimbursed in full. This also applies to pregnancy and confinement.

There is no legal provision for a special procedure of appeal against decisions taken by the assistance funds. Contributions to the assistance funds are paid partly by the members of the fund concerned, partly by the employer. The Ministry of Social Affairs supervises the operations of assistance funds and life-insurance companies.

Part III. Sickness Benefit

The benefits provided by the assistance funds also include compensation, in the form of sickness allowances, for loss of earnings. In the case of sickness insurance taken out as a supplement to a life insurance, the corresponding benefit is granted in the form of daily allowances.

The conditions for entitlement to daily allowances are that the beneficiary be a member of an assistance fund or that he belong to the family of a member. The maximum duration of benefit is usually 90-180 days. The waiting period for payment of daily allowances is generally three days, not including the day on which incapacity for work began. A requirement for entitlement to daily benefit under a supplementary sickness insurance taken out in connection with a life insurance is that the sickness continue after a qualifying period of from 14 to 30 days and cause an incapacity for work to the extent of at least 75 per cent.

The daily allowance granted by assistance funds is as a rule between 50 and 60 per cent. of the salary of the insured person. This probably covers the criteria laid down in Article 65 of the Convention. The daily benefit under supplementary sickness insurance taken out with an insurance company is 0.2 per cent. of the amount of insurance.

See also above, Part II: Medical Care.

Part IV. Unemployment Benefit

Unemployment benefit is provided within the framework of a national scheme of voluntary unemployment funds. In practice this scheme is operated in connection with trade unions. Persons excluded from the scheme, e.g. small farmers, forest workers, temporary workers, etc., receive unemployment assistance directly out of state funds. The total membership of unemployment funds run by trade unions was about 225,000 in 1959. (Total number of employees in the whole country was about 1,140,000 in 1950).

Unemployment benefit is not granted by an unemployment fund unless the person concerned has

belonged to the fund for at least the six months preceding the claim and has paid, during that time, contributions for not less than 26 weeks. Every salaried employee over 15 but under 60 years of age who fulfils the conditions prescribed by the rules of the fund may be admitted to an unemployment fund. The daily allowances are granted for a maximum of 150 days in a period of 12 successive months. Benefit not exceeding the same value may be granted for a second time during the following 12 months. A member who has received, during a consecutive period of 24 months, the maximum benefit permitted by the rules is not allowed to receive further benefit until six months have elapsed, during which period he must have paid contributions for at least 26 weeks. Unemployment assistance out of state funds is paid to a person admitted to an unemployment card register who cannot be placed in employment and is therefore in need of financial support. Unemployment assistance is granted for a maximum of 120 days during the same calendar year.

The maximum amount of daily unemployment allowance payable to a person with dependants is two-thirds of the wage; this amount cannot in any case be more than 1,000 marks. The maximum amount of the daily allowance to a member without dependants is 750 marks. The daily amount of unemployment assistance payable to a single person varies from 540 to 600 marks, and to a breadwinner from 710 to 800 marks, according to the cost of living in the locality.

There is no legal provision for a special procedure of appeal. The employers pay a compulsory contribution to a special Central Fund (0.25 per cent. of the payroll). The Central Fund pays to each of the unemployment funds 80 per cent. of the unemployment allowance paid by the fund concerned. (The state grant of 100 marks per member in respect of administrative costs is deducted.) In addition the Central Fund pays an equal sum for administrative costs. The balance of expenditure is covered by contributions. The Ministry of Social Affairs supervises the activities of unemployment funds.

Part V. Old-Age Benefit

Old-age benefit is provided under a compulsory scheme (national pensions system), which is financed by the State, the municipalities, the insured persons and the employers. In addition the State, the municipalities and many private employers pay pensions to their employees. The old-age insurance scheme provided for by the National Pensions Act covers the whole population.

Pensions are granted to insured persons who have reached the age of 65. The old-age pension is composed of two parts—a basic pension and an assistance pension. The basic pension is granted to all insured persons over 65 years of age. The assistance pension is granted in full only to those insured persons whose income does not exceed the limit prescribed by law. If the pensioner's income exceeds this limit the assistance pension is reduced by half of the excess until payment of it is ceased entirely.

The basic rate of old-age pension is the same for all pensioners—24,000 marks per year. The amount of assistance pension for a single person whose other income does not exceed the prescribed limit varies from 54,000 to 72,000 marks. For spouses who are both entitled to the national pension the amount of basic pension exceeds by 60 per cent. the amount payable to a single person. The level of benefits is likely to cover the standards mentioned in Article 67 of the Convention.

A person who is dissatisfied with the decision of an official or of the Board of Governors of the National Pensions Institute may appeal to the Plenary Board of Governors, against the decision of which it is possible to appeal further to the Insurance Court in specified cases.

Part VI. Employment Injury Benefit

In the case of an employment injury or an occupational disease, the injured person has a legal right to receive full compensation for the cost of treatment required by the injury or the disease and compensation for the lowering of his earning capacity. The accident-insurance company concerned is liable to pay the compensation; alternatively it is paid directly out of state funds. The statutory protection covers all employees.

A condition for entitlement to this benefit is that the worker concerned has sustained an accident in his employment, or in circumstances due to his employment, which has caused him bodily injury. The contingencies covered are the cases referred to in Article 32 of the Convention.

Medical care is given throughout the contingency. Daily allowances are paid for as from the day following the date of the accident until the injury or disease has healed, but not, however, for a period exceeding one year. The allowances are not paid unless the person has suffered either partial or total incapacity for work for at least three successive days after the date of the accident.

An annuity is paid to the injured person from the first day onward after the exhaustion of daily allowances.

The amount of the allowances is determined by the annual earnings of the person concerned, the daily allowance for an injured person without family being 1/600, and for an injured person with family 1/450, of the annual earnings.

The annuity for an injured person without family is 60 per cent. of the annual earnings. The welfare pension for a widow or a wholly orphaned child is 30 per cent., and for a child or other relative 15 per cent. of annual earnings.

The claimant may appeal to the Insurance Court and, in certain cases, to the Supreme Court against the decision of an insurance institution concerning a claim for compensation.

To provide for his liability as regards payment of benefit the employer is obliged to take out insurance with an approved insurance institution. In the event of an employer's failing to do so, the benefit is paid out of state funds. In this event the employer is, however, obliged to pay to the State the insurance contributions he had neglected, up to a maximum of four times the value of the premiums involved.

The Ministry of Social Affairs supervises the operations of insurance institutions.

Part VII. Family Benefit

Children's allowances are paid in respect of each child out of state funds. These allowances are general and they cover the whole population.

Children's allowances are paid for every child under 16 who is resident in Finland. If the child is not a Finnish national it is required that the person respon-

sible for his maintenance shall have been registered in Finland for two successive years.

In addition family allowances are paid out of state funds to families with small means whose income-tax assessment does not exceed a prescribed limit and who have at least four children under 16. To a family whose breadwinner has died or has become permanently disabled, family allowances are paid as from the second child.

The amount of children's allowance is 1,200 marks a month for each child. The level of benefits may be in compliance with Article 44 *(b)* of the Convention. The amount of family allowance is from 4,000 to 5,000 marks a year per child.

Applications for children's allowances or family allowances are dealt with by the Social Board of the municipality concerned, against the decision of which the claimant may appeal to the Ministry of Social Affairs.

Part VIII. Maternity Benefit

Sickness insurance benefits granted by assistance funds include benefits in case of pregnancy and confinement. Maternity allowances are general and are paid in respect of each infant born. The full allowance is included in one non-recurrent payment.

A condition for entitlement to a maternity allowance is pregnancy of at least 180 days' duration. The amount of the allowance is 4,500 marks for each infant born.

Application for a maternity allowance is submitted to the municipal Social Board, against the decision of which the claimant may appeal to the Ministry of Social Affairs.

Part IX. Invalidity Benefit

Disability insurance provided for by the National Pensions Act covers the whole population. Invalidity allowances are also granted in principle to all who meet the prescribed conditions with regard to the nature of the invalidity and who perform work suited to their abilities.

Disability pensions are paid to insured persons under 65 who are permanently incapacitated for work. A person is regarded as permanently incapacitated for work if, because of sickness, defect or injury, he is permanently unable to provide for himself by work suited to his capacity and abilities.

Disabled persons whose capacity for work or faculty of movement have been reduced by at least two-thirds are entitled to invalid allowances. Where family responsibilities or other serious reasons so require, the allowances may be granted in exceptional cases to persons whose capacity for work or faculty of movement have been reduced by less than two-thirds, but by at least 50 per cent.

The disability pension is determined by the same criteria as are applied to the old-age pension. The rate of invalid allowance is calculated on the basis of the amounts prescribed by law and varies from 61,200 marks to 121,000 marks per year.

The Ministry of Social Affairs decides whether the payment of an invalid allowance is appropriate. In certain cases appeal may be made against its decisions to the Supreme Administrative Court.

Part X. Survivors' Benefit

In Finland there is no scheme reflecting the main provisions of this part of the Convention, which ensure the payment of survivors' benefit in case of the death of the breadwinner. Any comparable scheme in Finland does not provide coverage to the extent indicated in the Convention.

Pensions based upon employment relationship have, in practice, been arranged, *inter alia* by founding voluntary pension funds which are organised in the same manner as the assistance funds already mentioned. All civil servants and government employees, as well as the office-holders of rural municipalities, are covered by a special family-pension scheme, the cost of which is borne by the State or the municipality concerned.

As the Finnish legislation seems to cover the provisions of Parts V, VI, VII and IX of the Convention a proposal for the ratification of the Convention will probably be made to the authority concerned in the near future. The Sickness Insurance Committee presented in 1959 its report on general compulsory sickness insurance. If the sickness insurance act proposed by the Committee is passed the legislation would seem to cover also the provisions of Parts II and III.

France.

Social Security Code of 10 December 1956 (*Journal officiel, (J.O.)*, 18 Dec. 1956) as subsequently amended.

Rural Code of 16 April 1955 (*J.O.*, 18 Apr. 1955) as subsequently amended (Book VII—Welfare).

Decree No. 51-319 of 12 March 1951 to lay down the conditions for the grant of unemployment benefit (*J.O.*, 13 Mar. 1951) (*L.S.* 1951—Fr. 3)

Ordinance of 7 January 1959 concerning action in favour of the unemployed (*J.O.*, 9 Jan. 1959, p. 644).

Workers employed in commerce and industry are covered by a general scheme. Other employed persons are covered by so-called special schemes, which include those for agriculture and mining. Self-employed persons receive family allowances and old-age benefits. Unemployment benefit is covered by different legislation and is administered separately from the social security schemes.

General Scheme

Scope.

The social insurance scheme (sickness, maternity, invalidity, old age and survivors) covers all employed persons and others regarded as such; all employed persons or persons working in whatever capacity for one or more employers, whatever the amount and nature of their remuneration and whatever the nature of their contracts of employment, must compulsorily be covered, irrespective of their age. Foreign workers have the same coverage as French nationals.

The workmen's compensation scheme (which covers occupational diseases as well as employment injuries) is as extensive in scope as the social insurance scheme. It also covers certain other categories of persons (pupils, trainees, etc.). Self-employed workers (handicraftsmen, etc.) may insure voluntarily.

The family allowances scheme covers all French nationals or aliens living in France in respect of their dependent children.

Conditions for Entitlement to Benefit.

Medical care. Under the French scheme there is a refund of expenditure incurred by the insured person or by the spouse and dependent children in respect of medical care. The conditions laid down for benefit are that the claimant must have been in paid employment, or employment regarded as such, for at least 60 hours in the three months preceding the date on which the

care was given, or have been involuntarily unemployed during the same period. There is no waiting period for benefits in kind under the sickness insurance scheme.

Sickness. The conditions for entitlement to cash benefits under the sickness insurance scheme are the same as those for benefits in kind (medical care) during the first six months of illness. After that period the continuation of the benefit is subject to the condition that the insured person had been a registered member of the scheme for 12 months at the beginning of the break in his employment and can prove that he completed 480 hours of work in those 12 months, including 120 hours over the last three months, or that he was involuntarily unemployed. The allowance is paid as from the fourth day. The duration of benefit is fixed at three years, and this period may be extended for not more than one year if the insured person re-enters employment with a view to rehabilitation.

Old age. To receive a pension under the old-age insurance scheme proper the claimant must be at least 60 years of age and must prove that he has paid contributions for 30 years in order to receive the full pension and for at least 15 years to receive a reduced pension. If the insured person does not fulfil these conditions he may receive an annuity, provided he has reached the age of 65 years and has paid contributions for at least five years. For certain older workers who had no possibility of complying with these requirements and whose means do not exceed a certain amount there is an allowance for elderly employed persons which is granted at the age of 65. The widows of employed persons, if they have reached the age of 65 and have brought up at least five children for nine years, are entitled to an allowance similar to the allowance for elderly employed persons.

Employment injury. There is no condition concerning length of service or completion of a contribution period for entitlement to benefit. Benefits in kind are due irrespective of whether the injury led to absence from work or not. The daily allowance is due as from the first day of absence from work and is paid until the date of healing or consolidation of the injury. In the event of permanent incapacity a pension is granted. No considerable degree of disability is required and compensation may be payable even if the disability is slight. In the event of a fatal accident or in the event of the death of the injured person pensions are granted, subject to certain conditions, to the surviving spouse, the legitimate or recognised illegitimate children and to other dependent descendants of the deceased as well as to relatives in the ascending line who were economically dependent on the deceased.

Family benefit. To receive family allowances the claimant must be engaged in a normal occupation or unable to practise a trade or profession. The benefits are paid in respect of dependent children, that is to say children below the age of 15, or 17 years if they are apprentices and 20 years if they are students or suffering from chronic illness that prevents them from working. They are also paid in respect of a daughter or sister devoting herself to the education of her brothers and sisters or nephews and nieces. The person to whom the benefits are paid and the children in respect of whom they are paid must be living in France. Besides family allowances there are prenatal allowances, maternity grants, allowances payable to families having only one employed breadwinner, and housing allowances.

Maternity. The qualifying conditions for maternity benefits are as follows: the insured person must prove that he or she was in a dependent wage-earning occupation for 60 hours in the three months preceding the date of the first medical diagnosis of pregnancy, or must have been involuntarily unemployed. The claimant must also have become a registered member of the scheme at least ten months before the presumed date of confinement. Benefits in cash are paid for six weeks before and eight weeks after confinement.

Invalidity. An insured person whose working capacity is reduced by two-thirds is deemed to be an invalid. Only the insured person (and in certain cases his widow) is eligible for an invalidity pension. The insured person must prove that he has been a registered member of the scheme for 12 months and has been in paid employment for at least 480 hours during that period, including 120 hours in the three months preceding the interruption of work or the medical diagnosis of the state of invalidity, or has been involuntarily unemployed for an equivalent period. An invalidity pension ceases to be payable when the beneficiary reaches the age of 60, and it is then superseded by an old-age pension of at least equal value.

Survivors. In the event of the death of an insured person the payment of a lump-sum grant to his dependants is guaranteed. Eligibility for this grant is acquired when the insured person has been in paid employment for at least 60 hours during the three months preceding the date of death. The widow of an insured person who was not in receipt of a pension or the widow of an insured person who was in receipt of an old-age or invalidity pension is entitled to a widow's pension if she is an invalid herself. The same applies to a widower who cannot work, if his wife maintained the family.

Level of Benefits.

Sickness and maternity. Sickness and maternity benefit is equal to half the daily basic earnings and may not exceed one-sixtieth of the maximum monthly earnings taken into account for the calculation of contributions. The amount of such earnings is now fixed at 55,000 francs a month. The amount of the daily allowance is raised to two-thirds of those earnings as from the thirty-first day of absence from work if the insured person has three or more dependent children. The benefit is reduced in the event of hospitalisation, due allowance being made, however, for the insured person's dependants.

Old age. The amount of the old-age pension is proportionate to the number of years of insurance, the amount of the average annual wage and the age of the insured person at the time of the grant of the benefit. The normal pension, which is granted at the age of 60, is equal to 20 per cent. of the average annual wage. Such a full pension is granted when the insured person can prove the payment of contributions for 30 years. A person who can prove the payment of contributions for between 15 and 30 years receives a proportionate pension equal to so-many thirtieths of the normal pension. An insured person who applies for payment of his pension when over 60 years of age receives a pension which is increased by 4 per cent. of the annual basic wage in respect of each year that has elapsed since he reached that age. An insured person who cannot prove that he has paid contributions for 15 years is entitled to a pension equal to 10 per cent. of half the total amount of contributions paid. This pension may be increased to 34,320 francs if the beneficiary's annual income does not exceed 170,000 francs (if single) or 225,000 francs (if married). Insured persons who have paid contributions for less than five years have their part of the contributions refunded to

them. The old-age pension is increased if the beneficiary has a dependent spouse, and also, by 10 per cent., if the insured person has had or brought up at least three children. In addition a supplement may be added for a third person in the case of a pension granted for incapacity for work if the beneficiary requests such an increase before the age of 65. The allowance to elderly employed persons is a flat-rate one now fixed at 72,380 francs a year for workers living in a town with more than 5,000 inhabitants and at 68,640 francs for other workers. Those living in the Paris area receive 75,780 francs. An increase for a dependent spouse and a bonus for three children are granted subject to the same conditions as in the case of the old-age pension.

Employment injury. The daily allowances, like pensions, are calculated as percentages of the remuneration of the person involved in the accident. This basic remuneration includes the injured person's wages and earnings of all kinds from one or more employers during the base period. The daily allowance is equal to 50 per cent. of the daily average wage during the first 28 days of temporary incapacity and to 66.66 per cent. from the twenty-ninth day until the date of healing or consolidation of the injury. The amount of the permanent invalidity pension is calculated by applying to the injured person's basic wage an invalidity factor determined by the nature of the disablement and the person's general condition, age, physical and mental faculties, aptitudes and vocational skill, in accordance with an invalidity scale. The degree of permanent invalidity assessed on this basis is used as follows in calculating the amount of the pension: an invalidity rate not exceeding 50 per cent. is reduced by half and, if the rate does exceed 50 per cent., the part exceeding that percentage is increased by half. This method is favourable to persons with a high degree of invalidity. At present the pension due to a person who is totally unable to work never amounts to less than 437,869 francs. If such a person has to rely on the assistance of a third person there is an additional special allowance equal to 40 per cent. of the amount of the pension, or 317,355 francs, whichever is the higher. The pension payable to a surviving spouse is equal to 30 per cent. of the basic wage. An orphan's pension is a collective one amounting to 15 per cent. of the basic wage if there is one child, 30 per cent. if there are two, 40 per cent. if there are three, and so on, the amount being increased by 10 per cent. per child. When a child has lost both parents the pension amounts to 20 per cent. If an injured person has no spouse and no children each relative in the ascending line receives a pension amounting to 10 per cent. of the basic wage on proving that he or she used to receive a maintenance allowance from the injured person. Relatives in the ascending line may not together receive more than 30 per cent. of the basic wage.

Family benefit. Family allowances are based on a uniform wage rate, known as the monthly basic wage, for all persons living in any one area. This wage is fixed at a definite amount by the legislature and is now 21,000 francs a month in the département of the Seine. In other départements the average wage is worked out by applying variable reductions to the rate applying in Paris. The amount of the allowance is 22 per cent. of the said wage for a second child and 33 per cent. for every child after the second.

Invalidity. An invalid receives a pension of an amount that varies according to whether he is capable of practising a trade or profession (first category), whether he is prohibited from practising a trade or profession (second category), or whether he is compelled to rely on the assistance of another person (third category).

In the first category the invalid receives a pension amounting to 30 per cent. of his average wage over the last ten years preceding cessation of work and in the second category a pension amounting to 40 per cent. For the third category an annual supplement of at least 317,355 francs is also granted. The amount of the basic wage used in the calculation of the pension is revised every year in line with general wage trends.

Survivors. The lump sum granted on the death of an insured person is equal to three months of the remuneration of the deceased, but it may not exceed three times the maximum wage on the basis of which contributions were calculated. A widow's or widower's pension is fixed by reference to the wage of the deceased and may not amount to less than a certain sum, i.e. half the amount of the allowance for elderly employed persons in towns with more than 5,000 inhabitants, or 36,190 francs per annum. As a rule a reversionary pension is equal to half that payable to the deceased.

Medical care. In the event of *sickness* the benefits in kind consist in the refund of expenditure incurred in connection with the illness. Such expenditure includes the cost of general and specialist medical care, hospitalisation, pharmaceutical supplies and dental care and supply of medically prescribed optical, orthopaedic and prosthetic appliances. This refund is not complete; in principle the insured person bears a part of the cost amounting to 20 per cent., but there is a full refund in the event of a surgical operation or of exceptional treatment. The refund rate is based on a scale laid down for each kind of expenditure. In the case of long-term illness (one of the following four serious illnesses: tuberculosis, cancer, mental illness or poliomyelitis) the rate of refund is 100 per cent. of the relevant scale. In the event of *maternity* the benefits in kind under the maternity insurance scheme comprise the full reimbursement of expenditure connected with pregnancy and confinement, nursing allowances and other allowances granted if the beneficiary agrees to the consultations prescribed by mother and child welfare legislation. In the event of *employment injuries* the benefits granted include full coverage of medical, surgical and pharmaceutical expenses, the supply, repair and renewal of prosthetic and orthopaedic appliances, etc. There are extensive arrangements for functional rehabilitation of the insured person and for providing him with alternative employment.

Miscellaneous.

Members of the social insurance scheme may take advantage of an appeals procedure with regard to disputed claims. A distinction is drawn between general cases, involving disputes arising out of the application of the legislation and the decisions of social security bodies, and technical cases relating more particularly to the decisions of the funds with regard to the state of health of insured persons and its implications with regard to invalidity and incapacity for work. In the former category an insured person may appeal through a number of instances ranging from appeals boards to a commission of first instance and subsequently the court of appeal.

The scheme's funds are derived exclusively from contributions. Whether they are social insurance, family allowance or employment injury contributions they are all based on the insured person's actual remuneration up to a specified amount. Financial coverage for all the contingencies to which the social

security scheme applies is provided through a single contribution amounting to 18.5 per cent. of the basic wage, 12.5 per cent. being paid by the employer and 6 per cent. by the worker. The contribution for the workmen's compensation scheme is fixed for each undertaking by the regional social security fund according to the extent of the hazards involved in work in that undertaking. On the whole the average contribution rate amounts to less than 3 per cent. of the basic wage. This contribution is payable entirely by the employer. The contribution for financing family allowances is payable by employers alone and now amounts to 14.25 per cent. of the basic wage.

The organisation of the social security scheme comprises an administrative service to manage and supervise the scheme and funds to run it. The administration is provided by the Ministry of Labour (Directorate-General of Social Security). The funds are autonomous institutions administered by workers' and employers' representatives.

The difficulties which until now have hindered ratification of the Convention are not essentially connected with the level of benefits under the French system but with the problems arising out of the new constitutional organisation of France and of the French Community, comprising as it does a variety of territories. This makes it difficult for the moment to determine what territories would be covered by ratification. The matter is being studied further.

