

International Labour Conference

FORTY-SIXTH SESSION
GENEVA, 1962

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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1962

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INTRODUCTION

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

The present summary, which covers the period from 1 July 1959 to 30 June 1961, contains information on the Conventions in force at that time. Information covering the preceding reporting period (1 July 1959 to 30 June 1960) 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) and confirmed by these bodies in 1961, governments need supply detailed reports only every two years. For this purpose Conventions in force have been divided into two groups, and detailed reports are requested in alternate years on one of these groups. The present summary covers primarily the reports on the Conventions in the first of these groups as well as other reports which are also due under the above-mentioned decision: (a) first reports; (b) cases of serious divergencies between the national law and practice and the provisions of a ratified Convention observed by the Committee of Experts or the Conference Committee.

In accordance with the practice followed in recent years, the summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries. As indicated above, these reports cover a period which expired on 30 June 1961.

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.

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 1962. 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 1962.

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, 44th Session, Geneva, 1960: *Record of Proceedings* (Geneva, I.L.O., 1961); or *idem*, 45th Session, Geneva, 1961: *Record of Proceedings* (Geneva, I.L.O., 1962)).

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	Ratification registered on
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
Kuwait	21. 9. 1961
Luxembourg	16. 4. 1928
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934

Countries	Ratification registered on
Pakistan ³	14. 7. 1921
Peru	8. 11. 1945
Portugal	3. 7. 1928
Rumania	13. 6. 1921
Spain	22. 2. 1929
Syrian Arab Republic	10. 5. 1960
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.

DOMINICAN REPUBLIC

Act No. 5519 (*Gaceta Oficial*, 15 Apr. 1961, No. 8566).

Act No. 5519 amends section 146 of the Labour Code so that on the joint request of employers and workers, for their mutual convenience, the Department of Labour may in specific non-industrial activities authorise special working hours longer than those prescribed by section 137, so long as they do not exceed ten a day or 44 a week. In such cases the provision contained in the first part of this section will apply only to payment in respect of hours worked in excess of these special working hours.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

SPAIN

With reference to the requests made by the Committee of Experts in April 1961, the Government reiterates once again its willingness to apply the Convention. It insists that it considers the application given by Spanish legislation to the international standards to be correct. It begs the Committee to pursue the matter no further now it has evidence of what the Spanish Government has done.

In answer to the requests it has the following to say.

1. As concerns section 4 (2) of the Act of 9 September 1931 concerning hours of work, it should be remembered that it is precisely Article 6 of the Convention which clearly establishes in paragraph 1 (*b*) the freedom to determine by means of regulations the temporary exceptions that may be allowed so that establishments may deal with exceptional cases of pressure of work. What the Spanish Government has done has been to make an authorisation as permitted by this Article, since the non-availability of sufficient staff means that there is a disproportionate amount of work which calls on occasion for the working of exceptionally long hours. The requirements of the Convention are twofold: that the exception should be temporary and that the pressure of work should be exceptional. The latter requirement derives from the fact that there are insufficient staff, and the former from the limitation of the number of hours permitted.

Both the Order of 25 August 1925 and that of 1 July 1927 restrict such facilities to cases of emergency. Administrative jurisprudence likewise accepts this criterion, as does the resolution of 26 November 1941 by which it was agreed to refuse authorisation to work exceptionally long hours requested after the possibilities afforded by the law were exhausted.

2. The provisions of section 38 of the Contract of Employment Act are designed especially to regulate not the number of hours worked per day, but the system of remuneration; in no way do they attempt to make an unfavourable change in the number of hours to be worked by anybody. The statutory working day continues to be that prescribed in section 1 of the Hours of Work Act of 1 July 1931 (eight hours). Both in this Act and in the exceptions to it reference is made to piece-work, which might lead the Committee to think that the existence of this special system of remuneration would alter the length of the working day, were it not for the fact that, as laid down by section 38, referred to above, if the work is completed before the end of the working day the day must be deemed to have been worked.

3. With regard to the baking industry, reference is made to the previous paragraph.

4. Confusion arises when examining together the texts of the Hours of Work (Industry) Convention, 1919, and the Weekly Rest (Industry) Convention, 1921. It is quite clear that in cases where the rest day cannot be a Sunday because the industry concerned is one for which an exception is made, this rest day must automatically be taken at another time in the week, since under section 6 of the Act respecting Sunday rest, 13 July 1940, those employed on continuous or other work exceptionally authorised on Sundays or holidays must be limited in numbers, must have an hour off to attend religious services, may not work on two consecutive Sundays and must have a continuous rest period of 24 hours within seven days of the Sunday or holiday on which they have worked. Generally, then, when Sunday work is authorised, the maximum hours of work are not exceeded, since these are not in excess of those worked during a normal six-day week.