Agricultural Scheme

All employed persons in agriculture and forestry are protected in respect of the various contingencies. Moreover all non-employed persons are also protected with regard to old-age and family benefits.

The qualifying conditions and the nature and level of the benefits are on the whole the same as under the general scheme but the technical methods for calculating the amounts are different (see Rural Code, Book VII, Titles II, III and IV).

The procedure for dealing with disputed claims is governed by the same principles as under the general scheme. The insurance schemes are financed by employers' and workers' contributions and are run by agricultural mutual benefit bodies on which there are workers' and employers' representatives. In agriculture, however, workmen's compensation is the direct responsibility of the employer, who may take out an insurance policy to cover his liability.

Unemployment Benefit

The protection provided for in the Decree of 12 March 1951 extends to all employed persons, including agricultural workers, seafarers and non-manual workers. The benefits may be reduced according to the means of the unemployed person and his family.

An applicant for employment must prove that he has spent 150 days in paid employment over the 12 months preceding his registration (1,000 hours for home-workers and casual workers). Under the regulations unemployment allowances may be paid without limit of time, but the amount of the benefit is reduced by 10 per cent. after one year and by a further 10 per cent. for each subsequent year. The reduction may not exceed 30 per cent. for unemployed workers over 35 years of age. The waiting period is three days from the date of registration as an applicant for employment.

The rate of the allowance is fixed by decree and is revised at intervals in accordance with the rise in wage rates. The benefits are paid once a fortnight. They comprise a basic amount and a supplement for dependants. The benefits amount to about 60 per cent. of the national minimum guaranteed wage (excluding family allowances).

Under the Ordinance of 7 January 1959 the unemployment insurance scheme introduced under a collective agreement of 31 December 1958 was extended to all persons employed in industry and commerce. That scheme provides for allowances amounting to specified percentages of the wage or salary. The minimum amount is equal to the basic amount paid under the Decree of 12 March 1951, and the allowances are payable in addition to the basic amount, subject to an upper limit.

India.

Employees' State Insurance Act, 1948 (*The Gazette of India*, 19 Apr. 1948) (*L.S.* 1948—Ind. 3) and regulations issued thereunder.

Coal Mines Labour Welfare Fund Act, 1947 (*The Gazette of India*, 19 Apr. 1947) (*L.S.* 1947—Ind. 2).

The Act of 1948 conforms to a large extent to the provisions of the Convention with regard to the following contingencies: medical care, sickness benefit, maternity benefit and employment injury benefit. The Act of 1947 provides for medical facilities and maternity care for coal miners and their families. Other legislation makes the employer responsible for the payment of benefit in the event of sickness, maternity, employment injury and unemployment. There are certain other provisions for old-age and survivors' benefits.

Scope.

The Act of 1948 extends to the whole of India except the state of Jammu and Kashmir. It applies in the first instance to all factories, other than seasonal factories, run with power and employing 20 or more persons. It does not apply to a person whose aggregate remuneration exceeds 400 rupees a month. The Act is being extended to different areas of the country by stages. The total number of persons protected at the end of 1959 was 1,471,000. The total number of employees to be covered is 2.2 million. The Act of 1947 applies to all workers employed in the coal-mining industry except in the state of Jammu and Kashmir.

Conditions for Entitlement to Benefit.

Medical care. An insured person is entitled to medical benefit for any week during which a contribution is payable in respect of him or her or in which he or she is qualified to claim sickness or maternity benefit. Families of insured persons are eligible after 13 weeks. There is no waiting period. Benefits are payable for 13 weeks but persons suffering from tuberculosis, leprosy, etc. are entitled to benefits for larger benefit periods.

Sickness. An insured person may claim sickness benefit if during the corresponding contribution period weekly contributions in respect of him or her were payable for not less than two-thirds of the number of weeks during which he or she is deemed to have been available for employment, subject to a minimum of 12 contributions. An insured person is not entitled to sickness benefit for an initial waiting period of two days. The benefit is payable for a maximum number of 56 days in any one year. Persons suffering from

tuberculosis, leprosy, etc. are entitled to an extension of benefit for an additional 18 weeks.

Maternity. An insured person may claim maternity benefit if during the corresponding contribution period weekly contributions in respect of her were payable for not less than two-thirds of the number of weeks during which she is deemed to have been available for employment, subject to a minimum of 12 contributions. The insured person may receive maternity benefit for all days on which she does not work during a period of 12 weeks, of which not more than six may precede the expected date of confinement.

Employment injury. Invalidity benefit is payable, without any contributory conditions, to an insured person disabled as a result of an employment injury or to that person's dependants if the injured person dies as a result of the injury. There is no waiting period, but the incapacity should have lasted for more than three days to give rise to entitlement.

Level of Benefits.

Medical care. Medical care includes medical treatment, preventive treatment, domiciliary visiting where necessary, specialist care, hospitalisation, the provision of drugs, transport to hospital, etc. For families of insured persons medical care is not yet guaranteed in every case and does not include specialists' care outside hospitals, dental care, etc.

Sickness. The daily rate of sickness benefit is equal to about half the average daily wage. Persons suffering from tuberculosis, leprosy, etc., are paid 12 annas a day during the additional period of 18 weeks during which they remain eligible for benefit, or half the normal sickness benefit, whichever is the greater.

Maternity. Medical care in the event of maternity includes prenatal and postnatal care as well as hospitalisation where necessary. The daily rate of maternity benefit is either twice the sickness benefit rate, or 12 annas, whichever is the greater.

Employment injury. In the event of temporary disablement the benefit comes to about seven-twelfths of the daily wages, which is termed " the full rate ". In the event of permanent partial disablement the benefit corresponds to the extent of the disablement. In the event of permanent total disablement the benefit is paid at the full rate for life. In the event of an injured person's dying the dependants receive the following benefits: the widow is entitled to a benefit amounting to three-fifths of the temporary disablement benefit and a child is entitled to a benefit equal to two-fifths.

Miscellaneous.

The 1948 Act provides for the establishment of employees' insurance courts in all the provinces. An appeal from the decisions of these courts lies to the High Court on substantive questions of law.

The scheme provided for in the Act of 1948 is financed from employers' and employees' contributions and an annual contribution by the central Government to the Employees' State Insurance Fund. The scheme is administered on a tripartite basis. The Coal Mines Welfare Fund is financed from an excise duty on the coal and coke produced. It is administered by the Coal Mines Welfare Commissioner appointed by the central Government and assisted by an advisory committee.

The main difficulties that hinder ratification of the Convention are, first, that the minimum permissible coverage under the Convention is not less than 50 per cent. of all employees in industrial workplaces employing 20 or more persons including their dependants. It is presumed that the term " industrial workplaces ", which is not defined in the Convention, covers all factories and mines. The Act of 1948 covers only factories using power and employing 20 or more persons (seasonal factories being excluded). Secondly, under medical care the Convention also requires hospitalisation facilities for families of protected persons; at present wherever the benefits have been extended to families these benefits do not include hospitalisation in the event of sickness or maternity.

In addition there are several other social security schemes which do not strictly come within the scope of the Convention, mostly on account of the difficulty of applying certain provisions such as Articles 71, paragraph 1, 26 paragraph 1 and 28—medical care, sickness and maternity benefit for plantation workers at the employer's expense (Plantations Labour Act, 1951), health service for government servants and their families, retirement benefits for government employees, old age, survivors' and invalidity benefits of a non-periodical form (Employees' Provident Funds Act, 1952, Coal Mines Provident Fund and Bonus Scheme Act, 1948, Assam Tea Plantations Provident Fund Scheme Act, 1955), workmen's compensation at the employer's expense (Workmen's Compensation Act, 1923, as amended), maternity benefit at the employer's expense (Mines Maternity Benefits Act, 1941 and state Maternity Benefit Acts), unemployment benefits in the event of retrenchment, at the employer's expense (Industrial Disputes Act, 1947).

However, it might be possible to ratify the Convention after the Employees' State Insurance Scheme is fully implemented. Moreover in 1957 the Government set up a study group to study the existing schemes and the feasibility of integrating them. The recommendations of the group are under consideration.

The central and state Governments have concurrent jurisdiction on the various matters dealt with in the Convention. Both central and state Governments are represented in the Employees' State Insurance Corporation. In addition there is close co-operation through the Labour Ministers' Conference, which has proved useful in promoting co-ordinated action in all labour and social security matters.

Indonesia.

Regulation No. 15/1957 of the Minister of Labour.

Under the above-mentioned regulation protection is provided under a voluntary scheme for the following contingencies: sickness, maternity and death.

For the time being the scheme covers only 1,500 workers in the city of Djakarta.

The condition for entitlement to medical care is the receipt by the Social Security Foundation for Workers of the first contribution. The care is provided for six months, which may be extended to 12 months in certain cases.

The condition for entitlement to cash benefit in case of sickness is the receipt within the four months immediately preceding the date of the illness of contributions for at least two months. The benefit is payable for six months. If incapacity for work lasts for longer than six months the Board of the Social Security Foundation is authorised to continue the payment of benefit at the rate of 40 per cent. for a further period not exceeding six months.

Medical care covers examinations, treatment and medicines and hospital care. The rates of sickness benefit are: for persons earning 10 rupees or less a day 99 per cent. of wages during the first month of sickness, and for persons earning more than 10 rupees 90 per cent. This benefit is reduced to 90 or 80 per cent. respectively as from the second month of sickness. From the third to the sixth month it amounts to 80 per cent. of earnings.

There is a right of appeal to the Minister of Labour.

The scheme is financed by employer, employee and state contributions based on the wages of the insured person, excluding any portion in excess of 1,000 rupees a month. The employer contributes at the rate of 3 per cent., the employee at the rate of 1 per cent. and the State at the rate of 2 per cent. The Ministry of Labour guarantees to meet any deficit that might arise.

The Ministry of Labour is entrusted with supervision.

The Government of Indonesia is of the opinion that before making social insurance compulsory for any category of workers it would be tactful to operate a voluntary system.

Iraq.

Social Security Law. Dated 17 May 1956. No. 27 of 1956 (*Official Gazette (O.G.)*, 2 June 1956, No. 3799) (*L.S.* 1956—Iraq 1).

Regulations Nos. 55, 56, 57, 58, 59, 60, 61 and 62 of 1956 (*O.G.*, 2 Dec. 1956., No. 3907).

Regulations Nos. 3, 4, and 12 of 1958 (*O.G.*, 27 Aug. 1958, No. 19 and 22 Sep. 1958, No. 36).

Regulation No. 54 of 1959 (*O.G.*, 12 Sep. 1959, No. 222).

The Social Security Law provides for benefits to be paid in the following circumstances: permanent invalidity, old age, death, marriage, maternity, unemployment and sickness.

The number of persons insured is 80,000.

The conditions for entitlement to benefits are laid down in sections 18 and 19 of the Social Security Law.

The level of benefits is determined by section 10 of the Law.

In calculating benefits account is taken of the financial resources of the beneficiary and his family.

Claimants have the right of appeal to a Board of Arbitration.

The Social Security Fund is financed by the contributions of employers and workers and by state subsidies.

The authority responsible for the application of the legislation is the Directorate-General of Social Security (Ministry of Social Affairs).

Due to the fact that the Iraqi scheme resembles more a savings scheme than a social security scheme in the correct sense of the term, the Convention has not been ratified. Ratification might be considered, however, at the time of the transformation, in the near future, of the present scheme into a social insurance scheme.

Liberia.

Liberian Code of Laws of 1956 (Vol. 2, Title 19).

The Liberian Code of Laws provides for the hospitalisation of employees and the payment of benefits for employment injury at the expense of the employer.

All employees are covered by the scheme of employment injury benefits.

Medical and maternity benefits are paid by the large establishments to their employees and their wives and children. Medical care includes the benefits stipulated in Article 10, paragraph 1 (*a*) and (*b*) of the Convention. These benefits are free. Public service employees are granted 12 weeks of paid maternity leave.

Hospitalisation expenses for persons sustaining employment injuries are borne by the employer. All employees who, as the result of an employment injury, are permanently incapacitated, are entitled to receive from their employer a benefit equivalent to three years' salary.

Civil service employees receive a retirement pension.

Provision is made for the right of appeal to the labour courts and then to the circuit courts; employers must assume the cost of all benefits; the Bureau of Labour is responsible for controlling the application of pertinent legislation.

The draft of the new Labour Code will implement many provisions of the Convention. In particular it provides for sickness, family, invalidity and survivors' benefits.

When the new Code is approved by the Parliament and enters into force it will be easier for the Government to contemplate the possible ratification of the Convention.

Federation of Malaya.

The Labour Code, 1923 (*Laws of the Federated Malay States*, Chap. 154) (*L.S.* 1923—F.M.S.1) as amended by the Employment Ordinance of 1955.

Workmen's Compensation Ordinance of 1952 (*Government Gazette (G.G.)*, 30 Dec. 1952) (*L.S.* 1952—Mal.1).

Employment Ordinance, 1955 (*G.G.*, 4 July 1955) (*L.S.* 1955—Mal. 2.).

Employees Provident Fund Ordinance, 1951 (*G.G.*, 31 May 1951) (*L.S.* 1951—Mal. 1).

There is no social insurance scheme. The above-mentioned texts provide for benefits to be paid in the following cases: medical care, sickness, old-age, employment injury, maternity.

The number of employees covered is approximately as follows: 530,000 for medical care; 200,000 for sickness benefits; 1 million for old-age; 1 million for employment injuries; 240,000 for maternity. The country's population is 6,279,000 and the economically active population is 2,165,000.

All residents are entitled to medical care in government hospitals, clinics and dispensaries; this care is free of charge to those unable to pay, at nominal charges for those who can, and with a varying scale of charges for higher classes of hospital accommodation. No domiciliary service or specialist care outside hospitals is extended. Public service employees and the members of their families receive free medical care and hospitalisation. The workers on certain "estates" receive medical care and hospitalisation during a maximum of 30 days at the expense of their employers.

Under the terms of various collective agreements employees receive sickness benefits, the levels of which vary considerably according to the enterprise for which they work. Employees in the public services are entitled to sick leave on full pay for 90 days at any time or up to a maximum of 90 days in any year, with further extension of the benefit for another 90 days under certain conditions. Special sick leave on full pay is granted in cases of tuberculosis or leprosy up to a period of 12 months.

The Employees Provident Fund grants to its members who have reached the age of 55 a lump-sum payment equal to the amount of their credit in the Fund. This Fund groups workers in certain professions and categories of occupation whose salaries do not exceed 400 dollars per month; the members pay a monthly quota which varies according to their wages. The employer pays an equal quota.

Benefits for employment injury and occupational disease are paid to all workers, as defined in the Ordinance of 30 December 1952, who have a tacit or written labour contract and who are victims of an industrial accident or an occupational disease. The cost of these benefits is wholly assumed by the employer. A lump sum is paid if the injury results in death or permanent incapacity. If the injury results in temporary incapacity the victim is entitled to a bi-monthly benefit payable as from the fourteenth day following the date of incapacity and for the duration thereof, up to a maximum of five years. This payment is equal to 50 dollars, or one-third of the earnings of the worker, whichever is less. No compensation is payable for the first four days unless the disablement lasts for at least 14 days

In cases of maternity, female workers are entitled to a rest period of 30 days preceding and 30 days following on confinement and they receive from their employer a maternity benefit at a rate established by the Ministry of Labour. At the present time the rate is 2.20 dollars per day. Maternity allowance may be claimed from any employer who has employed the worker at any time during the four months preceding confinement provided she has been employed by the employer for not less than 90 days during the nine months preceding her confinement.

In the case of maternity benefits there exists the right of appeal to the Commissioner for Labour, whose decision is subject to review by the High Court. In respect of employment injury the worker or his survivors may appeal to an arbitrator, whose decision is final unless there is a doubt concerning a point of law, in which case appeal may be made to the High Court.

Employers must assume the expenses for medical care, sickness, maternity and old-age benefits. The employment injuries benefit scheme is financed by employer contributions to the Employees' Provident Fund.

The Department of Labour and Industrial Relations is entrusted with the application of the various legislative provisions governing social services. The National Joint Labour Advisory Council, composed of representatives of industry and of workers' organisations, is normally consulted with regard to amendments to laws administered by the Department.

All future action tending to amend existing social security measures is dependent on the report of the expert of the I.L.O. who, at the request of the Government, has studied the possibility of introducing unemployment insurance and sickness and maternity benefit schemes.

The Government is of the opinion that, in conformity with the constitutional system, federal action should be taken in respect of the Convention.

Mexico.

Act of 31 December 1942 respecting social insurance (*Diario Oficial (D.O.)*, 19 Jan. 1943) (*L.S.* 1942—Mex. 1).

Decree of 29 December 1956 to amend certain sections of the Social Insurance Act (*D.O.*, 31 Dec. 1956) (*L.S.* 1956—Mex. 1.)

Decree of 30 December 1959 to amend the Social Insurance Act (*D.O.*, 31 Dec. 1959) (*L.S.* 1959—Mex. 2).

The legislation in force covers each of the contingencies mentioned in the Convention. Where collective agreements provide for benefits higher than those specified in the legislation the employer pays them by way of a supplement. The legislation has set up a national public service which is compulsory for all persons affected. Furthermore, voluntary insurance schemes have been arranged through the Mexican Social Insurance Institution to cover such categories of workers as members of the liberal professions, self-employed workers, etc.

Morocco.

Dahir of 25 June 1927 (25 Hija 1345) respecting compensation for industrial accidents (*L.S.* 1927—Mor. 3A) and subsequent amendments and supplements.

Dahir of 31 May 1943 (26 Jumada I 1362) extending to occupational diseases the provisions of the legislation respecting compensation for industrial accidents (*Bulletin officiel (B.O.)*, No. 1598) and subsequent amendments and supplements.

Dahir of 25 December 1957 (2 Jumada II 1377) respecting the Social Aid Fund, and decree of application of the same date (*B.O.* No. 2361).

Dahir of 31 December 1959 (30 Jumada II 1379) to set up a social security scheme (*B.O.* No. 2465) (*L.S.* 1959—Mor. 2).

Scope.

There exist in Morocco legal provisions and regulations covering the contingencies referred to in the Convention with the exception of medical care and unemployment benefit.

The legislation on compensation for employment injuries and occupational diseases has been extended successively to cover forestry workers, various types of civilian personnel working for public authorities, employers and members of their families, agricultural workers, certain categories of seamen and several other types of workers, such as unemployed persons performing work under unemployment relief schemes and prisoners. This legislation has also been extended to include the province of Tangier and the former Spanish Protectorate.

The social security scheme set up by the Dahir of 31 December 1959 will not come into force until 1 April 1961. The number of persons who will be covered is estimated at about 400,000—employees in commerce, industry and the liberal professions and certain categories of staff in public administration and auxiliary services. Not included for the time being are wage earners in agriculture and forestry, domestic staff and wage earners in handicraft undertakings.

Conditions for Entitlement to Benefits.

Medical care. As such benefits are furnished in certain undertakings out of private funds having dissimilar statutes, the amount of assistance given varying according to the resources available, it is impossible to provide information.

Sickness. Daily sickness or accident allowances other than those provided for by the legislation on industrial accidents are granted to employees who have been certified as incapacitated for work by a medical practitioner appointed or approved by the Fund. The insured person must show evidence of three months of insurance during the four calendar

months preceding the commencement of the incapacity. The waiting period, to be fixed by a decree issued in application of the Dahir, will probably be a fortnight. Allowances will be granted for a maximum of 26 weeks during the 12 consecutive calendar months following the commencement of the incapacity. They are payable in respect of each day, whether a working day or not.

Unemployment. Unemployed persons are found casual work as part of the fight against underemployment and are paid the guaranteed minimum inter-occupational wage.

Old age. Every insured person who, on reaching the age of 60, ceases all gainful activity and who can show evidence of at least 180 months of insurance is entitled to an old-age pension. This age limit is lowered to 55 years in the case of miners who have been working underground. The pension is equivalent to 20 per cent. of the average remuneration obtained by dividing by 36 or 60 the total remuneration on which contributions were payable received by the person concerned during the three or five calendar years preceding the last month of insurance before the person attained the age for entitlement to the pension. The rate of the pension is increased by 1 per cent. for every insurance period completed in excess of 180 months, subject to a maximum of 40 per cent.

Employment injury. Such benefits are provided by private insurance companies, or directly by the employers if the latter have not taken out insurance. The 1927 Dahir contains no provision for compulsory insurance; it merely establishes that the employer is responsible in cases of employment injuries or occupational disease and that compensation for injury thus sustained must be paid by him. A daily allowance is payable throughout the duration of a temporary incapacity. If the worker is permanently incapacitated, whether partially or totally, he is awarded a pension. If the accident or illness results in the death of the worker the surviving spouse and children receive a pension. Medical care must be furnished to victims under the terms of the above-mentioned Dahir and includes all the items listed in Article 34 of the Convention. Pensions awarded to victims or their dependants are payable quarterly. Workers of not less than 21 years of age, whose incapacity for work is less than 10 per cent., may ask for their pension to be replaced by a capital sum at the end of a revision period of five years as from the date of the healing of the injury. Medical care is provided without restriction during the revision period. The daily allowance is payable as from the day following the accident, and for such time as the injury has not healed. Pensions are payable to victims, or to relatives in the ascending line or the surviving spouse, until death. If the latter should remarry, he or she loses the right to a pension unless there are children of the union with the victim who are also entitled to a pension, in which case the surviving spouse's pension is maintained for such time as one of the children continues to be entitled to a pension. Children under 16 years of age are entitled to a pension, which may continue to be paid up to 17 years of age if the child is serving an apprenticeship, or 21 years of age if he is pursuing his studies, or if he is suffering from an incurable illness or infirmity which prevents him from engaging in gainful employment.

Family benefit. This has been paid since 1942. Employees in commerce, industry and the liberal professions are entitled to receive family allowances. The allowances are paid to fathers, starting with the second child, in respect of a maximum of six children. They are payable until the children are 12 years old, or 18 years old if they are serving an apprenticeship or 20 if they are continuing their studies. The allowances are payable monthly; the present rate is 1,600 francs per month per child. A worker is entitled to receive them after working for six months for the same employer.

Maternity. A maternity allowance is granted to women gainfully employed in commerce, industry and the liberal professions who have been working for not less than six months for an employer who is a member of the Fund. This allowance is payable for six weeks following the date of confinement, on condition that the woman has effectively stopped working and that she ceases to receive remuneration during this period. The allowance is equal to half the remuneration that the woman would have received if she had stayed at work; it may never be calculated on the basis of a wage lower than the minimum legal wage.