The Government goes on to repeat its assurance that the Hours of Work Act (section 6) does not violate the Convention.

5. Spanish legislation is more severe as regards its tolerance of continuous work than the Convention itself. Section 1 of the Act was drafted with a view to finding a broad formula which would make it possible to meet the desire of the workers in many undertakings to be able to finish work at mid-day on Saturday or have compensatory time off.

6. The different regulations governing undertakings holding concessions for railways used by the public and governing the operation of the state railways contain standards which are identical with the national labour regulations governing the

Spanish National Railway Network. As regards road transport, the preamble to the Order of 22 May 1961 states that this measure is enacted in accordance with the requirements of the Convention.

7. The Government thanks the Committee of Experts for its observations to the effect that section 11 of the Hours of Work Act, in view of the way in which it is applied, does not in practice conflict with the requirements of the Convention. In its wording also section 11 is in agreement with Article 6 of the Convention, which in subparagraph (a) of its first paragraph allows for the possibility of a permanent exception being made in the case of preparatory or complementary work. The Government acknowledges none the less that in actual fact section 11 of the Act does not appear to be strictly necessary in view of the terms of section 4, and it therefore takes note of the hope expressed by the Commission with regard to the possibility of repealing this section, thus eliminating not a discrepancy but a duplication which might give rise to misinterpretation.

8. The reports submitted annually by the Labour Inspectorate contain the principal data requested by the Committee, and it will also be forwarded the statistical data relating to the authorisations for the working of overtime accorded by the competent provincial labour authorities.

The Government hopes that these replies will serve to remove any doubts which may still persist.

* * *

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

Belgium, Colombia, Dominican Republic, Spain.

The report from *Greece* reproduces information previously supplied.

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Nicaragua	12. 4. 1934
Austria	12. 6. 1924	Norway	23. 11. 1921
Belgium	25. 8. 1930	Poland	21. 6. 1924
Bulgaria ¹	14. 2. 1922	Rumania	13. 6. 1921
Burma ²	14. 7. 1921	Republic of South Africa	20. 2. 1924
Chile	31. 5. 1933	Spain	4. 7. 1923
Colombia	20. 6. 1933	Sudan	18. 6. 1957
Denmark	13. 10. 1921	Sweden	27. 9. 1921
Ecuador	5. 2. 1962	Switzerland	9. 10. 1922
Finland	19. 10. 1921	Syrian Arab Republic	26. 7. 1960
France	25. 8. 1925	Turkey	14. 7. 1950
Federal Republic of Germany ³	6. 6. 1925	United Arab Republic	3. 7. 1954
Greece	19. 11. 1920	United Kingdom	14. 7. 1921
Hungary	1. 3. 1928	Uruguay	6. 6. 1933
Iceland	17. 2. 1958	Venezuela	20. 11. 1944
India ¹	14. 7. 1921	Yugoslavia	1. 4. 1927
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		

¹ Has denounced this Convention.

² See footnote 2 to Convention No. 1.

³ 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.

AUSTRIA

Article 2 of the Convention. In reply to a direct request of the Committee of Experts the Government states that, as already indicated in the annual report for 1955-56, a law concerning placement and vocational guidance is being studied, in which co-operation with private agencies of public utility is also considered. The draft of a law to this effect has not yet reached the hands of the legislative authorities.

BELGIUM

Act of 10 August 1960.

Article 3 of the Convention. The General Social Security Agreement between Belgium and Greece, signed at Athens on 1 April 1958, was approved by the above-mentioned Act of 10 August 1960.

CHILE

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1961), p. 745.

FINLAND

Act of 20 June 1960 to amend the Act respecting unemployment funds entitled to a state grant. (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.—F.F.)*, No. 328/60) (*L.S.* 1960—Fin. 4).

Placement Act of 2 June 1959 (S.A.—F.F., No. 246/59) (L.S. 1959—Fin. 1).

Decision of the Council of State concerning the right of the citizens of Iceland, Norway, Sweden and Denmark to be admitted to an unemployment fund which is entitled to state subsidies, given on 18 October 1956 (S.A.—F.F., No. 539/56).

Decision of the Council of State concerning the right of the citizens of the United Kingdom of Great Britain and Northern Ireland to be admitted to an unemployment fund entitled to state subsidies, 28 April 1960 (S.A.—F.F., No. 217/60).