Invalidity. Every insured person who does not fulfil the age conditions which would entitle him to an old-age pension and who, by reason of invalidity which is presumed permanent, which is not covered by the legislation on employment injuries and which has been duly certified by a medical practitioner appointed or approved by the National Social Security Fund, is totally incapacitated for engaging in any gainful activity is entitled to an invalidity pension on condition that he shows evidence of at least 60 months of insurance, including six months during the 12 calendar months preceding the commencement of the incapacity for work leading to invalidity. Where invalidity is due to an accident the injured person may be granted a pension without any condition as to the period of insurance, provided that he was liable to insurance on the date of the accident. Payment of the invalidity pension commences either on the date of expiry of the period during which the insured person has been drawing the daily sickness allowance, or on the date on which the injury heals or the insured person's condition becomes stabilised where the latter date precedes the expiry of the said period. The pension may be suspended the if recipient ceases to be incapacitated. It is replaced by an old-age pension when the recipient reaches the age of 60. In the case of an insured person who has been insured for 180 months or more, the monthly rate of the invalidity pension is equal to 20 per cent. of the average monthly remuneration. The rate of the pension is increased by 1 per cent. in respect of every 12 months of insurance completed in excess of 180 months, subject, however, to a maximum of 40 per cent. The pension is increased by 10 per cent. in cases where the incapacitated person requires the constant assistance of another person.

Survivors. The following persons are entitled to a survivors' pension on the death of the recipient of an invalidity or old-age pension or of an insured person who, at the date of his death, fulfilled the conditions for entitlement to these benefits: the wife or wives if they fulfil the conditions entitling them to an invalidity pension, or as from the date on which they reach the age of 50, if they are under that age at the date of decease; children eligible for family allowances. A survivors' pension is not payable to a spouse unless the marriage was contracted at least two years before the date of decease. It is payable, however, if a child is born during the marriage or within 300 days of the deceased spouse's death. The rate of the survivors' pension payable to a spouse or to all the wives col-

lectively and to orphans with no surviving parents is equal to 50 per cent., and that payable to an orphan with one surviving parent to 25 per cent., of the rate of the invalidity or old-age pension which the deceased person was receiving or which, as an insured person, he would have been able to claim at the date of his death. The pension awarded to surviving wives at the above rate must be shared equally among them. The aggregate of the survivors' pensions may not exceed the total amount of the invalidity or old-age pension to which the deceased person was entitled or which, as an assured person, he would have been able to claim at the date of his death. Where the said amount is exceeded, the pensions payable to each category of survivors are reduced proportionately.

Level of Benefits.

Sickness. Daily allowance equal to half the average daily remuneration obtained by dividing by 90 the total remuneration liable to contributions received during the three calendar months preceding the commencement of incapacity for work. A sick person continues to receive family allowances if he is suffering from a long illness.

Old age. Pension equal to 20 per cent. of the average remuneration received during the previous three or five years. The rate is increased by 1 per cent. (up to a maximum of 40 per cent.) for every 12 months of insurance completed in excess of 180 months.

Employment injury. Daily allowance equal to 50 per cent. during the first 28 days, increased to 66 per cent. from the twenty-eighth day until the end of temporary incapacity. If the worker is suffering from an incapacity for work (I.P.P.) he is awarded a pension. If the I.P.P. rate is equal to or greater than 70 per cent. he may continue to receive family allowances. In the case of invalidity, if the amount of invalidity is less than or equal to 50 per cent., the percentage of the pension payable is equal to half the rate of incapacity. If the amount of invalidity is more than 50 per cent. the percentage of the pension payable in respect of the part between 0 and 50 per cent. is at the same rate as above. The percentage of the pension payable in respect of the part above 50 per cent. is equal to one-and-a-half times the percentage of the rate of incapacity above 50 per cent. If the I.P.P. rate is equal to or greater than 70 per cent. the disabled person may continue to receive family allowances. As regards survivors, a widow under 60 years of age receives a pension equal to 30 per cent. of her husband's earnings. After she has reached her sixtieth birthday her pension is equal to half her husband's earnings. Pension for the first two children is 15 per cent. of the husband's earnings per child and for the third and subsequent children, 10 per cent. The total pension may in no case exceed 85 per cent. of the deceased's earnings. If it does so a proportional reduction is made. The widow continues to receive the family allowances to which her husband was entitled.

Maternity. The allowance is equal to half the remuneration that the woman would have received if she had remained at work.

Invalidity. The rate is the same as for the old-age pension. The amount of the pension is increased where the incapacitated person requires the constant assistance of another person. A person receiving an invalidity pension continues to be entitled to family allowances.

Survivors. Widow or widows: 50 per cent. of the pension of the deceased husband, to be shared equally among the widows if there is more than one. Orphan with no surviving parents: 50 per cent. Orphan bereaved of one parent: 25 per cent. The aggregate of the survivors' pensions may not exceed the total amount of the invalidity or old-age pension.

Other assets which the beneficiary or his family may possess are not taken into consideration for the calculation of the various benefits.

At the moment the Dahir on social security does not provide for the rate of current periodical payments to be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living. In the case of employment injury pensions a fund has been set up to pay supplements to pensions in the event of rises in the minimum legal interoccupational wage.

Miscellaneous.

In cases of denial of benefits or of disputes, claimants have the right of appeal to the Minister of Labour and Social Affairs. They may also submit their claims to committees of first instance. An appeal may lie to a higher committee against the decisions taken by the said committees. An appeal on a point of law may lie against the decisions of these higher committees.

The expenditure on social security is financed by contributions.

The National Social Security Fund will be administered by a governing body composed of representatives of the Ministries concerned and of workers' and employers' organisations. It will be responsible to the Ministry of Labour and Social Affairs as regards questions of administration, and to a representative of the Ministry of Finance in respect of financial matters.

Certain parts of Moroccan social security legislation, such as employment injury benefits and old-age and invalidity pensions, are in conformity with the Convention. With respect to other benefits the Moroccan system differs in several aspects from the minimum standards laid down by the Convention. As the social security scheme instituting a number of benefits does not come into force until 1 April 1961, it is too early to contemplate an amendment. In these circumstances it is not possible for Morocco to ratify the Convention for the time being.

New Zealand.

Social Security Act 1938 (*L.S.* 1942—N.Z.1A) as subsequently amended and regulations thereunder.

Workers' Compensation Act 1956 (*L.S.* 1956—N.Z.1) as subsequently amended and regulations thereunder.

The social security scheme applies to all persons aged over 16 years who are normally resident in New Zealand. The Workers Compensation Act of 1956 covers all wage earners.

Medical Care.

Benefits include medical treatment, pharmaceutical supplies, hospitalisation, maternity assistance and supplementary benefits that are considered necessary to ensure that the types of assistance described above are effective or to promote the protection and improvement of public health in general. Any person aged at least 16 years and normally resident in New Zealand is entitled to medical benefit for himself and for each member of his family aged under 16 years. Any medical practitioner who has entered into a contract with the insurance scheme is required to provide medical, surgical or any other type of treatment necessary

which may be requested by the insured. Pharmaceutical benefits include all medical supplies, drugs, appliances or accessories which may be prescribed for the insured or for members of his family by the medical practitioner. Hospitalisation includes all medical and surgical treatment and treatment provided in hospitals, including maintenance of the patient during hospitalisation. There is no qualifying period before insured persons become entitled to medical benefit and there is practically no restriction on the length of time during which the insured may be entitled to such benefit.

Sickness Benefit.

Any person aged over 16 years who has been continuously resident in New Zealand for a period of at least 12 months is entitled to sickness benefit providing that he shows that he has suffered temporary incapacity for work as a result of his sickness and has suffered a loss of salary or other earnings due to the incapacity. A married woman is only entitled to an allowance if it is shown that her husband is unable to maintain her. A sickness allowance is not payable during the first seven days of incapacity unless there are special circumstances, in which case the Commission may decide that the allowance should be paid for the whole or part of this period. Apart from this exception the allowance is payable throughout the period of incapacity. Under no circumstances may the allowance exceed the difference between the weekly salary of the applicant and the loss that he has suffered as a result of the incapacity. The amount of the allowance is calculated as follows: *(a)* for persons aged under 20 years with no dependants the allowance is £2 15s. per week; *(b)* for all other cases the allowance is £4 per week with an additional sum of £4 for married applicants. However, if the applicant for a sickness allowance receives financial assistance from any other source or owns property, the Social Security Commission may, according to the circumstances, reduce the amount of the allowance payable to the extent that the other financial resources of the applicant exceed the substantial level admitted by law. For the average beneficiary the amount of the benefit, together with family allowances, is £9 10s. The salary and the family allowances calculated in accordance with Article 66 of the Convention amount to £12 13s. 3d.

Unemployment Benefit.

A person aged over 16 years who is not eligible for an old-age pension is entitled to unemployment benefit if he *(a)* is without employment; *(b)* is capable and willing to undertake suitable work; *(c)* has taken the necessary steps to obtain suitable employment; and *(d)* has been resident continuously in New Zealand for at least 12 months. A married woman is only entitled to unemployment benefit if the Commission decides that her husband is unable to maintain her. Unemployment benefit is not paid during the first seven days of unemployment unless, in view of special circumstances, the Commission decides that it should be payable during the whole or part of this period. The benefit is payable throughout the period during which the beneficiary fulfils the conditions required for him to be entitled to unemployment benefit. The amount of the benefit is £3 5s. per week for a beneficiary aged under 20 years and £8 for married couples. If the applicant for unemployment benefit or his wife or husband receives financial assistance from any other source or owns property the Commission may reduce the amount of the benefit according to the circumstances. In no event may the benefit exceed such a sum as may be necessary to ensure that the total amount received from any source by the applicant and his or her wife or husband does not exceed £8 per week.

Old-Age Benefit.

An old-age pension is granted to all persons having reached the age of 60 years or, for certain unmarried women, 55 years. Payment of an old-age pension is conditional on the income of the applicant who must also have been resident in New Zealand for a period of 20 years or for ten years if he was resident in the country before 15 March 1938. The basic amount of the old-age pension may be reduced or increased according to the family status of the applicant (married or unmarried, with or without dependants, etc.) and the value of property or other sources of income which he may possess. An amount of £1 is deducted for each £1 of income in excess of £104 per year and by £1 for every £15 of net capital value of property which he owns. The detailed provisions governing the calculation of old-age pensions stipulate that the benefit amount to £8 per week for a married couple. The average wage of a non-specialised worker is at present £11 3s. 3d. per week and this benefit, therefore, greatly exceeds the 40 per cent. of the wage of an average manual worker which is the minimum percentage required by the Convention.

Employment Injury Benefit.

If, during his employment, a wage earner suffers personal injury as a result of an accident arising out of and in the course of his work, his employer is required to provide compensation. If an illness results in total or partial incapacity for work or in the death of a wage earner, and if this illness occurs as a result of the type of employment in which the wage earner was engaged, compensation is also payable by the employer in the same way as if the beneficiary had sustained personal injury as a result of an industrial accident. In the event that the insured dies as a result of injury the amount of compensation is calculated as follows: *(a)* if the wage earner leaves dependants the amount is 274 times the weekly amount payable as compensation at the maximum rate; *(b)* if the wage earner leaves no full dependants but only persons who were partially dependent on him the amount is calculated according to the financial loss suffered by these dependants. In the event that injury results in total or partial incapacity for work, and in the absence of any agreement to the contrary, compensation will be fixed by a tribunal either as a lump-sum payment or as a weekly amount payable during the period of the victim's incapacity for work but not for a period exceeding six years. If a lump-sum payment is made as compensation it will be equivalent to the weekly payments to which the victim is entitled as compensation and to the weekly allowances which, in the opinion of the tribunal, would have been paid to him during the period of his disability. Throughout a period of total incapacity the weekly payment made as compensation will be 80 per cent. of the weekly wage of the worker. Compensation for employment injuries is provided only in respect of injuries sustained in New Zealand or on board New Zealand vessels or aircraft.

Family Benefit.

The father or mother of one or more children is entitled to a benefit in respect of a dependent child or children aged under 16 years. An applicant is

entitled to a family allowance if *(a)* the applicant has continuously resided in New Zealand for at least one year before the date of the application; *(b)* the children were born in New Zealand or have continuously resided in the country for at least one year before the application. The family allowance is 15s. per week for each child. If this amount is compared with the average wage of a manual worker, namely £12 13s. 3d. including family allowances, it will be seen that the amount of this benefit greatly exceeds the percentage stipulated in the Convention.

Maternity Benefit.

Maternity benefit is provided for all women residing in New Zealand. This benefit includes *(a)* for women who enter a maternity home, all medical expenses and treatment, maintenance, medical assistance during confinement and for 14 days following the birth of the child; *(b)* for cases where the confinement takes place elsewhere, treatment by a medical practitioner or by a registered midwife or gynaecological nurse during the confinement and for 14 days following the birth of the child; *(c)* for cases of premature birth, all medical expenses that may be incurred as a result of premature birth and for a period of 14 days following such birth; *(d)* all pre-natal advice and treatment and post-natal attention by a medical practitioner which may be required, without any restriction of duration. No qualifying period is required. In the event that pregnancy or maternity results in loss of wages a woman is entitled to sickness benefit.

Invalidity Benefit.

An invalidity benefit may be granted to any person who has been permanently resident in New Zealand for at least ten years or, if invalidity occurs outside New Zealand, for a period of at least 20 years, if the person concerned was not resident in the country on 4 September 1936. The benefit is payable throughout the period of invalidity and until the person concerned becomes entitled to an old-age pension. The benefit may be granted to any person aged over 16 years who suffers complete blindness or permanent incapacity for work as a result of an accident, sickness, or congenital defect. Invalidity benefits are calculated as follows: *(a)* for a man who has been or is married and who has one or more dependent children the amount of benefit is £208 per year, increased, if applicable, by £208 in respect of his wife and by £26 in respect of each dependent child; *(b)* for an unmarried applicant aged under 20 years the amount is £169 per year; *(c)* for all other cases benefit is £208 per year. The amount of benefit payable is reduced by £1 for each £1 of total income of the applicant and of his wife in excess of £104 and, in addition, the sum of £1 is deducted for each £15 of net capital value of property owned by the applicant or his wife. Under the provisions governing the calculation of an invalidity pension the average beneficiary (a man with a wife and two children) receives £11 10s. The wage of an average manual worker is £12 13s. 3d. including family allowances and this benefit, therefore, largely exceeds the amount stipulated by the Convention (40 per cent. of the wage of an average manual worker).

Survivors' Benefit.

A widow who is the mother of one or more children aged under 16 years is entitled to a widow's pension. The following are also entitled to benefit: *(a)* any widow who has had one or more children, who has been married for at least 15 years and who has been responsible for the care of one or more children aged under 16 years; *(b)* any widow who, at least five years after the date of her marriage, has become a widow after having reached the age of 50 years; *(c)* any widow aged at least 50 years and who was widowed after the age of 40 years, provided that she was married for at least ten years. If the income of the beneficiary exceeds a certain amount, the amount of benefit payable is reduced accordingly. The maximum widow's pension payable is £208 per year which may be increased by a further sum of £143 per year for one child aged under 16 years and by an additional amount of £26 for each further child up to a maximum of six. Any child aged under 16 years is entitled to an orphan's pension if the following conditions are fulfilled: *(a)* if both the father and the mother are deceased; *(b)* if the child was born in New Zealand or if the surviving father or mother had resided in New Zealand for at least three years immediately preceding decease; and *(c)* if the child is not maintained in a state institution. The amount of the orphan's pension is a maximum of £117 per year and this sum is reduced by £1 for each £1 of income which the beneficiary receives or is received on his account. The benefits available to an average beneficiary greatly exceed those prescribed by the Convention.

Miscellaneous.

Any person may appeal within three months against the decision of an official employed by the social security institution. This appeal lies to the Social Security Commission whose decisions are final. There is a special procedure for appeals in connection with medical treatment.

The social security scheme is financed by special income tax (including taxes on company earnings) and by the transfer of such funds as may be necessary to meet expenditure.

All matters concerning cash benefits provided under the social security legislation are the responsibility of the Minister of Social Security. The scheme is administered by the Social Security Commission under the supervision of the Minister of Social Security. The Minister of Health is responsible for all questions concerning medical treatment and hospitalisation.

The following difficulties may arise in ratifying the Convention:

(1) The legislation governing social security in New Zealand employs the term " residence " and not " normal residence ". The Social Security Commission interprets residence as being " physical residence ".

(2) It is possible that New Zealand legislation does not comply with the provisions concerning hospitalisation for maternity.

(3) New Zealand legislation does not provide for the payment of cash benefits to a married woman in respect of suspension of earnings providing that her husband is able to maintain her.

(4) Contrary to Article 18 of the Convention, New Zealand legislation provides that, if there are no special circumstances, sickness allowances are not payable during the first week of disability.

(5) With respect to Article 24 of the Convention concerning unemployment, New Zealand legislation makes no mention of the fact that periods of

temporary employment will not be taken into account.

(6) With respect to Article 41 concerning family allowances, New Zealand legislation only refers to the father or the mother. However, in special cases, the Social Security Commission may stipulate that family allowances will be paid to a reputable person for the benefit of the child.

(7) With respect to Article 60 (survivors' allowances), New Zealand legislation does not provide for benefit to be paid on behalf of a child in the event of the loss of the breadwinner. A widow who has children aged under 16 years receives a supplementary benefit for her children. Orphans' benefit is provided, but the child must have lost his father and mother before he becomes entitled.

(8) With respect to Article 61, certain categories of widows as specified by the law are entitled to survivors' benefit which is, however, not necessarily available to all widows who fulfil the conditions of residence in the country.

(9) With respect to Article 69, New Zealand legislation does not provide for the payment of part of the benefit to dependants of a beneficiary who is maintained out of public funds. In this case, however, dependants are generally entitled to benefit on their own account.

(10) With respect to Article 70, paragraph 1, concerning the right of appeal, the Social Security Commission is sometimes the only competent body. In addition, the Social Security Commission is not an independent body.

(11) With respect to Article 71, the general system of taxation in New Zealand may represent a heavy charge on persons with limited economic resources.

Pakistan.

The ratification of the Convention cannot be contemplated at the present time because of the level of economic and social development in the country, as well as the lack of medical staff. Nevertheless, draft legislation on social insurance, as drawn up by I.L.O. experts, is at present under study.

Certain population groups in Pakistan are at present covered by measures governing sickness, old age, employment injury and maternity benefits.

Government employees receive free medical care, including hospitalisation. The Pakistan Railways, as well as other important industrial establishments, also provide medical care for their employees in their own dispensaries and hospitals.

Sick leave at a minimum of half-pay is granted to government and railway employees.

Government employees and journalists each have their own provident fund, which entitles them to a retirement pension. Many large industrial and commercial establishments also have provident funds.

Under the law employers must assume the costs of employment injury benefits for their employees whose salary does not exceed 500 rupees per month. This provision is applicable to employees in industrial establishments, transport, plantations, mines and other specified undertakings.

Women employed in mines, factories, and on the plantations of East Pakistan are entitled to 12 weeks maternity leave with the payment of a benefit which must not be less than half of their wages. Medical care in cases of maternity is also granted to women workers on the tea plantations.

Peru.

Act No. 8433 dated 12 August 1936 respecting compulsory social insurance (*L.S.* 1936—Peru 2) as subsequently amended, particularly by Act No. 8509 of 23 February 1937 (*L.S.* 1937—Peru 1) and Legislative Decree No. 11321 of 24 March 1950 (*L.S.* 1950—Peru 1).

Decree of 18 February 1941 to issue administrative regulations under Acts Nos. 8433 and 8509 respecting compulsory social insurance (*L.S.* 1941—Peru 1) as subsequently amended.

The above legislation concerning compulsory insurance for wage earners covers medical care, sickness benefit, maternity, invalidity, old age and survivors.

Compensation for employment injuries is covered by separate regulations and is payable entirely by the employers concerned.

The existing social insurance legislation does not provide for family benefits.

Scope.

The compulsory social insurance scheme for wage earners covered 382,308 insured persons in 1959. The total number of wage earners and agricultural workers is 1,134,381.

Conditions for Entitlement to Benefit.

Medical care. Wage earners who have paid at least four weekly contributions during the 120 days immediately preceding their illness are entitled to this benefit. Medical treatment is provided for a period of 26 weeks, which may be extended to 52 weeks in the case of a long illness or convalescence. Since 1949 treatment may be extended to a further period of 52 weeks, providing that the administration of the invalidity insurance scheme agrees.

Sickness. Sickness benefit in cash is provided from the third day following the day on which the illness began and continues for a total period of 26 weeks, which may be extended to 52 weeks in cases of long illness or convalescence. Compulsorily insured persons must have paid four monthly contributions during the 120-day period immediately preceding the illness. Sickness benefit is provided for voluntarily insured persons when the latter have paid at least 20 weekly contributions during the 160 days preceding the illness. The benefit is suspended if the insured person refuses to follow the medical treatment prescribed.

Old age. An old-age pension is granted to all insured persons aged 60 years who have paid at least 1,040 weekly contributions. If the beneficiary has joined the insurance scheme after the age of 40, or if for any other reason he has not been able to pay the 1,040 weekly contributions, he is entitled to a pension proportional to the number of his contributions. Old-age pensions are payable throughout the life of the beneficiary.

Maternity. During pregnancy, confinement and throughout the period of postnatal treatment insured women are entitled to any medical treatment that they may require, provided that they have paid at least four contributions during the 180 days immediately preceding confinement. Voluntarily insured persons must have paid a minimum of 20 weekly contributions during the 160 days immediately preceding confinement. During the two 36-day periods preceding and following confinement the beneficiary is entitled to a cash benefit, providing that she does not undertake any paid work during these two periods. Throughout a maximum period of eight months immediately following the confinement the insured is also entitled to a nursing allowance. Maternity and nursing benefits are suspended if the insured woman

refuses to follow the medical treatment prescribed or fails to attend at a dispensary or medical centre when required to do so.

Invalidity. An insured person is entitled to an invalidity pension if on or before the expiry of a period of 52 weeks he contracts a non-occupational illness or sustains an injury which is not the result of an industrial accident and provided that as a result of this illness or injury his capacity for work is reduced by two-thirds. The invalidity pension is granted to the insured if he has paid a minimum of 200 weekly contributions of which at least 100 must have been paid during the four years immediately preceding the date on which his invalidity was confirmed. The invalidity pension is paid on a temporary basis for the first five years and subsequently becomes a permanent allocation. At the end of the period of temporary payment the insured is required to undergo a medical examination in order to ensure that his state of health remains unchanged.

Survivors. Survivors' benefit comprises a lump-sum payment in lieu of pension and is intended to cover funeral expenses and a capital amount paid to the survivors. The capital payment to which survivors may be entitled following the decease of an insured person is distributed on the basis of 50 per cent. to the widow or widower and 50 per cent. to legitimate or illegitimate children aged under 17 years or invalid who were dependent on the deceased. Survivors' entitlement to the capital payment lapses three years after the date on which the insured person died.

Level of Benefits.

Medical care. Benefits provided for sickness include general and specialised medical care, hospitalisation and pharmaceutical supplies. The benefits are provided for a period of 26 weeks, which may be extended to 52 weeks in the event of prolonged illness or convalescence.

Sickness. Cash benefits are equal to 70 per cent. of the wage of the insured person. In the case of an insured person without dependants who is hospitalised the benefit is reduced by 50 per cent.

Old age. The amount of old-age pension normally payable is 40 per cent. of the average wage or income of the insured person during the five years immediately preceding his entitlement to a pension. The amount is increased by 2 per cent. for every 100 additional weekly contributions paid by the insured up to 60 per cent. of the total. In addition, the pension is increased if the beneficiary has a wife or husband aged over 60 years or invalid and not entitled to a pension in this respect, or has dependent children aged under 14 years or invalid. The supplement amounts to 2 per cent. for the wife or husband and for each of the children, providing that the total amount paid does not exceed 20 per cent. of the average wage or income on which the old-age pension is calculated. If the beneficiary became a member of the insurance scheme after the age of 40 years, or if for any other reason he has not been able to pay the 1,040 weekly contributions which entitle him to an old-age pension, he is granted a reduced pension based on the number of contributions that he has paid.

Maternity. Maternity benefits are the same as those provided for sickness and include general and specialised medical treatment, hospitalisation, pharmaceutical supplies and cash allowances. During the two periods of 36 days immediately preceding and following confinement the insured woman is entitled to an allowance of 70 per cent. of her average daily wage or earnings, provided that she ceases any paid activity during these two periods. From the date of maternity onwards, and for a maximum period of eight months, the beneficiary is also entitled to a nursing allowance of 30 per cent. of her average daily wage or income. This benefit is paid either in cash or in milk vouchers.

Invalidity. The invalidity pension is 40 per cent. of the average wage or income of the insured person during the two years immediately preceding the date on which his invalidity was confirmed. The pension is increased by 2 per cent. for each 100 weekly contributions paid by the insured in excess of the minimum of 200 contributions required and up to 60 per cent. of the total. In addition, the pension is increased when the insured has a wife or husband aged at least 60 years or invalid and not entitled to an invalidity pension, or when he has dependent children aged under 14, or invalid. The increase is 2 per cent. for the wife or husband and for each child, providing that the total amount does not exceed 20 per cent. of the average wage or income.

Survivors. Following the decease of an insured person a fixed sum varying between 600 and 1,500 sols is paid to the survivors in respect of funeral expenses. A capital sum amounting to 50 per cent. of the average annual wage or income of the insured is also paid to his survivors, provided that he had paid at least 100 weekly contributions, of which a minimum of 50 must have been paid during the two years immediately preceding decease in the case of persons who did not benefit from an old-age or invalidity pension.

Miscellaneous.

Appeals by employers or by insured persons concerning application of the law lie, in the first instance, to the general management of the National Social Insurance Fund and, as second instance, to the Board of Directors of the Fund, whose decisions are final.

The insurance scheme is financed principally by contributions paid by the insured, by the employers and by the State (3, 6 and 2 per cent. of wages, respectively).

The National Social Insurance Fund is at present studying new draft legislation which particularly concerns survivors' benefits, which will be paid periodically in compliance with the Convention.

The insurance institution has taken certain steps in order to incorporate compensation for employment injuries and occupational disease into the insurance scheme.

There is a considerable labour market and the problem of unemployment does not therefore arise.

With the exception of the points mentioned above the Convention can be submitted for ratification by availing of the exceptions permitted under Article 3.

Philippines.

The Social Security Act of 1954 as amended by Act No. 1792 of 21 June 1957 (*L.S.* 1954—Phi. 1 and *L.S.* 1957—Phi. 1).

Act No. 679 of 8 April 1952 to regulate the employment of women and children as amended by Act No. 1131 of 16 June 1954 (*L.S.* 1952—Phi. 1 and *L.S.* 1954—Phi. 2).

Act No. 3428 concerning compensation for industrial accidents of 10 December 1927 as subsequently amended.

Scope.

The social security scheme covers all salaried workers aged between 16 and 60 years employed by an

employer who is a member of the scheme. Agricultural and domestic workers are excluded. There are 2,262,000 salaried workers, and 391,000 persons are covered by sickness, old-age, invalidity and survivors' insurance. This figure represents 1.7 per cent. of the population and 20.6 per cent. of all wage earners.

Conditions for Entitlement to Benefit.

Sickness. Sickness benefit is paid to any wage earner who at least one year after the date on which he joined the insurance scheme and at the end of his paid holiday is admitted into a hospital or health centre with the approval of the Social Security Commission. The beneficiary must have paid his contributions throughout the six months immediately preceding hospitalisation. The allowance is only paid after the eighth day of hospitalisation unless the beneficiary is the victim of a serious injury or acute illness. This allowance may be paid for a total period of 90 days per year.

Old age. A monthly old-age pension is paid to any insured wage earner who has reached the age of 60 years providing that he has been a member of the insurance scheme for a period of two years and no longer engages in any activity producing revenue in excess of a certain prescribed amount.

Invalidity. In the event of total and permanent invalidity any insured person who is not entitled to an old-age pension and who has paid his contributions throughout the six months immediately preceding the date of invalidity is entitled to a single lump-sum capital payment.

Survivors. Successors of an insured person who has died before he is entitled to a pension are entitled to the same benefits as those provided in cases of invalidity.

Maternity. All employers are required to provide their women employees with a paid holiday of six weeks before maternity and for eight weeks afterwards.

Employment injury. All employers are required to provide any employee who has sustained an industrial accident or contracted an occupational disease with any medical and surgical treatment or hospitalisation that may be necessary. He is also required to pay benefits in cases of disability and decease.

Level of Benefits.

Sickness. The allowance amounts to 20 per cent. of the wage plus 5 per cent. for each dependant. The total amount is paid by the employer, who receives a 70 per cent. refund paid by the social security scheme.

Old age. The amount of pension payable is calculated on the basis of 0.5 per cent. of the average monthly wage during each year that the beneficiary has been a member of the scheme multiplied by the number of years between the date that membership of the scheme became compulsory and that on which the beneficiary became entitled to a pension. In no event may the amount of the pension be less than 25 pesos per month. The old-age pension rate is approximately 20 per cent. of the wage.

Invalidity and survivors. Amounts payable in respect of sickness benefit are deducted and the invalidity and survivors' benefits represent lump-sum payments equivalent to 100 per cent. of the average monthly wage received for a period of one year multiplied by 12 or by six according to whether the beneficiary has been a member of the scheme for one year or less.

Employment injuries. Benefits in kind provided for victims of industrial accidents include medical and surgical treatment and any hospitalisation that may be required. The amount of cash benefit payable is calculated in accordance with article 8 and subsequent provisions of the Act respecting compensation for industrial injuries.

Maternity. The amount of benefit payable is at least 60 per cent. of the wage normally received.

Miscellaneous.

There is a right of appeal against decisions of the Social Security Commission. Appeals lie to the Court of Appeal and subsequently to the Supreme Court.

Contributions are paid by the wage earners and their employers. The treasury allocates such sums as may be necessary to the social security institution, whose financial responsibilities are guaranteed by the State.

The scheme is administered by the Social Security Institution and this body is directed and supervised by the Social Security Commission, which includes representatives of the Government, employers and workers.

It should be possible to ratify the Convention when the benefits provided under the scheme comply with the minimum standards stipulated by the Convention.

Poland.

Detailed information in respect of the general social insurance scheme operating in Poland has been supplied in the reports on the application of Conventions Nos. 24, 25, 35, 36, 37, 38, 39, and 40[1], ratified by Poland.

In a number of aspects Polish legislation does not conform to the terms of the Convention, and for this reason ratification of this Convention cannot be undertaken at the moment.

Part IV cannot be applied since unemployment does not exist in Poland. With respect to Part V—old-age benefit—Polish legislation (section 28 of the Decree of 25 June 1954 on the general pensions scheme) calls for a qualifying period of 35 years (30 years for women). Furthermore, Polish legislation does not provide for a reduced pension to be granted to protected persons who have completed a shorter period of insurance. Finally, Polish legislation allows for the suspension of benefits in accordance with the means of the beneficiary, which the Convention permits only in the case of non-contributory systems. As regards Part VI, Polish legislation does not provide for the rates of benefits to be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living. Part IX cannot be applied because of the terms of Article 57 of the Convention and the provisions relating to the review of the rates of benefits following changes in the cost of living. Part X cannot be applied because of Article 63: the provisions respecting the possibility of reducing benefits in relation to the means of the beneficiary and the review of the rates of benefits.

As far as the calculation of periodical payments is concerned (Part XI), Polish legislation is based on principles other than those established by the Convention.

[1] These reports have been summarised in Report III (Part I) submitted each year to the Conference.

Portugal.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

Act No. 1884 of 16 March 1935, to specify the institutions which are to be deemed provident institutions (*Diário do Governo (D.G.)*, No. 61) (*L.S.* 1935—Por. 4).

Decree No. 25935 of 12 October 1935, to issue regulations for the provident funds of industrial associations (*D.G.*, No. 237).

Decree No. 28321 of 27 December 1937, to issue regulations for pension or provident funds (*D.G.*, No. 300).

Decree No. 37762 of 24 February 1950, to regulate the granting of pecuniary benefit and medical and pharmaceutical benefit (*D.G.*, No. 38) (*L.S.* 1950—Por. 1).

Legislative Decree No. 41595 of 23 April 1958 (*D.G.*, No. 84).

PART V. OLD-AGE BENEFIT

PART IX. INVALIDITY BENEFIT

See legislation above, and also:

Legislative Decree No. 38775 of 5 June 1952 (*D.G.*, No. 125).

Legislative Decree No. 39365 of 21 September 1953 (*D.G.*, No. 207).

Legislative Decree No. 40775 of 8 September 1956 (*D.G.*, No. 192).

PART VII. FAMILY BENEFIT

Legislative Decree No. 32192 of 13 August 1942 (*D.G.*, No. 188) (*L.S.* 1942—Por. 1).

Legislative Decree No. 33512 of 29 January 1944 (*D.G.*, No. 20) (*L.S.* 1944—Por. 1).

Legislative Decree No. 35410 of 29 December 1945 (*D.G.*, No. 290).

PART II. MEDICAL CARE

As at 31 December 1958, 794,300 workers in remunerated employment were covered by the scheme (total number of Portuguese remunerated workers: 1,050,000).

Medical assistance is guaranteed to all persons who have been insured for not less than one year and who have paid contributions in respect of at least eight days during the three months preceding the claim for benefit. It is also granted to members of the families of workers where the head of the family has completed the above-mentioned qualifying period.

Insured persons are entitled to medical care provided that contributions have been paid, but the supply of medicaments is only guaranteed in so far as the beneficiary is entitled to pecuniary sickness benefit, or for 180 days (whether consecutive or not) in each period of treatment; when this limit has been reached the beneficiary is not again entitled to medical assistance until 12 months have elapsed. On the occasion of consultations and medical attendance at home " consultation vouchers " must be paid by the sick persons concerned; the cost of hospitalisation and the supply of medicaments is also borne by the insured person to an extent which varies from one institution to another. Members of his family are entitled to medical assistance but not to hospitalisation; medicaments are supplied to them on payment of certain charges higher than those levied on the insured person himself.

Benefits comprise attendance by general medical practitioners, including visits to the home, attendance by specialists, the supply of pharmaceutical products (enumerated on a list, and subject to a contribution being made to the cost), hospitalisation in cases requiring general surgery (with the exception of traumatology and other special cases).

Benefits for members of families consist of attendance by general medical practitioners and by specialists.

PART III. SICKNESS BENEFIT

As at 31 December 1957, 794,300 workers in remunerated employment were covered.

All workers who have been insured for not less than one year, and who have paid contributions in respect of at least eight days during the three months preceding the event giving rise to benefit, are entitled to sickness benefit. Benefit is not granted in respect of the first six working days, and is not paid for more than 270 days (whether consecutive or not) during any one period of sickness.

The sickness allowance is equal to 60 per cent. of the average remuneration received by the insured person during the calendar year preceding the event giving rise to benefit.

PART V. OLD-AGE BENEFIT

As at 31 December 1958 about 813,000 workers in remunerated employment were covered.

Protected workers who have reached their 65th birthday, and who have paid contributions for at least ten years, are entitled to an old-age pension; some institutions, however, require a minimum contribution period of only five years, while others have fixed the pensionable age at 70 years. The full old-age pension is granted to workers who have paid contributions for 40 years (35 years for certain institutions and 15 years in the case of two private firms' pension funds). A reduced pension is awarded where the period during which contributions have been paid is greater than the qualifying period but insufficient to give entitlement to a full pension.

The standard old-age pension is equal to 80 per cent. of the average remuneration received by the worker during the last 40 years of contribution (the reference period is shorter in the case of pension funds which grant the maximum pension after a contribution period of less than 40 years). The reduced old-age pension generally amounts to 2 per cent. of the average remuneration received during the contribution period for each calendar year during which the insured person has paid contributions, the minimum rate being 20 per cent.

PART VII. FAMILY BENEFIT

As at 31 December 1959 approximately 912,000 workers were covered by the scheme.

Benefits are awarded to workers with dependent children under 14 years of age or relatives in the ascending line unable to support themselves. In the case of children the age limit may be raised to 18 or 21 years if they are pursuing secondary or higher education. There is no age limit if they are invalid. Entitlement to benefit is not subject to a qualifying period, but depends on the payment of contributions. Benefits are payable as from the first child.

Family allowances are calculated each month on the basis of the previous month's earnings. Their amount varies between 40 and 100 escudos. The allowance for relatives in the ascending line, likewise based on earnings, varies between 30 and 60 escudos.

PART IX. INVALIDITY BENEFIT

As at 31 December 1958 those covered included some 813,000 workers in remunerated employment.

Workers who have paid contributions for ten years and who are suffering from an invalidity which pre-

vents them absolutely from carrying on their occupation are entitled to an invalidity pension. Some institutions require a qualifying period of five years. The invalidity pension is payable until the age of retirement and its amount depends on the length of time contributions have been paid and the average earnings during that period.

As a general rule the invalidity pension is fixed at 2 per cent. of the average remuneration received during the contribution period for each calendar year during which the insured person has paid contributions, to a minimum of 20 per cent. and a maximum of 80 per cent.

MISCELLANEOUS

An appeal may be made to the labour courts against any decision of an institution which a worker considers to be contrary to his rights.

The payment of benefits is financed by contributions from workers and employers. The average contribution equals 20 per cent. of the wage or salary, 5 per cent. being paid by the worker and 15 per cent. by the employer. It is distributed between the various benefits.

The provisions of this legislation are given effect by the provident institutions (provident funds) and family allowance institutions (family allowance funds), which are responsible to the Ministry of Corporations and Social Welfare. Each fund is administered by a general council on which employers' and workers' organisations are represented.

On 28 May 1957 the Ministry of Corporations and Social Welfare put before Parliament a Bill to make changes in the social welfare scheme, including the introduction of maternity insurance, extension of the right to hospitalisation, the raising of invalidity and old-age pensions and the reorganisation of the administration of the sickness insurance, maternity insurance, family allowance and old-age pension schemes. This Bill will shortly be considered by Parliament. It may be hoped that if it is passed, this will lead to examination of the possibility of ratifying the Convention.

Spain.

PART II. MEDICAL CARE

PART III. SICKNESS BENEFIT

PART VIII. MATERNITY BENEFIT

Act of 14 December 1942 to establish compulsory sickness insurance (*Boletín oficial del Estado (B.O.E.)*, 27 Dec. 1942) (*L.S.* 1942—Sp. 4).

Decree of 11 November 1943 to lay down rules for the application of the above Act (*B.O.E.*, 28 Nov. 1943) and subsequent texts.

Act of 10 February 1943 respecting the special system of social insurance for agriculture (*B.O.E.*, 2 Mar. 1943) (*L.S.* 1943—Sp. 1).

Decree of 18 October 1957 extending compulsory sickness insurance to casual agricultural workers (*B.O.E.*, 4 Nov. 1957).

Act of 19 July 1944 concerning the application of social insurance to domestic servants (*B.O.E.*, 21 July 1944) and regulations applying that Act.

Act of 17 July 1953 instituting compulsory insurance for students (*B.O.E.*, 18 July 1953).

PART IV. UNEMPLOYMENT BENEFIT

Decree of 16 June 1954 instituting technological unemployment insurance (*B.O.E.*, 25 July 1954) and regulations applying that Decree.

Decree of 26 November 1959 relating to unemployment benefit (*B.O.E.*, 28 Nov. 1959) and regulations applying that Decree.

PART V. OLD-AGE BENEFIT

PART IX. INVALIDITY BENEFIT

PART X. SURVIVORS' BENEFIT

Act of 1 September 1939 to replace the accumulation system for workers' pensions by the fixed pension system (*B.O.E.*, 9 Sep. 1939) (*L.S.* 1939—Sp. 3) and regulations applying that Act.

Decree of 18 April 1947 to establish a National Old-Age and Invalidity Insurance Fund and to prepare a system giving protection against invalidity (*B.O.E.*, 5 Apr. 1947) (*L.S.* 1947—Sp. 2A) and Order to lay down rules for the administration of that Decree (*B.O.E.*, 20 June 1947) (*L.S.* 1947—Sp. 2B).

Decree of 10 August 1954 relating to workers' mutual benefit societies (*B.O.E.*, 13 Sep. 1954).

(See also the legislation under Part II.)

PART VI. EMPLOYMENT INJURY BENEFIT

Decree of 22 June 1956 to approve a consolidated text of the legislation relating to industrial accidents (*L.S.* 1956—Sp. 1) and regulations applying that Decree.

Act of 13 July 1936 respecting occupational diseases (*Gaceta de Madrid*, 15 July 1936) (*L.S.* 1936—Sp. 2).

Decree of 10 January 1947 to establish a system of insurance against occupational diseases (*B.O.E.*, 21 Jan. 1947) (*L.S.* 1947—Sp. 1).

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

Order of 6 October 1951 establishing insurance against miners' nystagmus (*B.O.E.*, 22 Oct. 1951).

PART VII. FAMILY BENEFIT

Act of 18 July 1938 to institute a compulsory system of family allowances (*B.O.E.*, 19 July 1938) (*L.S.* 1941—Sp. 3B) and regulations applying that Act.

Order of 29 March 1946 to consolidate the rules for the administration of the bonus for family maintenance expenses instituted by the Order of 19 June 1945 (*B.O.E.*, 30 Mar. 1946) (*L.S.* 1946—Sp. 1).

Act of 13 December 1943 respecting benefit for large families (*B.O.E.*, 16 Dec. 1943).

PART II. MEDICAL CARE

The general compulsory sickness insurance scheme covers wage earners who have reached the age of 14 and whose annual earnings do not exceed 40,000 pesetas, and members of their families (spouse, children, brothers and sisters under 18 years of age or dependants of the insured person permanently incapacitated for work and living in his household).

There are special provisions for students, domestic servants and lepers. In addition, workers' mutual benefit societies (see below, Part V. Old-Age Benefit) provide medical benefit for pensioners and members of their families.

Under the general scheme, insured persons and their wives and children become entitled to benefit on the date of registration of membership. Six months after that date the other dependent members of the insured person's family become eligible. For students the qualifying period is one year from the date of matriculation and for domestic servants six months' contributions.

Under the general scheme, persons protected receive complete medical assistance, from both general practitioners and specialists. This care is provided in establishments belonging to the insurance scheme or with which the insurance scheme has an agreement. Medical care is also provided at the patient's home, where indicated. Medical and pharmaceutical care is provided from the day on which sickness is declared to the competent insurance physician, and for as long as may be required, subject to a maximum of 39 weeks

in any given year, which can, however, be extended to 52 weeks. For members of the insured person's family the duration of medical care is 26 weeks in a year. Hospital in-patient care is provided to insured persons for a maximum duration of 12 weeks and to members of their families for six weeks in a year, with possibility of extension. Prostheses, spa treatment and orthopaedic treatment are provided only on medical prescription approved by the health inspectorate of the sickness insurance scheme. In case of pregnancy, beneficiaries are entitled to medical assistance, midwife services and, on prescription by a physician, hospital in-patient care.

Special rules apply to casual agricultural workers, workers in the vegetable canning industry, merchant seamen, students, domestic servants, lepers and pension beneficiaries of mutual benefit societies.

Part III. Sickness Benefit

The scope of the social insurance scheme is the same as for medical care.

Eligibility for cash benefit is subject to the following conditions: a qualifying period of 180 days; medical assistance under the insurance scheme; incapacity for work. Insured persons must have neither brought about nor prolonged the sickness intentionally.

Sickness benefit is paid only in cases lasting at least seven days, from the fifth day of sickness (the first four days are borne by the employer). Benefit is paid for a maximum period of 39 weeks in a given year. It amounts to 50 per cent. of the daily wage of the insured person. In the case of hospital in-patient care, if the insured person has no dependant living in his household, benefit is reduced to 10 per cent. of the wage. Insured persons with dependants receive benefit equivalent to 60 per cent. of their wage.

Workers' mutual benefit societies pay cash benefit for extended sickness for a maximum period of five years, subject to certain conditions with regard to qualifying period, when members are no longer entitled to cash benefit under the general scheme. This benefit is generally equivalent to 60 per cent. of the wage.

Part IV. Unemployment Benefit

There are two distinct unemployment benefit schemes: technological unemployment benefit and unemployment benefit. The technological unemployment scheme covers all permanent workers insured under the compulsory social insurance scheme employed by non-agricultural undertakings. It applies to cases of cessation of service due to reduction of staff for purposes of technical improvement in an undertaking with authorisation by the Ministry of Labour. The unemployment benefit scheme covers permanent or full-time workers belonging to the consolidated social insurance scheme (old age, invalidity, sickness, family allowances); it covers cases of involuntary unemployment due to the reduction, suspension or cessation, with official authorisation, of activities of an undertaking owing to economic difficulties.

The right to benefit is subject to the condition that the insured person shall have been a permanent worker of the undertaking and shall have belonged to the consolidated social insurance scheme for at least six months.

In the technological unemployment scheme and in the unemployment benefit scheme, the rate of benefit is equivalent to 75 per cent. of the basic wage and of the family bonus. Benefit is calculated according to the average figure for the year immediately preceding dismissal. It is payable for a maximum period of 12 months under the technological unemployment scheme. Benefit under the unemployment insurance scheme is payable for six months only, which may be extended to not more than 12 months, subject to approval by the general employment authority when the worker has particular difficulty in finding suitable alternative employment.

Part V. Old-Age Benefit

The scope (general scheme and special schemes) is the same as for medical care. However, with regard to agriculture, independent producers or workers whose income subject to land tax does not exceed 5,000 pesetas are also insured. Workers' mutual benefit societies also pay old-age pensions, members being wage earners in undertakings compulsorily affiliated to a labour welfare institution.

For entitlement to an old-age pension under the general scheme or a special scheme, applicants must be aged 65 or over, have paid not less than 1,800 daily contributions and not be engaged in any work or activity covered by one of the compulsory insurance schemes. For domestic servants, not less than 120 monthly contributions are required.