Article 2 of the Convention. The Placement Act of 1959 repeats the provisions contained in the earlier legislation relating to the organisation of a free public employment service, including the appointment of advisory committees comprising representatives of employers and workers.

Article 3. Under the revised legislation Finnish citizenship continues to be a condition for admission to a national unemployment fund, but the Government has the power to grant non-nationals the right to be admitted to an unemployment fund on the basis of reciprocity. This right has been given to citizens of Denmark, Iceland, Norway, Sweden and the United Kingdom.

FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany has concluded or renewed unemployment insurance agreements with the United Kingdom, Spain, Denmark and Greece. All these agreements provide for equality of treatment of nationals of both parties on a reciprocal basis.

IRELAND

In reply to a direct request from the Committee of Experts, the Government indicates that the Minister for Social Welfare has powers to set up advisory committees in connection with any of the purposes of the employment service, but that so far the need for any advisory committee other than that for juveniles has not made itself felt; should the need arise, other advisory committees could readily be appointed.

LUXEMBOURG

Act of 21 January 1960 to approve Article 11 of the Benelux Treaty on Employment.

Act of 13 March 1961 to approve Article 10 of the Belgium-Luxembourg Agreement of 1959.

Under the Act of 21 January 1960, unemployed Benelux wage earners on the territory of one of the High Contracting Parties are entitled on the same terms as nationals to unemployment benefit and inclusion in the scope of all measures taken by public institutions with a view to providing employment.

Under the Act of 13 March 1961 to approve Article 10 of the Belgium-Luxembourg Agreement of 1959, a frontier worker is entitled to the unemployment benefit provided under the legislation of the Contracting Party on whose territory he resides.

VENEZUELA

In reply to the request made to it by the Committee in 1960, the Government has supplied the following information.

Article 1 of the Convention. The Employment Service has recently begun publishing a monthly bulletin reviewing its activities.

Article 2. In November 1949 a National Advisory Board was set up, together with regional and local boards, tripartite in character, responsible for collaborating with the Employment Service.

YUGOSLAVIA

Law on labour relations (revised text) (*Službeni List*, No. 17/61).

Ukase of 2 July 1960 to promulgate a Workers' Employment Service Act (*L.S.* 1960—Yug. 1).

* * *

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

Argentina, Austria, Belgium, Greece, New Zealand, Rumania, Republic of South Africa, Turkey, United Arab Republic, United Kingdom, Venezuela.

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

Burma, Colombia, Denmark, France, Hungary, Italy, Japan, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, Tanganyika.

3. Maternity Protection Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on
Argentina	30. 11. 1933
Brazil ¹	26. 4. 1934
Bulgaria	14. 2. 1922
Chile	15. 9. 1925
Colombia	20. 6. 1933
Cuba	6. 8. 1928
France	16. 12. 1950
Gabon	13. 6. 1961
Federal Republic of Germany ²	31. 10. 1927
Greece	19. 11. 1920
Hungary	19. 4. 1928
Italy	22. 10. 1952

Countries	Ratification registered on
Ivory Coast	5. 5. 1961
Luxembourg	16. 4. 1928
Nicaragua	12. 4. 1934
Panama	3. 6. 1958
Rumania	13. 6. 1921
Spain	4. 7. 1923
Uruguay ¹	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ Has denounced this Convention.

² See footnote 3 to Convention No. 2.

COLOMBIA

In reply to the observations of the Committee of Experts, the Government refers to the Labour Bill which is at present under consideration by the Fifth Committee of the Chamber of Representatives. Under the provisions of the Bill the pre- and post-natal rest periods on full pay will be increased from eight to 12 weeks.

In addition, the Bill provides for either the payment of a subsidy intended exclusively to cover medical, pharmaceutical, surgical and hospital expenses or the provision of these services by the undertaking, depending on the resources of the undertaking. The Bill likewise increases the period of rest to which a woman is entitled during the day to feed her child from 20 to 30 minutes, and lays down that a nursing room or other appropriate place shall be equipped for this purpose.

Finally, with reference to Article 4 of the Convention, the Government's report quotes section 239 of the Labour Code, which prohibits the dismissal of a worker without the permission of the authorities because she is pregnant or a nursing mother, either during the period of pregnancy or within three months of the confinement. A worker who is dismissed during the period in question is entitled to compensation equal to 60 days' wages, apart from the benefits due to her under her contract and the eight weeks' paid rest period. The report concludes by stating that the Labour Bill contains the same provisions, except that it raises the compensation in the event of unauthorised dismissal from 60 days' to 90 days' wages, and extends the paid rest period from eight to 12 weeks.