Old-age pensions for persons who have become entitled to pension after 1 January 1956 amount to 400 pesetas a month for workers not receiving a pension from a mutual benefit society and to 250 pesetas a month for those receiving such a pension, and for independent farmers. Old-age pensions paid to persons whose entitlement dates from before 1 January 1956 amount to 300 and 225 pesetas a month respectively. Old-age pensions are payable for life. The widows of workers who had previously received an old-age pension are entitled to a pension equivalent to 50 per cent. of the deceased's pension, subject to certain conditions with regard to age, etc. For domestic servants, the pension is 400 pesetas a month when 120 monthly contributions have been paid, and the total may rise to 1,000 pesetas, depending on the number of contributions paid.

Workers' mutual benefit societies grant pensions from the age of 60, subject to a minimum of ten years' previous employment with an undertaking belonging to the scheme and subject to payment of a particular number of daily contributions (in no case, more than 700). The total pension at 60 years of age varies from 40 to 50 per cent. of the basic wage of the insured person and, at 70 years, it is from 80 to 90 per cent. of that wage. The maximum wage applied in deciding eligibility for membership is 7,000 pesetas a month. A pension can be combined with any other insurance benefit. There is an additional 10 per cent. benefit for the spouse and for each dependent child.

Part VI. Employment Injury Benefit

The insurance scheme covers all wage earners, that is to say any person performing work away from home, for a third person, whatever the nature of that work, under a verbal or written agreement. (In addition, in the agricultural sector any person working at his home is regarded as a worker if provision of housing is a condition of his employment.)

Occupational diseases are covered by the same scheme as employment injury, with the exception of

silicosis and miners' nystagmus, to which special regulations apply.

Workers or their dependants receive benefit in the following cases: temporary incapacity; permanent partial incapacity for all work; permanent and total incapacity for the worker's habitual occupation; permanent and total incapacity for all work; major invalidity; permanent injuries not constituting incapacity; death.

All workers are entitled, for as long as it is considered necessary in view of their pathological state, to any medical and pharmaceutical care required and to the supply and replacement of prosthetic and orthopaedic appliances, hospital in-patient care and vocational rehabilitation.

In the case of temporary incapacity, workers receive a daily allowance equivalent to 75 per cent. of their wage, from the first day of injury until complete recovery, subject to a maximum period of a year and a half. In the case of permanent injuries not constituting incapacity, insured persons are entitled to a lump-sum payment that varies according to the degree of injury. In the case of permanent incapacity for work, invalidity benefit is paid in proportion to previous wages: for partial incapacity—35 per cent. of wages; for total incapacity—55 per cent.; for total incapacity for all work—75 per cent.; for major invalidity—100 per cent. (plus 50 per cent., if the help of a third person is needed). Pension rates are subject to periodical review.

Survivors' benefit in the case of an employment injury is proportionate to the deceased person's wage. A widow with no dependent child receives 50 per cent. of the wage. This figure is increased by 10 per cent. for each dependent child subject to a maximum of 100 per cent. of the previous wage. Pensions are also payable to parents and grandparents who are aged over 60 or are disabled.

The students' insurance scheme provides lump-sum benefit in the case of accidents suffered during the period of studies.

Part VII. Family Benefit

There is a compulsory family allowance scheme covering manual or professional workers employed by a third party, whether for permanent or casual work or for home work. Independent agricultural workers are also covered, provided that they are principally engaged in agriculture.

Beneficiaries must have a dependent child resident in Spain and aged under 14. The same regulations apply to benefit claimed in respect of grandchildren and brothers and sisters who are orphaned (or whose parents are disabled) and who cannot receive a family allowance under any other scheme. Benefit starts with the second child.

The benefit is 60 pesetas a month for two children, 90 for three children, 130 for four children, and so on, up to 4,500 pesetas for 12 children. For each child after the twelfth the benefit increases by 3,000 pesetas a month. A special increase of 10 per cent. is paid to the heads of large families in the first category (four to seven children) and of 20 per cent. to the heads of large families in the second category (eight or more children). In the event of the death of the breadwinner, his widow and orphans are entitled to special allowances.

The compulsory family allowance scheme also pays education allowances to orphans of deceased members, marriage allowances and confinement allowances.

There are special schemes for students (study allowances in the case of the death of the breadwinner or of family disaster), for domestic servants (marriage allowance and benefit of 75 pesetas for each child) and for convicts authorised to perform work towards remission of their sentence.

Workers' mutual benefit societies provide marriage and confinement allowances.

A special family bonus scheme is administered by a fund set up in each undertaking for the benefit of workers in industry and commerce with family dependants. Benefits under this scheme are paid not only in respect of children but also in respect of a dependent spouse or parents or grandparents.

Part VIII. Maternity Benefit

The scope is the same as for medical care.

Insured persons covered by the sickness insurance scheme and wives of insured wage earners are entitled to medical assistance in case of maternity. Cash benefits are provided subject to the insured person's having completed a qualifying period of nine months before the probable date of confinement; the insured person is further required to have paid contributions for at least six months during the year preceding confinement and must not perform any lucrative activity during the rest period.

Benefit in kind includes all medical care and pharmaceutical supplies during pregnancy, confinement and nursing; hospital in-patient care for a period of eight days following normal childbirth; in the case of pathological childbirth, the period of hospital in-patient care may be extended on prescription by the physician.

Cash benefit is equivalent to 60 per cent. of the insured person's daily wage, and is payable for the six weeks preceding and the six weeks following confinement. A special bonus is payable in respect of a multiple birth. Nursing allowances are also granted.

Part IX. Invalidity Benefit

The scope is the same as for the old-age insurance scheme.

Entitlement to an invalidity pension arises from invalidity (not due to sickness or employment injury) which so reduces the victim's earning capacity as to prevent him from earning, by work appropriate to his strength, skill or previous occupation, at least one-third of what a worker in the same category with comparable training normally earns in the locality.

Disabled persons must normally be aged over 50, although in certain cases this limit is reduced to 30. They are required to have paid at least 1,800 daily contributions.

Rates for invalidity pensions are the same as for old-age pensions.

For domestic servants, six months of contributions are required, and pensions are 400 pesetas a month.

Workers' mutual benefit societies pay pensions to their members suffering from permanent and total incapacity for all work, and from permanent incapacity for their habitual occupation (in the latter case, only after they have reached the age of 50). Pensions vary between 40 and 75 per cent. of wages in the case of incapacity for the habitual occupation and between 50 and 75 per cent. of wages in the case of incapacity for all work.

PART X. SURVIVORS' BENEFIT

Widows' and orphans' pensions are paid by workers' mutual benefit societies to their members (see above, Part V. Old-Age Benefit).

Widows of insured persons who had married before the age of 60 and not less than two years before their decease are entitled to pensions. The qualifying period is the same as for old-age pensions. Widows of old age, invalidity or extended sickness pensioners are also entitled to widows' pensions.

Widows aged over 40 and widows under 40 with children are entitled to annuities varying between 25 and 50 per cent. of the wage of the deceased husband, depending on the fund in question. Widows aged under 40 with no children are entitled to cash benefit payable in 14 to 16 monthly instalments. Disabled widows who were dependent on an insured spouse until the latter's death are also entitled to pension.

Children are entitled to pension if they are aged under 18 and the general qualifying conditions are satisfied. Pensions are payable in respect of legitimate or recognised illegitimate children and all children adopted at least two years before the death of the insured person, etc. Pensions for orphans and assimilated persons are generally payable up to the age of 18. The rate is equivalent to 15 per cent. of the deceased's wage, for each child, the minimum varying, according to the mutual benefit society, from 150 to 186 pesetas a month. Allowances for funeral expenses are payable by the compulsory sickness insurance scheme, the domestic servants' insurance scheme and the mutual benefit societies.

The insurance schemes are administered by the National Welfare Institute, with the co-operation of the trade unions, mutual benefit societies, etc., and through the funds specialising in certain risks or for certain occupational categories. Mutual benefit societies are managed in each branch of activity by representatives of the employers and the workers under state supervision.

The various social insurance schemes are financed through employers' and workers' contributions (except for unemployment insurance and employment injury insurance, which are financed by employers' contributions exclusively) and by state subsidies.

The labour courts are the competent authority for litigation concerning social security.

The Spanish Government is at present preparing a national social security plan to co-ordinate and consolidate the various compulsory social insurance schemes already in operation. This plan will be drafted in the light of the country's particular requirements and will take account of the guiding lines laid down in the Convention.

Thailand

Announcement of the Ministry of the Interior of 20 December 1958 (*B.E.* 2501) concerning working hours, holidays of employees, conditions of women and child labour, payment of wages and welfare services.

Announcement of the Ministry of the Interior of 20 December 1958 (*B.E.* 2501) concerning rules and method of payment and amount of compensation.

Social Security Act (*B.E.* 2497).

The Announcements of the Ministry of the Interior provide, on the one hand, for sickness and maternity benefits and, on the other hand, for employment injury benefits, including invalidity and death resulting from an employment accident.

Sickness benefits are paid at the rate of 50 per cent. of regular wages for the entire period of absence.

Medical benefits are paid up to an amount equalling regular wages.

Maternity benefits are paid at full wages for a minimum of 30 and a maximum of 90 days.

In case of employment injury full medical benefits up to a maximum of 10,000 bahts are paid. In cases of temporary total disability 50 per cent. of the wages for the period of disability is paid after a seven-day waiting period. In cases of permanent partial disability 50 per cent. of wages is paid during a period the duration of which varies with the degree of disability stipulated in the regulations. In cases of permanent total disability 60 per cent. of wages is paid for a period of five years. In case of death a funeral benefit equal to three months wages, with a maximum of 5,000 bahts, and a pension payable for five years to the survivors are paid. The pension varies from 40 to 60 per cent. of wages according to the number of dependants.

The Social Security Act states that all persons between the ages of 16 and 60 have the right to insure themselves. Participation is compulsory for persons receiving a monthly wage of at least 500 bahts who work in the localities specified by the Act. Certain categories of workers are exempt. The law provides for maternity, dependent children, sickness, invalidity, old-age and funeral benefits. The system is financed by contributions whose exact amounts and methods of payments will be fixed by Royal Decree.

The Social Security Act is being drafted at the moment.

Some parts of the laws have been amended to conform with the provisions of the Convention. Since the provisions of the laws are smaller in scope than those of the Convention the Government is not yet in a position to contemplate ratification of the Convention. However, amendments are being effected to render the legislation consistent with the provisions of the international labour Conventions and Recommendations.

Tunisia.

PART VI. EMPLOYMENT INJURY BENEFIT

Act No. 57-73 of 11 December 1957 (*Journal officiel (J.O.)*, 20 Dec. 1957) (*L.S.* 1957—Tun. 1).

PART VII. FAMILY BENEFIT

Decree of 8 June 1944 (*J.O.*, 13 June 1944).

Decree of 12 October 1944 (*J.O.*, 20 Oct. 1944) and subsequent Decrees.

Decree of 15 September 1955 (*J.O.*, 20 Sep. 1955).

Act of 13 January 1959 (*J.O.*, 16 Jan. 1959).

All wage earners (agricultural and non-agricultural) are included in the system of compensation for employment injuries and occupational diseases. The system of family benefits covers wage earners in industry, commerce and the liberal professions. In 1958, 67,869 wage earners received family benefits for 164,682 children.

Employment injury benefit. Benefits are paid for accidents arising out of or in the course of employment, while travelling to or from the place of work and in case of occupational disease.

In case of temporary incapacity the victim is entitled, as from the fourth day, to a daily benefit equal to

one-half his normal daily wage; the benefit is increased to two-thirds of his daily wage as from the forty-fifth day following the accident. Where the degree of permanent incapacity is equal to or more than 6 per cent., but less than 15 per cent., only a capital sum equal to three times the amount of the pension is payable. No cash benefit is payable in respect of permanent incapacity for work amounting to 5 per cent. or less.

In case of permanent incapacity or of death pensions are calculated according to the victim's annual salary, under the condition that this salary may not be less than 100 dinars for agricultural occupations and 130 dinars for non-agricultural occupations. For the purposes of calculation the first 600 dinars are taken in full; the part between 600 and 1,600 dinars is taken at only one-third of its amount; amounts in excess of 1,600 dinars are not taken into account. The pension paid to a surviving spouse is set at 25 per cent. of the victim's annual salary; for children who have lost one parent and who are less than 16 years old the pension varies from 15 to 45 per cent. depending on whether there are one or more than four children; each fully orphaned child receives a pension of 20 per cent. of the wages up to a maximum total of 60 per cent

Benefits for medical care include the payment of medical and surgical expenses up to an amount established by law, the payment of hospital expenses and the complete reimbursement of pharmaceutical expenses.

Disputes are settled, according to their nature, either by the cantonal magistrate or by the court of the first instance. Disputes arising exclusively out of the application of the scales of rates fixed for medical and surgical charges are submitted, prior to any judicial proceedings, to a special commission established by the Secretary of State for Social Affairs and Public Health.

All benefits must be borne either by the employer or by the authorised insurance institutions with which he has taken out the appropriate policy. An Industrial Accidents Fund administered by the State, guarantees, either in substitution for or in addition to the employer's or insurer's liability, and also in certain special cases of joint liability, that the benefits in respect of employment injuries will be paid. The income of the fund is derived from contributions from all employers, levied on the insurance premiums paid to cover their liability and on the capital funds providing any pensions that they are required to pay.

The Secretary of State for Social Affairs and Public Health and the Secretary of State for Finances and Commerce are responsible for supervising the administration of industrial accident and occupational disease risks by the insurance companies. The workers have a representative on the Committee for Provision of Appliances to Disabled Workers.

Family benefit. All wage earners are entitled to family benefits for their children resident in Tunisia up to the age of 14 years and, under certain conditions (attendance at school or university, illness, etc.), up to 18 or 21 years of age. Family benefits are paid during a period of temporary incapacity greater than 40 per cent.; in case of death payment is also made, under certain conditions, to the person entrusted with the care of the children. In case of illness or confinement the wage earner is entitled to these benefits if work is not interrupted for more than three months in one year.

The benefit for each child is equal to 15 per cent. of the wage, subject to a ceiling.

In cases of refusal of benefit or of dispute the interested parties are entitled to appeal to a special family benefits court.

Contributions to the scheme are met by the employers; the contributions are fixed, in so far as industry, trade, building and mining are concerned, at varying percentages of wages, the maximum wage for contribution purposes being 500 dinars per year.

The Secretary of State for Social Affairs and Public Health is responsible for supervising the application of the system. A workers' representative sits on the Consultative Committee for Family Benefits.

Draft social security legislation has been prepared. It provides for the granting of benefits in cases of illness, maternity or death. It also provides for a pension insurance scheme covering illness, invalidity, and death risks. Its implementation is subject to the economic situation of the country.

Turkey.

Act No. 4772 of 27 June 1945 respecting insurance for industrial accidents, occupational diseases, and maternity (*Resmî Gazete* (*R.G.*), 7 July 1945, No. 6051) (*L.S.* 1945—Tur. 1) as amended by Acts No. 5019 of 1947 (*R.G.*, 26 Feb. 1947, No. 6542) (*L.S.* 1947—Tur. 2); No. 5564 of 1950 (*R.G.*, 6 Mar. 1950, No. 7449); No. 6707 of 1956 (*R.G.*, 11 Apr. 1956, No. 9282); No. 6917 of 1957 (*R.G.*, 23 Feb. 1957, No. 9543) (*L.S.* 1957—Tur. 3A); No. 7232 of 1959 (*R.G.*, 3 Mar. 1959, No. 10149).

Act No. 6900 of 9 February 1957 respecting invalidity, old-age and survivors' insurance (*R.G.*, 13 Feb. 1957, No. 9534) (*L.S.* 1957—Tur. 1) as amended by Act No. 7231 of 1959 (*R.G.*, 3 Mar. 1959, No. 10149).

Act No. 5502 of 4 January 1950 respecting sickness and maternity insurance (*R.G.*, 10 Jan. 1950, No. 7402) (*L.S.* 1950—Tur. 1) as amended by Acts No. 6709 of 1956 (*R.G.*, 11 Apr. 1956, No. 9282); No. 6901 of 1957 (*R.G.*, 13 Feb. 1957, No. 9534) (*L.S.* 1957—Tur. 2); No. 7233 of 1959 (*R.G.*, 3 Mar. 1959, No. 10149) and No. 7317 of 1959 (*R.G.*, 11 June 1959, No. 10228) (*L.S.* 1959—Tur. 3).

Scope.

In September 1959 the number of workers protected was 619,000; at the same time 420,000 civil servants were members of the Civil Servants Pension Fund. There are 1,641,000 wage earners (1955 census).

Conditions for Entitlement to Benefit.

Medical care. Medical treatment is provided only for the insured persons themselves and not for their dependants. There is no waiting period before the insured becomes entitled to medical treatment. Beneficiaries who become ill during the nine weeks immediately following the date on which they left their last insured employment are also entitled to medical treatment. The maximum period during which medical assistance may be provided is 18 months irrespective of the type of illness involved. In certain cases, however, this period may be extended if it is proved that further treatment will reduce or cure disability.

Sickness. Before the insured person becomes entitled to sickness benefit he must have paid contributions for a period of 120 days during the year preceding the last day of the second calendar month before the date on which disability was confirmed. The allowance is paid for each day of disability from the fourth day onwards. If disability continues for more than one week the allowance for the first three days of sickness is also paid to the insured. The maximum period during which this benefit can be paid is 18 months.

Old age. The insured becomes entitled to an old-age pension at the age of 60 years. Persons employed in uncongenial work may be entitled to an old-age pension before the age of 60 years providing that certain conditions are fulfilled. In addition, the insured must have been a member of the scheme for a period of at least 25 years and must have paid contributions for a minimum of 5,000 days. The old-age pension may also be granted if these conditions are not fulfilled providing that the beneficiary has been insured for a period of from 15 to 35 years and has paid contributions for an average of 150 days per year. Providing that he applies in writing, an insured person who is not entitled to a monthly old-age pension but who has reached the age of 60 years and has been previously engaged in an occupation which was covered by the insurance scheme may be entitled to a single capital lump-sum payment corresponding to the total contributions paid both by him and his employer.

Employment injury. An employment injury is regarded as an injury sustained while the insured person is in the undertaking or as a result of his work on behalf of the employer or during his normal hours of work, in accordance with article 40 of the Labour Code. There is a special list of illnesses which are classified as occupational diseases. In addition any illness imputable to the type or conditions of work is also considered as an occupational disease. There is no waiting period before benefit in respect of employment injuries becomes payable.

Maternity. An insured person is entitled to maternity benefit if she has paid contributions for 120 days during the year immediately preceding the last day of the calendar month prior to confinement. An insured woman must have paid contributions for at least 90 days during the same period before she becomes entitled to medical care in respect of confinement.

Invalidity. Any person whose capacity for work is reduced by at least two-thirds is considered to be invalid. In addition, before the beneficiary becomes entitled to a monthly invalidity pension he must have been insured for a period of at least 15 years and must have paid his insurance contributions for a minimum of 3,000 days. A reduced monthly invalidity pension may, however, also be granted to persons who do not comply with the above conditions but who have been insured for from five to 20 years and who have paid insurance contributions for an average of 150 days per year. Insured persons who become invalid and who are not entitled to an invalidity or old-age pension may be granted a lump-sum capital payment corresponding to the total contributions paid by them and by their employers.

Survivors. The wife, children, father and mother of an insured person who, on his death, has fulfilled the conditions which entitled him to an old-age or invalidity pension are paid monthly survivors' pensions. When an insured person dies before having fulfilled the conditions required for entitlement to an invalidity or old-age pension, the total amount of the contributions paid by him and by his employers is paid to his survivors in the form of a single lump-sum capital amount. Survivors' pensions are paid irrespective of the economic situation of the beneficiaries. A widower is entitled to a survivor's pension if he is invalid and is unable to work; the father and mother are also entitled to a pension if they were dependent on the insured person.

Level of Benefits.

Medical care. Medical benefit includes all medical treatment mentioned in Article 10 of the Convention. The insured is not required to contribute towards the cost of such treatment. Treatment is provided for workers directly by the insurance institution, which operates its own health centres and has its own medical practitioners. In the areas where the institution does not operate a medical centre and does not employ medical practitioners, and also for urgent cases, the cost of treatment is refunded by the institution.

Sickness. The allowance payable for temporary incapacity for work amounts to half the daily salary of the insured. If the beneficiary has dependants the amount payable is two-thirds of the daily wage. When the treatment of the insured makes it necessary for him to be hospitalised in a health centre, one-third of his daily salary is paid as an allowance, but if the insured has a dependant this amount may be increased to half his daily wage.

Old age. The old-age pension amounts to 50 per cent. (for an insured person with dependants) or 35 per cent. (for an insured person without dependants) of the average annual income taken as a basis for the calculation of insurance contributions. Insured persons who are entitled to an old-age pension after having been insured for a period varying from 15 to 35 years and who have paid contributions for an average of 150 days per year receive an annual old-age pension which is calculated by deducting from the rate mentioned above 0.75 per cent. for each year that must be added to the period of contribution in order to make it up to the total term of 35 years. The annual pension rates for insured persons who are entitled to a monthly pension from the age of 60 years onwards are increased by 1 per cent. for each year that has expired. The minimum annual old-age pension is at present £T.1,440. The rate has been increased twice since 1950 when the scheme first came into force.

Employment injury. The benefits provided in respect of employment injuries include medical care, an allowance for temporary disability and a survivors' pension. Medical care includes treatment, hospitalisation, orthopaedic treatment, medical supplies and the supply, repair and replacement of prosthetic appliances. If it becomes necessary for the beneficiary to undergo treatment abroad, his travel expenses and maintenance are also paid. Medical care may be provided for a maximum term of 20 months. The allowance for temporary disability is granted for a maximum period of 20 months from the first day on which disability was confirmed. In cases where disability continues for longer than 20 months the insured becomes entitled to a permanent disability pension. The benefit for temporary incapacity is half the daily salary of the insured. If the insured has dependants the allowance is increased to two-thirds of his wage and if he is hospitalised, the amount payable is one-third of the salary. If he has dependants and is hospitalised, the allowance is increased to half his wage. If he suffers partial incapacity for work he is entitled to a pension in proportion to the degree of disability. If it is necessary for him to have the permanent assistance of a third person, the pension is increased by 50 per cent. An insured person whose capacity for work has been reduced by 10 per cent. or less is not entitled to a pension. If the insured person dies, his survivors are entitled to a pension at the following rates: 30 per cent. of the annual wage of the

victim for the widow; 15 per cent. for each child up to the age of 18 years or up to 25 years during their education, or indefinitely if they are invalid; and 25 per cent. for full orphans. A lump sum of £T.200 is payable in respect of funeral expenses incurred by survivors.

Maternity. Maternity benefits include prenatal care, medical attention and all necessary surgical treatment. A lump sum of £T.100 is paid at the birth of any child who is not still-born. For the two periods of six weeks immediately preceding and following confinement, an insured woman who is not working receives an allowance of 66 $^{2}/_{3}$ per cent. of her normal daily wage.

Invalidity. The invalidity pension amounts to 50 per cent. of the average annual wage for insured persons with dependants or to 35 per cent. for those without dependants. Invalids who require the permanent assistance of a third person are paid a pension amounting to 60 per cent. of the average wage which they previously earned. Insured persons who are entitled to an invalidity pension although they have not fulfilled the normal conditions (those who have been insured for a period varying from five to 25 years and who have paid at least an average of contributions for 150 days per year) receive a pension which is reduced by 0.75 per cent. for each full year necessary to make up a total insurance term of 20 years.

Survivors. The surviving widow or widower who is infirm and unable to work is entitled to a monthly pension of 50 per cent. of the pension to which the insured would have been entitled; each child is entitled to a monthly pension of 25 per cent. Full orphans receive a monthly pension of 40 per cent. of that which would have been paid to the insured. If the total amount of the monthly pension payment to the widow and to the children of the insured is less than the amount that would have been paid to him, the difference is distributed in equal monthly pension payments to the father and the mother. The pension payable to both the father and the mother may not, however, exceed 25 per cent. of the monthly pension which would have been paid to the insured.

Miscellaneous.

Insured persons may appeal to the industrial tribunals. In addition, the Supreme Health Council is competent to decide if an illness is to be classified as an occupational disease whenever it is not included in the official list.

The social insurance schemes are financed by contributions paid by employers and workers, but for industrial accident insurance contributions are paid only by the employers.

The responsible supervisory authority for the insurance scheme is the Ministry of Labour. The scheme is administered by the workers' insurance institution whose administrative council includes employers' and workers' representatives.

The legislation has been amended to make it comply with the provisions of the Convention. The law of 1950 concerning old-age insurance has been replaced by the Act of 1957 governing old-age, invalidity and survivors' insurance. Acts Nos. 4472 and 5502 have been amended in order to extend the period during which maternity benefits are payable.

The main difficulty in ratifying the Convention is due to the number of insured persons, and it can in fact only be ratified if the temporary exceptions provided under Article 3 are invoked. In addition, the following legislative provisions would have to be amended: the maximum period of 20 months for medical treatment following employment injuries would have to be abolished; the definition of the term invalidity would have to be changed in order to include disability which continues after the period during which sickness benefit is provided (invalidity is at present defined as being the loss of two-thirds of earning capacity and cases in which this degree of invalidity is considered to exist are specified in the regulations; it is therefore possible that insured persons will not be entitled to invalidity benefit after payment of sickness benefit has ceased whenever the specific case is not covered by the existing regulations); medical treatment would have to be extended to cover the wife and children of the insured; from a more general point of view, the existing legislation does not provide for the amount of periodic payments to be revised as a result of fluctuations in the cost of living: steps have been taken on various occasions to increase the basic amount of earnings on which the calculation of contributions and benefit is based. The minimum amount of invalidity, old-age and survivors' pensions was increased from £T.400 in 1950 to £T.1,440 in 1960. It is, nevertheless, not certain that these measures are sufficient to bring the legislation into conformity with the Convention.

Certain amendments are at present being examined and these will particularly deal with the following points: the introduction of unrestricted medical treatment for victims of industrial accidents; a wider definition of the term invalidity; the extension of medical care to cover members of the family of an insured person and beneficiaries of invalidity and old-age pensions; the progressive extension of the social security scheme to all undertakings even if they employ only one person.

Ukraine.

The social security scheme is compulsory. All workers and employees are covered whether they are employed by state organisations, public or co-operative undertakings or by private persons. The legislative provisions governing social security greatly exceed the minimum standards stipulated by the Convention and provide the workers with much greater rights and guarantees. Workers pay no contributions whatsoever.

Medical care (sickness and employment injuries). Medical treatment is provided free of charge to all workers who can attend at one of many widely distributed clinics, hospitals, dispensaries, medical centres for women and children, laboratories and medical scientific research institutions. A number of steps have also been taken to improve the health of workers and to prevent illness. These measures include institutions and rest centres for workers and their families, sanatoria, kindergartens, dietetic programmes, physical culture for medical purposes, etc.

Sickness benefit. The benefits provided for victims of temporary incapacity for work include sickness benefit as defined by the Convention and also allowances for treatment in sanatoria and spas, for quarantine, and for cases where the worker is temporarily transferred to another occupation when he is the victim of an occupational disease or of a serious illness such as tuberculosis. The benefit payable for temporary incapacity for work is paid to the worker from the first day of his illness until he is again able to take up

his normal employment, or until an invalid worker is granted a pension. There is no restriction on the length of time during which this benefit can be provided for temporary incapacity for work. It should be noted that persons who have lost their employment because they have continuously failed to observe the regulations governing their work, or because they have committed a crime, are only entitled to benefit once they have completed six months' employment in new work. They are not then entitled to the benefit from the first day onwards unless they become incapacitated for work as a result of an employment injury or an occupational disease. The amount payable for temporary incapacity for work is calculated according to the length of time that the beneficiary has been employed. The minimum amount is 50 per cent. of the wage and the maximum is 90 per cent.

Unemployment. There is no unemployment in the Ukraine, and the legislation therefore does not include any provisions for unemployment benefit.

Old age. Men who have reached the age of 60 years and who have been employed for at least 25 years, and women who have reached the age of 55 years and who have been employed for at least 20 years are entitled to old-age benefit. The age restrictions are less rigorous for people who have been engaged in underground or uncongenial work, for women who have five children or more, and for the blind.

The minimum old-age pension is 300 roubles per month and the maximum is 1,200 roubles. A supplementary pension is paid to persons with dependent members of their family who are unable to work.

Employment injury. A benefit is paid to any worker who is a victim of an industrial accident or an occupational disease, irrespective of the length of time that he has been employed. The amount of this benefit is calculated on the basis of the category to which the victim of the accident belongs and of the amount of the wage which he was paid before the accident occurred. A special supplementary amount of 15 per cent. of the pension is paid to invalids who cannot support their dependants and to those who incur additional expenditure as a result of treatment that they require. In addition, persons who sustain employment injuries are entitled to damages from the undertaking, institution, organisation or private employer who is responsible for providing compensation. The compensation payable amounts to the loss of earning capacity of the worker, namely the difference between the pension to which he is entitled and the wage which he previously received. Any person who is dependent on the victim of an accident is entitled to the same compensation when the victim of the accident dies. A worker who suffers an accident or occupational disease is also entitled to the refund of all expenses for treatment, prosthetic appliances, dietetic programmes, periods spent in sanatoria or in spas, providing that a medical certificate is produced to show that he has been advised to incur such expenditure and that he has received no state aid whatever in this respect.

Family benefit. A mother of two children receives an allowance paid by the State for the birth of the third child and for each subsequent confinement. A decree of the Supreme Council of the U.S.S.R. dated 25 November 1947 stipulated the amount of maternity benefits and of monthly allowances paid to mothers.

Maternity. Women who are workers or employees are entitled to a holiday of two periods of 56 days immediately preceding and following confinement. If the confinement involves medical complications or if twins are born, the postnatal leave is extended to 70 days. Throughout the prenatal and postnatal leave, the beneficiary is entitled to a social insurance benefit. Women who have been employed for a period of at least three years, those aged under 18 years, invalids of the Second World War, and "shock workers" are entitled to benefits amounting to the total of their wage throughout the period of prenatal and postnatal leave. Women who have been employed in the same undertaking or in the same institution for at least one year are entitled to a benefit of two-thirds of their wage. The parents receive a special benefit following the birth of the child to enable them to purchase the clothing and food necessary for the infant.

Invalidity. Invalidity benefit is payable to workers and employees who suffer permanent or long-term industrial disability. There are three categories of invalids according to the degree of industrial disability incurred. Persons who suffer invalidity as a result of an employment injury or an occupational disease are entitled to the following benefits: *(a)* minimum monthly amount of 360 roubles for the first category, 285 roubles for the second, and 210 roubles for the third; *(b)* a maximum monthly payment of 1,200 roubles for the first category, 900 roubles for the second, and 450 roubles for the third. Persons who suffer invalidity as a result of an ordinary illness are entitled to the following benefits: *(a)* a minimum monthly amount of 300 roubles for the first category, 230 roubles for the second, and 160 roubles for the third; *(b)* a maximum monthly amount of 900 roubles for the first category, 600 roubles for the second, and 400 roubles for the third.

Survivors. If a worker or pensioner who maintains his family dies, his dependants who are unable to work are entitled to a survivors' benefit. The following persons are considered as survivors: *(a)* children, grandchildren, brothers and sisters aged under 16 years or under 18 years if they are attending school; *(b)* the father, mother, wife or husband aged 60 years (men) or 55 years (women), or if they suffer invalidity; *(c)* the parent, wife or husband who, irrespective of his age or capacity for work, is responsible for the upkeep of children aged under eight years; *(d)* relatives in the ascending line when no other persons or institutions are legally responsible for their maintenance.

Union of South Africa.

Unemployment Insurance Act, No. 53 of 1946 (*L.S.* 1946—S.A. 1), as amended, and regulations thereunder.

Old-Age Pensions Act, No. 22 of 1928 (*L.S.* 1928—S.A. 1), as amended, and regulations thereunder.

Workmen's Compensation Act, No. 30 of 1941 (*L.S.* 1941—S.A. 2), as amended, and regulations thereunder.

The Children's Act, No. 33 of 1960 (*Government Gazette*, 14 Apr. 1960, No. 6417) and regulations thereunder.

Factories, Machinery and Building Work Act, No. 22 of 1941 (*L.S.* 1941—S.A. 3), as amended, and regulations thereunder.

Shops and Offices Act, No. 41 of 1939, as amended, and regulations thereunder.

Disability Grants Act, No. 36 of 1946, as amended, and regulations thereunder.

Blind Persons Pensions Act, No. 11 of 1936, as amended, and regulations thereunder.

Part II. Medical Care

There is no general legislation providing for medical care except that free medical attention is available through the district surgeon system to all indigent persons throughout the country and free hospitalisa-

tion is provided in provincial hospitals for all those who are unable to pay for it in accordance with the means tests of the various provincial administrations.

A number of medical benefit schemes has been established on the basis of voluntary insurance. Details of the scope of protection offered, the basis of contributions and the number of participants are, however, not available.

Part III. Sickness Benefit

The number of employees protected is 850,000 (the total number of employees exclusive of agricultural workers and domestic servants is 2,750,000).

Benefits are payable to a contributor, as defined in the Unemployment Insurance Act of 1946, who is unable to work and is unemployed or, if not unemployed, is in receipt of less than one-third of his normal earnings, and who is suffering from any illness other than neurasthenia, insomnia, debility or other similar condition of ill-health or an illness caused by his own misconduct.

The qualifying period is 13 weeks as a contributor, provided that the contributor is not entitled to an allowance if his last employment as a contributor ceased more than 52 weeks prior to the date on which he became incapable of performing work.

The waiting period is three weeks and the maximum duration of benefits is 26 weeks in any year but not exceeding the amount of his credit, i.e. an amount in the proportion of one week's benefit to each four weeks' employment as a contributor. The Unemployment Insurance Board, however, usually extends this period on application, if the beneficiary is likely to be able to resume work within a reasonable period, provided the beneficiary has the necessary credits.

Benefits vary with the weekly wage group in which the contributor was last employed, from £1 1s. 9d. (wage up to £2 5s.) to £6 9s. 6d. (wage between £15 15s. and £24).

Part IV. Unemployment Benefit

The number of employees protected is 850,000 (the total number of employees is 2,750,000, exclusive of agricultural workers and domestic servants).

Benefits are payable to a contributor, as defined in the Unemployment Insurance Act of 1946, who is unemployed and who is capable of and available for work, and who registered for employment at a Government Employment Bureau.

The qualifying period is 13 weeks' employment as a contributor.

The waiting period is one week and the maximum duration of benefits is 26 weeks in any year but not exceeding the amount of the contributor's credits, i.e. an amount in the proportion of one week's benefits to each four weeks' employment as a contributor.

For the level of benefits, see under Part III. Sickness Benefit.

Part V. Old-Age Benefit

Protection is afforded to all residents who qualify for benefits. Old-age pensions may be granted to persons who have attained the age of 65 years in the case of males and 60 years in the case of females.

Applicants must be resident and domiciled in the Union at the time of making application for a pension. Any person who is a South African citizen or a citizen of a Commonwealth country or the Republic of Ireland and who has been such a citizen for five years, must have been ordinarily resident in the Union for 15 out of the 20 years immediately preceding the date of application; any person who has not been such a citizen for five years or who is an alien, must have been ordinarily resident in the Union for 25 out of the 30 years immediately preceding such date. Any period spent outside the Union during which the person concerned has maintained his domicile in the Union is deemed to be a period of residence in the Union.

The amount of the benefit is subject to a means test and the maximum pension payable in the case of a White person is £72 plus an allowance of £42 and a bonus of £24 per annum, but the basic pension plus means must not exceed £162 per annum; lower rates are provided for in the case of Coloured persons, Indians and Natives.

Part VI. Employment Injury Benefit

The number of employees protected is 3,580,000 (total number of employees is 4,700,000).

Every workman, as defined in the Workmen's Compensation Act, who suffers a personal injury as the result of an accident arising out of and in the course of his employment, or who contracts a scheduled industrial disease, is entitled to the benefits under the Workmen's Compensation Act.

Compensation is not payable in respect of an accident which was due to the workman's own serious and wilful misconduct unless the workman suffers serious disablement, or dies leaving one or more dependants who were wholly dependent on him.

While temporarily unfit for work, a European, Asian or Coloured workman is entitled to periodical payments at the rate of 75 per cent. of his earnings up to £20 per month plus 60 per cent. of his earnings in excess of £20 up to the maximum compensable earnings of £50 per month. The maximum rate of payment is, therefore, £33 per month. The minimum payment is £6 10s. per month or full earnings, whichever is the less. No compensation is payable for the first three days if the injured workman is off work for less than two weeks. Periodical payments to Native workmen are calculated at the same rate in the case of European, Asian and Coloured workman. No compensation in respect of temporary disability is payable to a Native whose disablement lasts for less than seven days (or 14 days where the employer supplies food and quarters).

For European, Asian and Coloured workmen, the compensation for permanent disablement which is assessed at 25 per cent. or less takes the form of a lump sum equal to ten times the workman's monthly earnings up to £20 of such earnings plus eight times his monthly earnings in excess of £20 up to the maximum compensable earnings of £50 per month. The maximum lump-sum payment, i.e. in respect of 25 per cent. disablement where the workman was earning £50 per month or more at the time of the accident is, therefore, £440. If the degree of disablement is greater than 25 per cent. compensation takes the form of a monthly pension, except in respect of the loss of one eye, for which a lump sum (maximum £528) is payable. The pension for total disablement (100 per cent.) is the same as the periodical payments while temporarily unfit for work. For disablement ranging between 25 and 100 per cent. a pro rata pension is payable.

If a Native workman is totally disabled compensation takes the form of a lump sum equal to thirty-six

times his monthly earnings up to £20 of such earnings together with twenty times the monthly earnings in excess of £20, with a minimum of £180 and a maximum of £960. A proportionate sum is payable for partial disablement.

The medical benefits cover in full those mentioned in paragraphs 2 and 4 of Article 34 of the Convention up to a period of two years without any limit as to the costs.

Part VII. Family Benefit

Protection is afforded to all residents who qualify for benefits.

The Children's Act makes provision for the payment of grants towards the maintenance of any child by its parent, step-parent, guardian or other person in whose custody it has been placed under the Act, and a parent or guardian of any child in respect of whom a grant has been awarded. A maintenance grant may be paid to a woman whose dependent children are in her custody under certain conditions. A maintenance grant may also be paid to a man who has no wife or who has been divorced from or deserted by his wife, and whose dependent children are in his custody if he is in receipt of an old-age or disability pension, a war veteran's pension, or has been certified as totally medically unfit to undertake remunerative work for a period of at least six months. The grant may be paid in respect of the children permanently in the custody of their parent(s) up to the end of the calendar year in which the child has attained the age of 16 years. In cases where the Minister has satisfied himself that the child should continue with his education, the grant may be paid up to the end of the calendar year in which the child attains the age of 18 years.

Whereas the maintenance grant scheme provides for those families where there are no fathers, or where the fathers are unable to work, the family allowance scheme provides for the payment of a grant where the father is in employment but where the income is so low that the family is in a worse position than one which is in receipt of a maintenance grant. This allowance may be paid to European and Coloured families with three or more children where the father is fit for employment and actually employed. The grant is paid in respect of the children who are maintained by the father and who are in his custody and it is paid up to the end of the calendar year in which the child attains the age of 16 years.

For Europeans maintenance grants are calculated in accordance with this formula: £6 per month in respect of each parent, £3 for each of the first two children and £2 per child as from the third child. A " free " income of £7 per month per adult and £1 for each child is permitted. All maintenance grants are at present enhanced by a bonus of £5 10s. per month per family. Lower rates are provided for in the case of Indians, Coloureds and Natives.

As regards family allowances, the amount of the grant is determined by the income and means of the applicant and the number of children. The following are the rates payable in respect of Europeans: the maximum basic grant is £2 per month per child as from the third child; if the applicant's income is less than £5 per month, the maximum grant will be abated with 10s. for every 10s. or part thereof below the income of £5 per month; in addition to the basic grant, a bonus of £5 10s. per month per family is payable. For Coloureds, the maximum monthly grant per family, exclusive of its own means, is as follows: City Areas—£6 5s. plus a bonus of £1 12s. 6d. per month; Non-City Areas—£5 plus a bonus of £1 12s. 6d. per month. The allowance, inclusive of the bonus, plus the family's own means, must not exceed the following amounts: City Areas—£16 12s. 6d. per month; Non-City Areas—£14 12s. 6d. per month.

Part VIII. Maternity Benefit

The number of employees protected is 250,000 (total number of employees is 700,000).

Benefits are payable to a female contributor who is unemployed, or if not unemployed, is in receipt of less than one-third of her normal earnings during her pregnancy for a period not exceeding 18 weeks; after the birth of a child, for a period not exceeding eight weeks.

The qualifying period is 13 weeks' employment as a contributor during the 52 weeks immediately preceding the date of application for benefits. Benefits are not payable until 18 weeks before the expected date of confinement and the maximum duration of benefits is 26 weeks, but not exceeding the amount of her credits, i.e. an amount in the proportion of one week's benefits to each four weeks' employment as a contributor.

Benefits to compensate for the suspension of earnings owing to pregnancy and confinement are paid in accordance with the wage group in which the contributor was last employed (see under Part III. Sickness Benefit). The maternity benefit provided does not include medical care.

For persons not covered by the Unemployment Insurance Act, an allowance is payable for a period of 12 weeks, under the Factories Act and the Shops and Offices Act, at the fixed rate of 25s. or 20s., respectively.

Part IX. Invalidity Benefit

Protection is afforded to all residents who qualify for benefits. Grants under the Disability Grants Act are made to persons who have attained the age of 16 years and who are resident and domiciled in the Union at the time of making application for the grant. The qualifying period is the same as that for an old-age pensioner. Physical and mental disabilities must be of a permanent nature and must render the applicant incapable of deriving from any employment or occupation the means required to enable him to provide adequately for his own maintenance. The applicant must not be in receipt of any grant under the Children's Act.

Persons having attained the age of 19 years may seek assistance under the Blind Persons Pensions Act, subject to certain conditions as to residence.

The amount of the benefits is subject to a means test and the maximum grant payable is the same as in the case of an old-age pension.

Part X. Survivors' Benefit

The number of employees protected under the Unemployment Insurance Act is 500,000 and, under the Workmen's Compensation Act, 3,500,000.

Unemployment Insurance Act. An amount equivalent to 26 weeks' benefits is payable to the dependants of a deceased contributor, but not exceeding the amount standing to the credit of such contributor, i.e. an amount in the proportion of one week's benefits to each four weeks' employment as a contributor. The deceased contributor must, however, have been in employment as a contributor for at least 13 weeks during the five years immediately preceding the date of death.

The level of benefits is calculated in the same manner as unemployment benefits.

Workmen's Compensation Act. If a worker dies as the result of a compensable accident or scheduled industrial disease, his widow and children under the age of 17 years are entitled to compensation. If there is no widow or children, compensation may be paid to any other dependant wholly or partially dependent on the worker. An allowance towards funeral expenses may also be awarded.

If a European, Asian or Coloured worker dies as a result of a compensable accident or scheduled industrial disease, his widow is entitled to a lump sum of £75 or two months' earnings of the worker, whichever is the less, and to a pension (equivalent to 40 per cent. of the pension to which the worker would have been entitled for total permanent disablement). Each child under 17 years of age also receives a pension equal to 20 per cent. of the pension which would have been payable to the worker for total permanent disablement, subject to the total compensation not exceeding the latter amount. In the case of a worker who was earning £50 per month or more at the time of his death, the maximum total pension payable to his widow and children is, therefore, £33 per month. On remarriage a widow is paid a lump sum equivalent to two years' pension, whereafter her pension ceases, but the children's pensions are not affected. If there is no widow or children, the pension may be awarded to any other dependant wholly dependent on the worker. If there is no such person, a lump sum may be awarded to any dependant partially dependent on the worker. An allowance towards funeral expenses, not exceeding £40, may be awarded.

In the case of a Native worker, the compensation to dependants takes the form of a lump sum which must not exceed the amount which would have been payable to the worker himself in respect of total permanent disablement. An allowance towards funeral expenses not exceeding £15 may be awarded.

Miscellaneous

Any person aggrieved by a decision regarding an application for benefits may appeal to: the Unemployment Benefit Committees and the Unemployment Insurance Board (for sickness benefit and unemployment benefit); the Minister of Social Welfare and Pensions (for old-age benefit and invalidity benefit); the Workmen's Compensation Commissioner (for employment injury benefit). The family benefit is operated on a non-contributory basis and applicants consequently have no statutory rights of appeal, but are at liberty to appeal to the responsible Minister of State.

The supervision of the application of the Unemployment Insurance Act is entrusted to the Secretary of Labour, subject to the directions of the Minister of Labour. Organisations of employers and workers are represented on the Unemployment Insurance Board.

The application of the laws covering old-age pensions, disability grants and blind persons' pensions is enforced by the Commissioner of Pensions subject to the direction of the Minister of Social Welfare and Pensions, but in so far as they relate to Natives they are administered by the Secretary for Bantu Administration and Development.

The Workmen's Compensation Commissioner administers the Workmen's Compensation Act under the supervision of the Minister of Labour. The Act provides for the appointment of assessors representing employers and workers to assist the Commissioner.

The cost of benefits under the Unemployment Insurance Act is met by the Unemployment Insurance Fund which is composed of contributions paid by employers, employees and the State. The cost of benefits under the Workmen's Compensation Act is met by the Accident Fund to which employers pay annual assessment; employers may also insure with specified mutual assurance companies. The cost of benefits under the Old-Age Pensions Act, the Disability Grants Act, the Blind Persons Pensions Act, the Children's Act, and maternity benefits not covered by the Unemployment Insurance Act, is financed from moneys voted by Parliament.