4. Night Work (Women) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Nicaragua	12. 4. 1934
Albania	17. 3. 1932	Niger ⁴	27. 2. 1961
Argentina	30. 11. 1933	Pakistan ⁹	14. 7. 1921
Austria	12. 6. 1924	Peru	8. 11. 1945
Belgium ¹	12. 7. 1924	Portugal	10. 5. 1932
Brazil ¹	26. 4. 1934	Rumania ¹	13. 6. 1921
Bulgaria ²	14. 2. 1922	Senegal ⁷	4. 11. 1960
Burma ^{3 5}	14. 7. 1921	Republic of South Africa ¹	1. 11. 1921
Cameroun ⁴	7. 6. 1960	Spain	29. 9. 1932
Central African Republic ⁴	27. 10. 1960	Switzerland ¹	9. 10. 1922
Ceylon ⁵	8. 10. 1951	Togo ⁴	7. 6. 1960
Chad ⁴	10. 11. 1960	Tunisia	15. 5. 1957
Chile	8. 10. 1931	United Kingdom ¹⁰	14. 7. 1921
Colombia	20. 6. 1933	Upper Volta ⁴	21. 11. 1960
Congo (Brazzaville) ⁴	10. 11. 1960	Uruguay ¹	6. 6. 1933
Congo (Leopoldville) ⁸	20. 9. 1960	Venezuela ⁵	7. 3. 1933
Cuba	6. 8. 1928	Viet-Nam	6. 6. 1953
Czechoslovakia	24. 8. 1921	Yugoslavia ¹	1. 4. 1927
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		
Mauritania ⁴	20. 6. 1961		
Morocco ⁸	13. 6. 1956		
Netherlands ¹	4. 9. 1922		

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.

CHAD

In reply to the direct request made by the Committee of Experts in 1960 the Government has made the following statement.

Apart from the exceptions provided for in Articles 4 and 5 of the Convention, the prohibition of night work by women may be suspended only in pursuance of an order issued by reason of particular economic conditions and after consultation with the employers' and workers' organisations concerned. But this course of action has never been taken, and the Government does not intend to resort to it. Legislation will be brought into full conformity with the Convention after the revision of the Labour Code has been completed.

CHILE

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1960), p. 615.

CONGO (BRAZZAVILLE)

Article 8 of the Convention. The prohibition of night work by women is not applied to women holding responsible positions of a managerial or technical character and to women employed in health and welfare services who are not ordinarily engaged in manual work.

CZECHOSLOVAKIA

See under Convention No. 89.

MOROCCO

In reply to a direct request made in 1960 by the Committee of Experts the Government states that a Bill to repeal the second paragraph of section 15 of the Decree of 2 July 1947 has been drafted by the Ministry of Labour and Social Affairs.

SENEGAL

Act No. 61-34 of 15 June 1961 establishing the Labour Code (*Journal officiel*, 1961, No. 3462).

TUNISIA

Legislative Decree No. 60-10 of 14 March 1960 (*Journal officiel*, 1960, No. 13).

Women must have at least 12 consecutive hours of rest at night. Exceptions are provided for.

Force majeure is any event which is unforeseen, unavoidable and beyond the control of the employer.

Special provisions with regard to the length of the rest period at night may be applied when the climate makes it necessary to shorten the working day.

* * *

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

Argentina, Austria, Chad, Chile, Colombia, Congo (Brazzaville), Czechoslovakia, India, Luxembourg, Morocco, Senegal, Spain, Tunisia.

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

Afghanistan, Cameroun, Dahomey, Italy, Ivory Coast, Niger, Pakistan, Upper Volta, Viet-Nam.

5. Minimum Age (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Japan	7. 8. 1926
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Austria	26. 2. 1936	Malagasy Republic ²	1. 11. 1960
Belgium	12. 7. 1924	Mali ³	22. 9. 1960
Bolivia	19. 7. 1954	Mauritania ²	20. 6. 1961
Brazil	26. 4. 1934	Netherlands	21. 7. 1928
Bulgaria ¹	14. 2. 1922	Nicaragua	12. 4. 1934
Cameroun ²	7. 6. 1960	Niger ²	27. 2. 1961
Central African Republic ²	27. 10. 1960	Norway	7. 7. 1937
Ceylon	27. 9. 1951	Poland	21. 6. 1924
Chad ²	10. 11. 1960	Rumania	13. 6. 1921
Chile	15. 9. 1925	Senegal ²	4. 11. 1960
Colombia	20. 6. 1933	Sierra Leone	15. 6. 1961
Congo (Brazzaville) ²	10. 11. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland	9. 10. 1922
Czechoslovakia	24. 8. 1921	Togo ²	7. 6. 1960
Dahomey ²	12. 12. 1960	United Kingdom	14. 7. 1921
Denmark	4. 1. 1923	Upper Volta ²	21. 11. 1960
Dominican Republic	4. 2. 1933	Uruguay ¹	6. 6. 1933
France	29. 4. 1939	Venezuela	20. 11. 1944
Gabon ²	14. 10. 1960	Viet-Nam	6. 6. 1953
Greece	19. 11. 1920	Yugoslavia	1. 4. 1927
Guinea ²	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		

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.