Moreover, such contingencies as medical care, sickness benefit, and old-age benefit are also provided for by a large number of voluntary insurance schemes and collective agreements. Because such insurance has been established by private enterprise, details of the scope of protection offered, the bases of contribution and the number of participants are available only in relatively few instances.

U.S.S.R.

Constitution of the U.S.S.R., of the Union and of the autonomous republics.

Labour Code of the R.S.F.S.R. (*L.S.* 1936—Russ. 1) and Labour Codes of the other Soviet Federated Republics.

National Pensions Act of 14 July 1956 (*Vedomosti*, 1956, No. 15) (*L.S.* 1956—U.S.S.R. 4).

Decree of 26 June 1959 of the Presidium of the Supreme Soviet of the U.S.S.R. concerning the improvement of the pension scheme for workers suffering invalidity as a result of pneumoconiosis (*Vedomosti*, 1959, No. 26).

Decree of 26 December 1959 of the Presidium of the Supreme Soviet of the U.S.S.R. concerning the amendment of the Act relating to state pensions (*Vedomosti*, 1959, No. 52).

Regulations concerning the methods of allocation and payment of state pensions as approved by decision of the Council of Ministers of the U.S.S.R. dated 4 August 1956 (as subsequently supplemented) (*Sobranie Postanovlenii*, 1960, pp. 592-630).

Regulations concerning the method of allocating state insurance contributions, as provided by decision of the Central Council of Unions of the U.S.S.R., dated 5 February 1955 in accordance with the resolution of the Council of Ministers of the U.S.S.R. dated 22 January 1955, No. 113 (as subsequently amended and supplemented) (*Sobranie Postanovlenii*, 1960, pp. 540-573, 688).

Decree of 8 July 1944 of the Presidential Board of the Supreme Soviet of the U.S.S.R. to increase state aid for pregnant women, mothers of large families and unmarried mothers, to extend the system of maternity and child welfare and to institute the honorary title of "Mother Heroine", the Order of "Glory of Motherhood" and the "Motherhood Medal" (*Vedomosti*, 1944, No. 37) (*L.S.* 1944—U.S.S.R. 1).

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*, 1956, No. 6) (*L.S.* 1956—U.S.S.R.2).

Act of 30 October 1959 concerning the rights of the Union of Soviet Socialist Republics and of the different autonomous republics of the Union during preparation of the budget (*Vedomosti*, 1959, No. 44).

Ukase of 15 July 1958 of the Supreme Soviet of the U.S.S.R. to approve regulations respecting the rights of factory, works and local trade union committees (*Vedomosti*, 1958, No. 15) (*L.S.* 1958—U.S.S.R. 3).

The social security scheme in the U.S.S.R. is compulsory. All workers and employees, namely all those who are covered by work contracts, must be insured whether they are permanent, temporary or seasonal workers and irrespective of their place of work or type of remuneration, without distinction of age, sex or nationality. The mean annual statistics show that there were 56,300,000 wage earners in the U.S.S.R. in 1959. There are other types of insurance in addition to the compulsory state social insurance scheme for

all wage earners having a work contract, namely co-operative insurance and schemes for collective farms, writers, artists, architects and composers.

Medical care. Every citizen is entitled to free medical assistance. Treatment is provided from the first day of the illness onwards and there is no limit on the time during which it may be provided. There is no qualifying period. Free medical assistance includes hospitalisation and treatment during the period spent in the hospital (including medical supplies, maintenance, etc.), medical attention at home, dental treatment, specialised medical attention, X-ray, physiotherapy, laboratory analyses, medical attention at health centres, rest homes, sanatoria and dispensaries. There are nearly 380,000 doctors and 1,300,000 medical auxiliaries and pharmacists. The number of hospital beds available will increase from 1,532,000 in 1958 to 2,148,600 in 1965.

Sickness benefit. Wage earners are entitled to benefit for temporary incapacity for work. The beneficiary is entitled to this benefit if: *(a)* he suffers incapacity for work as a result of an illness; *(b)* if he is undergoing a course of treatment at a health centre; *(c)* if a member of his family is ill and requires his presence; *(d)* for quarantine; *(e)* if he is transferred to another employment as a result of tuberculosis or an occupational disease (a transfer of this kind is only made if the worker can be engaged in new employment which will in no way compromise his health).

These benefits are allocated by the Social Insurance Commission of the factory or local committees and are paid by the administration of the undertaking at the same time as wages. Cash benefits vary from 50 to 90 per cent. of the wage according to the number of years that the beneficiary has been employed. Invalids of the First and Second World Wars are entitled to 90 per cent. of their wage irrespective of the number of years that they have been employed; young persons aged under 18 years receive 60 per cent. of their wage. The amount payable for temporary incapacity for work may not be less than a certain minimum fixed in advance. There is no qualifying period before wage earners become entitled to benefit for temporary industrial disability and they may be allocated benefits in this respect from the first day of their employment onwards. Sickness benefit is paid from the first day of incapacity for work until the beneficiary is cured or until his degree of invalidity has been confirmed by a committee of experts appointed by the Industrial Health Authority. If the period of paid holiday, both normal and supplementary, is not sufficient to enable the worker to complete a period of essential treatment in a health centre, he is entitled to a further holiday during which a special allowance is paid to him by the social insurance scheme. Temporary benefit payable during the quarantine or contagious illness of a worker who during his normal employment comes into contact with foodstuffs, is paid under the same conditions as those applicable for an ordinary illness. A worker who is unable to carry out his normal employment because he has contracted tuberculosis or an occupational disease may be temporarily transferred to other employment providing that the latter does not compromise his health. If the wage payable for the new employment is less than that he normally receives, the beneficiary is paid a special allowance to make up the difference between the two wages.

Unemployment benefit. There is no unemployment in the U.S.S.R. Causes of unemployment have disappeared and Soviet legislation does not, therefore, provide for any unemployment benefit.

Old age. Old-age pensions are granted to wage earners, irrespective of their state of health or of the degree of incapacity for work, when they have reached the age fixed by law and providing that they have completed a certain number of years in employment. Old-age pensions are allocated to men aged 60 years who have been continuously employed for at least 25 years and to women aged 55 years who have been continuously employed for at least 20 years. Wage earners employed underground or in work that is likely to compromise their health are entitled to a pension at the age of 50 years providing that they have completed at least 20 years of employment (women are entitled to a pension at the age of 45 years if they have completed at least 15 years of employment).

Old-age pensions vary from 50 to 100 per cent. of the wage according to the amount of wage paid prior to the allocation of the pension. Persons who have been employed underground or in work that may have compromised their health or in employment in workshops carrying out heat treatment of metal, are entitled to a pension varying from 55 to 100 per cent. of their wage. The pension scale is designed to provide certain advantages for workers and employees who previously earned low wages. The amount of pension payable may not be less than a certain minimum fixed by law. Pensioners with dependants are entitled to a supplement of from 10 to 15 per cent.

Wage earners who have reached the qualifying age but who have not completed the number of years of employment required are entitled to a pension proportional to the number of years that they have been employed. An increase of 10 per cent. is granted if the worker has been continuously employed for over 15 years or for ten years longer than the period which entitles him to a pension.

Some categories of workers such as doctors, pharmacists, teachers, civil aviation flight personnel, and some theatrical or circus artistes are entitled to a pension after they have been engaged in their profession for a long period. These pensions are granted to workers irrespective of their age providing that they have completed a certain number of years in their profession. The pension is payable even if the beneficiary continues to work.

Soviet legislation does not provide for any condition of residence in the country before the beneficiary becomes entitled to an old-age or long-service pension. Persons who become entitled may apply for an old-age pension while they are still employed or if they have already left their work and there is no restriction of time affecting entitlement to this benefit.

Employment injury. An employment injury is considered to be one which the worker sustained during his employment or during the course of an activity carried out in the interest of the undertaking, even if such activity has not been ordered by the administration. An employment injury is also one which is sustained during travel to or from the place of work, on the premises of the undertaking, or at any other place of work during the normal hours of employment (including normal interruptions). If temporary industrial disability results from an industrial accident or occupational disease, an allowance is paid to all wage earners without exception. The allowance is 100 per cent. of the wage irrespective of the number of years of continuous employment. The worker is entitled to an invalidity pension if he suffers permanent or prolonged incapacity for work as a result of an industrial accident or occupational disease. If a wage earner dies as a result of an industrial accident or occupational

disease, and if he had dependants who were unable to support themselves, his family becomes entitled to survivors' benefit. The benefit payable for temporary incapacity for work following an employment injury or an occupational disease is paid from the first day of disability onwards until the beneficiary has been cured.

Family benefit. Soviet legislation provides a certain number of benefits and advantages for workers with dependants. If the wage of the father and the mother does not exceed a certain fixed minimum amount, the parents are entitled to a special allowance for each birth to assist them in the purchase of clothing and special supplies for the child. Mothers with numerous children or without any other means of support are paid special allowances by the State. The allowance for large families is allocated and paid to mothers of two children at the birth of the third and for each subsequent child. The mother of a large family also receives a special allowance varying from 200 to 2,500 roubles according to the number of children she has. Apart from the special allowance payable at the birth of each child, a mother of three children is also paid a monthly allowance from the birth of her fourth child onwards. Allowances for each subsequent child are paid to the mother in addition to the amounts to which she is entitled for her other children. If the mother of a large family dies, the allowance to which she was entitled is paid to the father or guardian of the children and in this event the amount of the allowance is the same as that which the mother previously received.

Maternity. There is no charge for medical assistance provided to women during pregnancy and confinement and to newly born infants. This assistance includes general medical attention, hospitalisation in maternity homes, treatment during confinement, prenatal attention, hospitalisation in maternity homes in the case of abnormal pregnancy up to the time of confinement, treatment in special medical centres provided for pregnant women, preventive attention and treatment for pregnant women, and special medical consultations for young mothers and newly born infants. During pregnancy, confinement and the postnatal period women are entitled to free medical treatment. If she has prenatal complications, the woman is entitled to free treatment in a hospital and during the period of hospitalisation she is paid the same allowance as for sickness benefit until she becomes entitled to her paid holiday for confinement. There is no restriction of time for medical assistance provided to pregnant women and to mothers.

The prenatal and postnatal leave is 56 days before and after confinement. In the event of a difficult confinement or the birth of two children or more, the postnatal leave is extended to 70 days. The allowance payable during the holiday varies from $66^2/_3$ to 100 per cent. of the wage. There is no qualifying period before the beneficiary becomes entitled to maternity benefit.

Invalidity. Invalidity pensions are granted for cases of permanent or prolonged incapacity for work, or for reduced industrial capacity due to an employment injury, an occupational disease or for any other reason. There are three categories of invalid according to the degree of invalidity. The first of these includes persons who require constant medical attention and who suffer complete incapacity for work whether it be permanent or prolonged; the second category includes persons who do not require constant medical attention although they have suffered complete, permanent or prolonged incapacity for work ; the third category includes persons whose capacity for work has been considerably reduced. The degree of invalidity, the reason for it and the corresponding category are determined in each case by committees of experts appointed by the Industrial Health Authority of the social insurance institutions.

Invalidity pensions are allocated to workers and employees irrespective of whether the invalidity commenced during or after normal hours of work. The amount of invalidity pension payable is calculated in accordance with the reason for the invalidity, the category, and the conditions of work. Invalidity pensions that become payable as a result of an industrial accident or an occupational disease are granted irrespective of the number of years that the beneficiary has been employed. The allocation of a pension for invalidity resulting from any other disease depends on the completion of a fixed period of employment. This period depends on the age of the worker. The older he is, the longer becomes the period of employment that he must have completed. Invalids in the first and second categories who suffer incapacity for work as a result of a disease but who have not completed the minimum prescribed period of employment may nevertheless be entitled to a pension calculated in proportion to the length of employment. Increased pensions are paid to persons engaged in underground work, in uncongenial employment, in work which is likely to compromise their health, or in workshops engaged in heat treatment of metals, and who have become invalids as a result of an employment injury or an occupational disease.

Invalidity pensions may be adjusted as follows: pensions paid to invalids in the first category are increased by 15 per cent. to cover the cost of treatment; benefits payable to invalids in the first and second categories are increased from 10 to 15 per cent. for each dependant; benefits payable to invalids in the first and second categories who suffer loss of capacity for work following an illness other than an occupational disease are increased by 10 to 15 per cent. after they have been continuously employed for a long period. A worker who already receives an invalidity pension and who becomes entitled to an old-age pension may, at his request and providing that he can show that he has completed the number of years of employment required, receive his old-age pension in place of the normal invalidity benefit. Soviet legislation does not stipulate that a minimum period of residence in the country must have been completed before the beneficiary becomes entitled to an invalidity pension.

Survivors. The following members of the family are entitled to a survivors' pension if they were dependent on the worker and are unable to work: *(a)* the children, brothers, sisters and grandchildren under the age of 16 years or under 18 years during their education; *(b)* the mother, father, wife or husband, if they are over 60 years of age for men and over 55 years of age for women, or if they are invalids; *(c)* the father, mother, husband or wife irrespective of his or her age or degree of incapacity for work if he or she cares for children under the age of eight years and providing that he or she is not engaged in any paid activity; *(d)* the grandparents, providing no one else is legally responsible for their maintenance.

The rate of the survivors' pension is calculated in accordance with the working conditions of the deceased worker, the cause of his death (employment injury, occupational disease or other cause), the number of years of employment that he has completed and his age (if his death is due to an illness other than an

occupational disease), the number of members of his family who are unable to work, and his wage. There is no qualifying period before beneficiaries become entitled to a survivors' pension and similarly there is no condition of residence in the country.

Miscellaneous. Workers may lodge a complaint againt the social security institutions. This complaint is made to the higher judiciary bodies which supervise the activities and operation of these institutions. The workshop union committee hears appeals against decisions of the social insurance commission within each workshop; the factory committees hear appeals against decisions of the social insurance commissions in workshops and factories. Appeals against decisions of the factory councils may also be brought before a higher union judiciary body. The executive committees or district councils hear appeals against decisions of the pension commissions. In addition, workers may bring complaints against the public health authorities and the medical staff to various higher instances of the public health authority of the factory or administrative councils.

The Social Insurance Scheme is administered by the union organisations. The budget for the Scheme is drawn up by a central council of unions and by the funds administered by the union bodies. The Scheme is administered at the level of the undertaking by union, factory or local committees with the participation of workers and employees. The Social Insurance Commissions set up by the factory or administrative committees calculate and grant benefits for temporary industrial incapacity. Pensions are allocated by the pensions commission of the executive committees in each district and town.

Soviet legislation on social security provides conditions and standards which are much higher than those specified in the Convention. The provisions of this Convention are incompatible with the insurance system existing in the U.S.S.R. which does not include the restrictions in the Convention, namely that certain workers are not covered by the scheme, that some workers or employees are required to pay part of the contributions, that medical assistance is not furnished free of charge, that workers must have completed an insurance period before they become entitled to benefit in respect of temporary incapacity for work, and that the length of time during which such benefit can be paid is restricted, etc.

United States.

Federal Legislation.

Social Security Act of 14 August 1935 (Public—No. 271—74th Congress) (*L.S.* 1935—U.S.A. 2), as amended.

Railroad Retirement Act of 29 August 1935 (Public—No. 399—74th Congress) (*L.S.* 1935—U.S.A. 3), as amended.

Railroad Unemployment Insurance Act of 25 June 1938 (Public—No. 722—75th Congress) (*L.S.* 1938—U.S.A. 2), as amended.

Federal Employees Health Benefits Act of 1959 (Public Law 86-382, 86th Congress, S. 2162).

Civil Service Retirement Act of 1930, as amended.

Federal Employees Compensation Act of 7 September 1916 (Public—No. 267—64th Congress) (*L.S.* 1922—U.S.A. 2), as amended.

Federal Employees' Group Life Insurance Act of 1954 (Public Law 598, 83rd Congress, S. 3681), as amended.

State Legislation.

Laws dealing with sickness, unemployment and employment injury benefits; old-age and invalidity and children's assistance; and benefits for state and local employees.

Part II. Medical Care

Scope.

Federal. There is no general law. Special programmes provide care for servicemen and dependants, some ex-servicemen, Indians, seamen, and other special groups; grants made to states for care for public assistance recipients; and, effective 1 July 1960, voluntary programme for federal employees and dependants.

States. Most states provide some medical care to public assistance recipients; one state (California) also provides hospitalisation benefits to insured workers.

Contractual. There are numerous voluntary insurance and collective-agreement plans. There is no government supervision of benefits or statutory benefit standards.

The number of persons covered as of December 1958 was as follows:

Special federal programmes (servicemen and dependants, some ex-servicemen, Indians, seamen, etc.)	7 million
Public assistance recipients (partial or full care)	5 „
Voluntary plans (regular medical, surgical and hospital expenses)	75 „
Voluntary plans (surgical and hospital expenses)	36 „
Voluntary plans (hospital expenses only)	12 „
Total	135 „
Total population of country	175 „

Conditions for Entitlement to Benefits.

The federal programmes cover, in general, most types of illness, with specified exceptions. Qualifying period: in general, membership of one of the groups covered suffices. Duration: ordinarily, as long as care is required.

Level of Benefits.

The federal programmes provide in general the benefits mentioned in the Convention. There is no cost-sharing except for dependants of servicemen and under the new programme for federal employees which starts in 1960.

Part III. Sickness Benefit

Scope.

Federal. There is no general law. Special compulsory insurance law covers railroad employees, and there is paid sick leave for federal employees.

States. Four states have compulsory general insurance laws (California, New Jersey, New York and Rhode Island); paid sick leave for government employees is provided in many states.

Contractual. There are numerous voluntary insurance, collective-agreement, and paid sick leave plans. There is no government supervision of benefits or statutory benefit standards.

The number of persons covered as of December 1958 was as follows:

Railroad employees	1 million
Federal employees (paid sick leave)	2 „
Employees under four state laws	11 „
State and local government employees (paid sick leave)	4 „
Voluntary plans (excluding four states)	14 „
Private sick leave plans	3 „
Total	35 „
Total number of employees	54 „

Conditions for Entitlement to Benefits.

State laws and federal law for railroad employees cover, in general, inability to perform customary work because of physical or mental condition of non-occupational origin. Qualifying period or conditions: 17 weeks (New Jersey) or 20 weeks (Rhode Island) of employment in last base year; 300 dollars (California) or 500 dollars (railroad programme) of wages in last base year; or four consecutive weeks of employment immediately before disability (New York). Waiting period: usually seven consecutive days at the beginning of uninterrupted period of disability. Maximum duration: in general, 26 weeks, subject to limitations on aggregate benefits.

Level of Benefits.

Weekly benefit: 50 per cent. (New York and Rhode Island) or from 61 to 67 per cent. (New Jersey) of average weekly wages; weighted percentage of highest quarterly wages in last year, according to schedule in law (California). There are no supplements for wives; supplement of 2 dollars per child per week in Rhode Island only. The wage ceiling is 3,000 dollars a year (New Jersey and New York) or 3,600 dollars (California and Rhode Island).

Weekly wages of skilled manual male employee: California, 103.60 dollars; New Jersey, 104 dollars; New York, 104 dollars; and Rhode Island, 97.60 dollars (assembler, class A, machinery manufacturing). The weekly benefit of man with wife and two children at above wages (as of 1 January 1960) was: California, 58 dollars; New Jersey, 35 dollars; New York, 45 dollars; and Rhode Island, 40 dollars. Benefits expressed as percentages of above wages were: California, 56; New Jersey, 34; New York, 43; and Rhode Island, 41.

Part IV. Unemployment Benefit

Scope.

Federal. There is a general enabling law concerning financing and administration of state programmes (also special compulsory laws for railroad employees and for federal civilian and military employees).

States. All states have compulsory general insurance laws.

Contractual. Some collective agreements provide supplemental benefits. There is no government supervision of benefits or statutory benefit standards.

The number of persons covered (average for 1959) was as follows:

Railroad employees	1 million
Federal civilian and military employees	5 „
Employees under 50 state laws	40 „
Total	46 „
Total number of employees (including servicemen)	60 „

Conditions for Entitlement to Benefits.

State laws. These cover, in general, total or partial unemployment while able to work and available for work, and while free from disqualification due to voluntary leaving without good cause, discharge for misconduct connected with work, refusal of suitable work, unemployment due to labour dispute, etc. Qualifying period: employment during a specified number of weeks, or a specified amount of wages earned, during a recent base or reference period. Waiting period: one week, except in five states with no waiting period. Maximum duration: 13 states provide a uniform limit for all beneficiaries which varies among states from 20 to 30 weeks; about 25 per cent. of all insured workers are in states providing uniform duration of 26 weeks or more to all eligible beneficiaries. The other states provide a variable limit based on each beneficiary's wages or employment during his base period, up to a statutory maximum; the latter varies among states from 18 to 39 weeks (six states provide 8 to 13 additional weeks to workers exhausting benefits during defined recession periods).

Level of Benefits.

The weekly benefit is uniformly calculated as a percentage of a beneficiary's wages during his base period, with minimum and maximum limitations. The great majority of states use formulas basing benefits on wages in that quarter of the base year in which wages were highest, as this quarter most nearly reflects full-time work; most of these pay the same fraction of quarterly wages for all workers, but some use a weighted schedule giving a larger percentage to lower-paid than to higher-paid workers. Eight states, however, compute weekly benefits as a percentage of annual wages; five states base benefits directly on average weekly wages, obtained by dividing wages during the base year by the number of weeks of work during that year.

Wages of skilled manual male employee: from 89.60 to 106 dollars a week, according to state (assembler, class A, machinery manufacturing). The weekly benefit of man with wife and two children at above wages (as of 1 January 1960) was: from 26 to 55 dollars, according to state. Benefits expressed as percentages of above wages were from 29 to 54 per cent., according to state. Percentage exceeds 45 in eight states, having about one-quarter of the insured workers; and is below 45 in 42 states and the District of Columbia, having about three-quarters of the insured workers.

Part V. Old-Age Benefit

Scope.

Federal. There is a general compulsory insurance law (also, special compulsory insurance laws for railroad employees and federal employees; and grants to states for old-age assistance).

States. All states have supplementary old-age assistance laws. All states and many localities also have pension laws for government employees.

Contractual. Numerous voluntary insurance and collective-agreement plans provide supplemental benefits. There is no government supervision of benefits or statutory benefit standards.

The number of persons covered as of December 1959 was as follows:

Federal old-age insurance	57 million
Railroad employees	1 „
Federal employees	2 „
State and local government employees covered under state but not federal laws	2 „
Total	62 „
Total number of gainfully occupied persons	67 „

Conditions for Entitlement to Benefits.

Federal old-age insurance. Contingency covered is attainment of the age of 65, and substantial retirement from gainful work; payable to women on attaining the age of 62, subject to reduction of $^5/_9$ per cent. for each month under 65. (One month's benefit is withheld for each 80 dollars by which earnings of a

beneficiary under the age of 72 exceed 1,200 dollars in a year.) Qualifying period: total quarters of coverage equal to half the number of quarters elapsed after 1950 (or since attainment of the age of 21, if later) and before retirement age; or, 40 quarters of coverage if less. Duration: throughout life.

Level of Benefits.

Federal old-age insurance. The monthly benefit is approximately 58.5 per cent. of the first 110 dollars of average monthly earnings, plus 21.4 per cent. of the next 290 dollars, according to schedule in law (average earnings normally computed from earnings after 1950, the five years in which earnings were lowest being excluded). Supplements of 50 per cent. of benefit are paid for a wife and each child under 19 years. Wage ceiling is 4,800 dollars a year.

Wages of skilled manual male employee: 398 dollars a month (i.e. one-twelfth of 125 per cent. of median annual earnings of 3,800 dollars for all four-quarter workers covered under the Old-Age, Survivors' and Disability Insurance programme). Monthly benefit of man with aged wife working full time at above wage: 189 dollars. Benefit expressed as percentage of specified wage is 47 per cent.

Part VI. Employment Injury Benefit

Scope.

Federal. There is no general law. Special compulsory laws exist for federal employees, harbour workers, and private employees in the District of Columbia.

States. All states have workmen's compensation laws. About half of the laws are compulsory and about half are elective under government supervision. (Under an " elective " law, employers may accept or reject the law but if they reject it they lose the common-law defences.)

Contractual. Some voluntary insurance and collective-agreement plans provide supplemental benefits. There is no government supervision of benefits or benefit standards.

The number of persons covered as of December 1958 was as follows:

Special federal laws (federal employees, harbour workers, employees in the District of Columbia)	3 million
Employees under 50 state laws	39 „
Total . . .	42 „
Total number of employees	54 „

Conditions for Entitlement to Benefits.

State laws. The contingencies covered are, in general, need for medical care, temporary total disability, permanent partial disability, permanent total disability, and death of breadwinner, when occasioned by injury or disease arising out of and in course of employment. Qualifying period : none. Waiting period (for cash benefits): seven days in the majority of states; in others the waiting period, if applicable, varies between one and six days. Duration: medical care is provided as long as required in about three-quarters of the states, and for a specified period or up to maximum total cost in others. Permanent disability benefits are payable for life or throughout disability in over half of the states, but in the others the duration of benefit ranges between 330 and 550 weeks and the maximum cost between 7,500 and 20,000 dollars. Survivors' benefits are payable for life (except for orphans) in about ten states, for periods between 300 and 600 weeks in about 30, and up to a specified aggregate amount in the remaining states.

Level of Benefits.

State laws. (a) Total disability benefits (temporary and permanent). The weekly benefit is from 60 to $66\frac{2}{3}$ per cent. of recent average wages in most states. About one-third of the states provide supplements for dependants. Maximum total benefit : 50 dollars or more in about 15 states, from 40 to 49 dollars in another 15 states, and from 25 to 34 dollars in the remaining 20 states. Wages of skilled manual male employee: from 89.60 to 106 dollars a week, according to state (assembler, class A, machinery manufacturing). Weekly benefit of man with wife and two children at above wages: from 31 to 74 dollars, according to state. Benefits expressed as percentages of above wages are from 33 to 72, according to state. Percentage exceeds 50 in nine states and the District of Columbia, and is below 50 in 41 states.

(b) Survivor benefits. The weekly benefit is: for a widow only, from 35 to $66\frac{2}{3}$ per cent. of recent average wages in most states; for a widow plus children, from 60 to 75 per cent. of wages in most states. Maximum total benefit: from 30 to 50 dollars a week in about three-quarters of the states. Wages of skilled manual male employee: from 89.60 to 106 dollars a week, according to state (assembler, class A, machinery manufacturing). Weekly benefit of widow with two children at above wages: from 22 to 69 dollars, according to state. Benefits expressed as percentages of above wages are from 23 to 67, according to state. Percentage exceeds 40 in 23 states, and is less than 40 in the remaining states.

Benefits in kind are provided in most states, subject to over-all cost or duration limits in about one-fourth of the states.

Part VII. Family Benefit

Scope.

Federal. Laws provide for grants to states for assistance to needy children and for lunches and milk at reduced cost for school children.

States. All states have assistance programmes for needy children; most also have lunch and milk programmes for school children.

The number of beneficiaries in 1959 was as follows:

Children receiving assistance for needy children	2 million
Other children receiving school lunches at reduced cost	12 „
Total . . .	14 „
Total number of children under age 18	63 „

Conditions for Entitlement to Benefits.

Federal and state programmes. The contingencies covered are responsibility for maintenance of a needy child under 18 with one parent dead, disabled, or absent from home; and lunches for a child at school. Qualifying conditions: for aid to dependent children, the child must be " needy ", taking into account his other income and resources, and ordinarily must have one year of residence in the state. Lunches and milk at reduced cost are normally available to all school children in places where the programme is in operation.

Level of Benefits.

Federal and state laws. The total annual value of benefits was: 1,350 million dollars (including 980 mil-

lion dollars for assistance to needy children and 370 million dollars under school lunch and milk programmes). The product of annual wages of an ordinary adult male labourer and the total number of children under 18 in the country (2.60 dollars median hourly wage of a labourer in non-electrical machinery manufacturing multiplied by 2,000 hours equals 4,120 dollars, multiplied by 63,200,000 children): 263,200 million dollars. Benefits expressed as a percentage of above product are 0.5.

Part VIII. Maternity Benefit

Federal. There is no general law. A special compulsory insurance law exists for railroad employees, and there is paid maternity leave for federal employees.

States. One state has compulsory general insurance law (Rhode Island).

Contractual. There are numerous voluntary insurance and collective-agreement plans. There is no government supervision of benefits or statutory benefits standards.

Number of beneficiaries: data not available.

There are too few statutory programmes to report upon. Medical care is not generally provided under maternity benefit programmes.

Part IX. Invalidity Benefit

Scope.

Federal. There is a general compulsory insurance law (also, special compulsory laws for railroad employees, federal employees, and ex-servicemen; grants made to states for disability and blind assistance).

States. Nearly all states have supplementary disability assistance and assistance to blind laws (many states and localities also have pension laws for government employees).

Contractual. Some voluntary insurance and collective-agreement plans provide supplemental benefits (no government supervision of benefits or statutory benefit standards).

The number of persons covered as of December 1959 was as follows:

Federal invalidity insurance	57 million
Railroad employees	1 „
Federal employees	2 „
State and local government employees covered under state but not federal laws	2 „
Total	62 „
Total number of gainfully occupied persons	67 „

Conditions of Entitlement to Benefits.

Federal disability insurance. The contingency covered is inability on attaining the age of at least 50 to engage in any substantial gainful activity, due to medically determinable physical or mental impairment likely to result in death or be of long-continued and indefinite duration. Qualifying period: *(a)* total quarters of coverage equal to half the number of quarters elapsed after 1950 (or since attainment of the age of 21, if later) and before disability; or, 40 quarters, if less; *(b)* also, 20 quarters of coverage in last 40 quarters before disability. Waiting period: six months after onset of disability. Duration: while disability lasts, until attainment of the age of 65.

Level of Benefits.

Federal disability insurance. The monthly benefit is approximately 58.5 per cent. of the first 110 dollars of average monthly earnings, plus 21.4 per cent. of the next 290 dollars according to schedule in law (average earnings normally computed from earnings after 1950, the five years in which earnings were lowest being excluded). Supplements of 50 per cent. of benefit are paid for wife and each child under 18. Wage ceiling is 4,800 dollars per year. Wages of a skilled manual male employee: 398 dollars a month (see Old-Age Benefit). Monthly benefit of a man with wife and two children working full time at above wage: 254 dollars. Benefit expressed as percentage of specified wage is 64.

Part X. Survivors' Benefit

Scope.

Federal. There is a general compulsory insurance law (also, special compulsory laws for railroad employees, federal employees, and ex-servicemen; voluntary group insurance law for federal employees; and grants made to states for assistance to needy children).

States. All states have supplementary assistance-to-needy-children laws. Most states and many localities also have pension laws for government employees.

Contractual. Numerous voluntary insurance and collective-agreement plans provide supplemental benefits. There is no government supervision of benefits or statutory benefit standards.

The number of persons covered as of December 1959 was as follows:

Federal survivors' insurance	57 million
Railroad employees	1 „
Federal employees	2 „
State and local government employees covered under state but not federal laws	2 „
Total	62 „
Total number of gainfully occupied persons	67 „

Conditions for Entitlement to Benefits.

Federal survivors' insurance. The contingency covered is: death of breadwinner who is survived by widow aged 62 or over or caring for child of deceased; by widower aged 65 and dependent on deceased; by orphan; or by aged parent dependent on deceased. (One month's benefit is withheld for each 80 dollars by which earnings of survivor aged under 72 exceed 1,200 dollars in a year.) Qualifying period: for widow aged 62 or over, deceased must have been covered in half of the quarters after 1950, or 40 quarters; for widowed mother and orphans, deceased must have been covered in six of the last 13 quarters, or half of the quarters after 1950, or 40 quarters; for widower, deceased must have been covered in six of the last 13 quarters, and also in half of the quarters after 1950, or 40 quarters; for parent, deceased must have been covered in half of the quarters after 1950, or 40 quarters. Duration: benefits payable throughout life, except *(a)* orphans' benefits, which cease at age 18 unless disabled before that age, and *(b)* benefit of surviving spouse, which ceases on remarriage, or when last child reaches 18 if widowed mother still under 62 years of age.

Level of Benefits.

Federal survivors' insurance. Monthly benefits: widow, widower, one orphan, or parent each receive

75 per cent. of basic old-age benefit paid or payable to deceased; if there are two or more orphans each receives 50 per cent. of deceased's benefit plus 25 per cent. divided by the number of orphans. Earnings ceiling is 4,800 dollars a year.

Wages of skilled manual male employee: 398 dollars a month (see Part V. Old-Age Benefit). Monthly benefit of widow with two children at specified wage: 252 dollars. Benefit expressed as percentage of specified wage is 63.

MISCELLANEOUS

Right of Appeal.

Claimants have a right of appeal in case of refusal of benefit or a complaint. For sickness and unemployment benefits, nearly all states provide for a first appeal to a referee or examiner and a second appeal to a board of appeals, existing commission, or agency head; thereafter, appeal is to a state court. For old-age, invalidity, and survivors' benefits, there are first procedures for requesting formal reconsideration by the administrative agency; this may be followed by successive appeals to an independent referee, to an Appeals Council, and finally to the federal courts. For employment injury benefits, most states provide for a hearing by a referee, with further appeal to the administering commission or an appeals board and from there to the courts.

Financing of Benefits.

Medical care. The federal programmes are financed from general tax revenues.

Sickness (state laws). In California, employee contribution of 1 per cent. of wages; in New Jersey, employee contribution of 0.5 per cent. and employer contribution of from 0.10 to 0.75 per cent. according to risk; in New York, employee contribution of 0.5 per cent., with employer paying remaining cost; in Rhode Island, employee contribution of 1 per cent.

Unemployment (state laws). Employers pay federal tax of 0.3 per cent. of payroll (3 per cent. basic rate less 2.7 per cent. offset for contributions to state programmes), and also contributions to state programmes varying from 0 to 4 per cent. of payroll, according to individual employer's unemployment experience (the average state contribution rate in 1959 was 1.7 per cent. of payroll). Employees pay state contributions in only three states (Alabama, 0.1 per cent.; Alaska, 0.5 per cent.; and New Jersey, 0.25 per cent. of earnings). The ceiling on wages for contribution purposes is 3,000 dollars a year under the federal tax and all but five state laws.

Old-age, invalidity and survivors (federal law). Employers and employees each contribute 3 per cent. of wages during the period 1960-62, 3½ per cent. during the period 1963–65, 4 per cent. during the period 1966-68, and 4½ per cent. thereafter; of these rates, 0.25 per cent. from the employer and 0.25 per cent. from the employee is for invalidity benefits and the remainder is for old-age and survivors' benefits. Self-employed persons contribute 4½ per cent. of income during the period 1960-62, 5¼ per cent. during the period 1963-65, 6 per cent. during the period 1966-68, and 6¾ per cent. thereafter; of these rates, 0.375 per cent. is for invalidity benefits and the remainder for old-age and survivors' benefits. The ceiling on earnings for contribution purposes is 4,800 dollars a year.

Employment injury. These are financed by employers, through payment of insurance premiums related to payroll and industry classification, or self-insurance. Eight states (including Puerto Rico) require all covered employers to insure with a state fund, although two of these permit self-insurance; 11 states allow employers to choose between insuring with a state fund or a private company, or self-insurance (if they prove qualifications to do so); and the remaining states allow choice between a private company and self-insurance.

Family (federal and state programmes). These benefits are financed from general tax revenues of the federal Government and the state and local governments; the federal Government makes grants to states to assist in the financing of their programmes.

Administrative Authorities.

Medical care. Federal programmes are administered by the Civil Service Commission (federal civilian employees), Department of Defense (servicemen and dependants), Veterans Administration (ex-servicemen), and Public Health Service (seamen and Indians).

Sickness benefits (state laws). The state unemployment insurance agency administers benefits in three states, and the Workmen's Compensation Board in New York. The Railroad Retirement Board administers the programme for railroad employees.

Unemployment benefits (state laws). Administered by state employment security agencies, which are either a department or part of a department of state government, or a board or commission.

Old-age, invalidity and survivors' benefits (federal law). The main federal programme is administered by the Bureau of Old-Age and Survivors' Insurance of the Social Security Administration in the Department of Health, Education, and Welfare. Contributions are administered by the Internal Revenue Service in the Treasury Department. The programmes for railroad employees and federal employees are administered by the Railroad Retirement Board and Civil Service Commission, respectively.

Employment injury benefits (state laws). Administered by state Workmen's Compensation agencies in about half of the states, by state Labor Departments in 20 states, and by the courts in five states. About one-third of the states have publicly operated workmen's compensation funds.

Family benefits. Aid to dependent children is administered by the Bureau of Public Assistance of the Social Security Administration at federal level, and by state welfare agencies at state level. School lunch and milk programmes are administered by the Department of Agriculture at federal level, and state and local educational agencies at the state and local levels.

Numerous modifications have been made in social security legislation since 1952, some of which have caused the legislation to be more nearly in line with provisions of the Convention than had previously been the case. It is not possible to say, however, that these changes were made with a view to giving effect to such provisions.

Under the constitutional system of the United States, the subject-matter of the Convention is appropriate in part for action by the federal Government and in part for action by the states. Accordingly, it has been regarded as not suitable for ratification, but rather for referral to the appropriate federal and state authorities for their consideration. The President transmitted the Convention to the United States

Congress for its consideration on 28 May 1954, and it had also been transmitted by the federal Government to all state and territorial governments.

Changes will undoubtedly continue to be made in social security legislation in the future. It is not possible to state, however, whether measures will be adopted to give effect to provisions of the Convention not yet covered by existing legislation.

Venezuela.

Constitution of 15 April 1953.

Labour Act of 21 October 1947 (*L.S.* 1945—Ven. 1 and *L.S.* 1947—Ven. 2) and Regulations of 30 November 1938.

Organic Act respecting compulsory social insurance of 24 July 1940 subsequently amended (*L.S.* 1951—Ven. 2A), and 1944 regulations of applications, subsequently amended (*L.S.*1951—Ven. 2B).

National Health Act of 7 July 1942.

Medical Care.

Medical benefit in case of sickness or maternity is covered by sections 6, 9 and 11 of the Organic Act respecting compulsory social insurance and sections 58, 59, 64-75 and 98-109 of the regulations of application.

The insured person and members of his family who are dependent on him are entitled to medical and surgical attendance, hospital and dental treatment and the supply of medicaments as from the first day of sickness for a period not exceeding 26 consecutive weeks. The director-general of the insurance institution may allow benefits to be continued for a further period of 26 weeks. Medical assistance is made available to insured persons in three ways: consultations in the medical officer's surgery; visits by the medical practitioner to the patient's home; and hospitalisation.

These benefits are not conditional on the previous completion of a certain number of contribution periods.

Every insured person who has exhausted his right to benefit may recover his rights after a further contribution period of 16 weeks. If he contracts a new illness, however, his rights will be restored after a contribution period of only eight weeks.

A statistical note attached to the report states that in 1959 the number of persons protected in respect of this contingency under compulsory social insurance was 791,864.

Sickness Benefit.

These benefits are dealt with in sections 6 and 9 of the Organic Act and sections 60, 61 and 62 of the regulations.

Every insured person who suffers incapacity for work as a result of sickness is entitled, as from the fourth day of incapacity and for a period not exceeding 26 weeks, to a daily benefit equal to two-thirds of his basic wage. The benefits are paid as they fall due, at intervals of not more than one week. For the general conditions of entitlement to benefit see above, Medical Care.

The number of persons insured in 1959 was 286,730.

Employment Injury Benefit.

Provision for these benefits is made in sections 16 and 20-23 of the Organic Act and sections 78-110 of the regulations.

If an insured person meets with an industrial accident or contracts an occupational disease he is entitled: *(a)* in all cases, to the necessary medical and surgical treatment, and to the medicaments and other therapeutic requisites necessary in view of his condition; *(b)* in the event of incapacity for work, to daily pecuniary benefit beginning with the fourth day of incapacity. If, on the expiry of 52 weeks, the insured person is still suffering from incapacity for work of more than 5 per cent., he is entitled to benefit varying according to the degree of incapacity and fixed with reference to the annual basic wage. If, before the expiry of the said period, the insured person is found to be suffering from incapacity of a permanent nature, he is entitled to receive a variable benefit as from the date of such findings. In the case of absolute incapacity the insured person is entitled to a pension equal to two-thirds of his annual basic wage. Every invalid whose condition necessitates the constant assistance of another person is entitled to an additional benefit.

If an employment injury or occupational disease causes death, the widow (or widower if he is incapacitated) and dependent children of the insured person are entitled to a pension fixed at the following percentage of the basic wage of the insured person: widow not incapacitated for work, 25; widow, or widower, if incapacitated, 30; orphan who has lost one parent only, 15; orphan who has lost both parents, 25. The total amount of the pensions granted may in no case exceed the pension due in the event of total incapacity for work. In the event of the death of an insured person, funeral benefit is also payable.

The number of persons insured in 1959 was 320,572.

Maternity Benefit.

Such benefit is provided for in section 9 of the Organic Act and in sections 76 and 77 of the regulations (see above, Medical Care).

Maternity benefits are payable to insured women or to the wives of insured men in the same conditions as sickness benefit. Insured women are entitled to prenatal hygienic care, obstetrical attendance and a daily pecuniary benefit equal to the daily pecuniary sickness benefit, payable for the six weeks preceding and the six weeks following the confinement on condition that the woman concerned performs no remunerated work during that period and that she paid contributions for at least 13 weeks in the course of the months immediately preceding the date of confinement. The dependants of an insured person are entitled in case of maternity to prenatal hygienic care and obstetrical attendance.

For the number of persons insured see above, Sickness Benefit.

Invalidity and Survivors' Benefit.

See above, Employment Injury Benefit.

As regards the possibility of ratifying the Convention a note attached to the report makes the following points. In the case of *medical care*, taking into account the number of persons protected by compulsory social insurance, those covered by the medical aid provided by the health services of the State, of individual states and of municipalities, and oil company employees (by virtue of collective agreements), the number of persons protected amounts to some 20 per cent. of all residents. In respect of *sickness benefit*, in addition to those covered by compulsory social insurance, protection is assured to employees of oil companies and public services and those in receipt of benefit from

municipal assistance institutions. If one considers only workers liable to compulsory social insurance and working for industrial undertakings employing 20 persons or more, the field of application required by the Convention might be arrived at by invoking Article 3. The same applies to *employment injury benefit* and *maternity benefit.*

Viet-Nam

Labour Code, of 8 July 1952 (*L.S.* 1956—V.N. 1 C) and texts of application.

Labour Code for agricultural enterprises of 26 June 1953.

Ordinance No. 2 of 20 January 1953 relating to family benefits.

The above-mentioned texts cover the following cases: medical care; employment injury; family and maternity benefits.

Those protected include employees of industrial, mining, commercial and agricultural enterprises as well as in the liberal professions.

For medical care, undertakings are required to ensure to their employees a medical or health service the extent of which varies with the number of workers; this service gives employees and members of their families care and treatment in case of illness or injury within the limit of the means established by law. The benefits include only a part of those mentioned in the Convention in Article 10, paragraph 1 *(a)*, and in Article 34, paragraphs 1, 2 *(a)* and *(e)* and 3 *(a)*, *(c)* and *(d)*.

Employment injury benefits are paid to all employees who sustain injuries arising out of or in the course of their work. The waiting period is four days. During the period of temporary incapacity the victims of employment injury receive a daily payment equal to half their wages, medical care and hospitalisation. In case of permanent incapacity or death provision is made for a lump-sum payment. In the case of permanent incapacity this payment is related to the degree of incapacity. Funeral expenses, to be met by the employer, are established as one month's wages. In granting employment injury benefits the resources of the beneficiary or his family are not taken into account.

Family benefits are granted to the wife of the employee and to children up to 16 years of age; the age limit is increased to 18 if the child is apprenticed or ill and to 21 if he is a student. Family benefits paid to employees in industrial and commercial enterprises and the liberal professions are calculated as a percentage of the base wage applicable in conformity with one of the six groups into which the employee is classified: 15 per cent. for a non-working wife; 6 per cent. for each dependent child up to and including the fifth; 3 per cent. for each dependent child beyond the fifth. Family benefits for agricultural employees are payable in kind (raw rice); a maximum of 800 grammes for the wife and, for the children, according to their age, a minimum of 200 and a maximum of 875 grammes.

Maternity benefits are equal to 50 per cent. of the wage; they are paid to women employees during the period of eight weeks' leave before and after confinement.

The interested parties may appeal to the courts in case of refusal to pay benefits or in contested cases.

Medical care furnished by the medical or health service of undertakings is paid for by the employers; in the case of a serious accident requiring hospitalisation, expenses for hospitalisation as well as medical and pharmaceutical expenses are also assumed by the employers. Employment injury benefits are paid directly to the employees by the employers. The cost of family benefits paid in cash and of maternity benefits is divided amongst the employers by the insurance fund to which they must belong; family benefits in kind (rice) are paid directly to the employee by the employer.

The Department of Labour is entrusted with the supervision of the application of the legislative and regulatory provisions.

Modifications to present legislation in order to improve the system are being considered. The Government does not at present envisage ratification of the Convention.

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:

Austria
Belgium
Canada
Finland
France
India
Indonesia
Iraq
Mexico
Morocco
New Zealand
Pakistan
Peru
Philippines
Portugal
Tunisia
Turkey
Union of South Africa
United States
Venezuela
Viet-Nam

The Government of the *Federation of Malaya* has stated that a copy of its report will be communicated to the National Joint Labour Advisory Council.

The Government of *Poland* has stated that a copy of its report has been sent to the central council of the trade unions.

The Government of *Spain* has stated that a copy of its report has 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 *U.S.S.R.* has stated that a copy of its report has been sent to the All-Union Central Council of Trade Unions and to the directors of various undertakings.