GABON

Decree No. 177 of 9 November 1959.

The above-mentioned decree, amending Order No. 2472 of 24 December 1953, has abolished the power granted to labour inspectors to authorise exceptions to the prohibition of the employment of children for night work.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Article 1 of the Convention. Section 97 of the new Labour Code defines industrial undertakings (as well as commercial and agricultural ones) in the manner laid down in Article 1 of the Convention.

Article 2. Children under 12 years of age may be employed only on light non-industrial work (section 400).

Article 3. The provisions governing the work of minors do not apply to vocational schools supervised by the public authorities.

Article 4. Every employer who has minors of 14 years of age or over in his employ must keep a register containing the information required by law in respect of them (section 402).

* * *

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

Belgium, Colombia, Venezuela.

The report from *Cuba* reproduces the information previously supplied.

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

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Mauritania ^a	20. 6. 1961
Argentina	30. 11. 1933	Mexico ^a	20. 5. 1937
Austria	12. 6. 1924	Netherlands ^a	17. 3. 1924
Belgium	12. 7. 1924	Nicaragua	12. 4. 1934
Brazil	26. 4. 1934	Niger ^a	27. 2. 1961
Bulgaria	14. 2. 1922	Pakistan ^b	14. 7. 1921
Burma ¹	14. 7. 1921	Poland	21. 6. 1924
Cameroun ^a	7. 6. 1960	Portugal	10. 5. 1932
Central African Republic ^a	27. 10. 1960	Rumania	13. 6. 1921
Ceylon ^a	26. 10. 1950	Senegal ^a	4. 11. 1960
Chad ^a	10. 11. 1960	Spain	29. 9. 1932
Chile	15. 9. 1925	Switzerland	9. 10. 1922
Congo (Brazzaville) ^a	10. 11. 1960	Togo ^a	7. 6. 1960
Cuba	6. 8. 1928	Tunisia	12. 1. 1959
Dahomey ^a	12. 12. 1960	United Kingdom ^b	14. 7. 1921
Denmark	4. 1. 1923	Upper Volta ^a	21. 11. 1960
France	25. 8. 1925	Uruguay ^a	6. 6. 1933
Gabon ^a	14. 10. 1960	Venezuela	7. 3. 1933
Greece	19. 11. 1920	Viet-Nam	6. 6. 1953
Guinea ^a	21. 1. 1959	Yugoslavia ^a	1. 4. 1927
Hungary	19. 4. 1928		
India	14. 7. 1921		
Ireland	4. 9. 1925		
Italy	10. 4. 1923		
Ivory Coast ^a	21. 11. 1960		
Luxembourg	16. 4. 1928		
Malagasy Republic ^a	1. 11. 1960		
Mali ^a	22. 9. 1960		

¹ See footnote 2 to Convention No. 1.

^a See footnote 4 to Convention No. 4.

^b Has denounced this Convention and has ratified Convention No. 90.

^c See footnote 7 to Convention No. 4.

^d See footnote 3 to Convention No. 1.

^e Has denounced this Convention and has not ratified Convention No. 90.

BURMA

In reply to the direct request made by the Committee of Experts in 1960 the Government states that arrangements are now being made for drafting rules, under section 57, paragraph 1, of the Factories Act, 1951, in respect of building operations and engineering construction; in framing these rules, the Articles of the Convention will be observed.

CHILE

The Labour Board has prepared a Bill which was submitted to the Ministry of Labour and Social Welfare on 31 January 1961. This Bill will extend the application of section 48 of the Labour Code (prohibition of night work) to salaried employees working for private employers and to young persons of less than 18 years of age who are in private employment and who are regarded as salaried employees.

GUINEA

The provisions of the new Labour Code apply to all workers.

Rest periods for women and young persons in industry must be at least 11 consecutive hours. By special authorisation of the Labour Inspectorate it is permissible to suspend the prohibition of night work for women and young persons above 16 years of age.

Night work is carried out between 10 p.m. and 5 a.m.

In exceptional cases it is permissible, subject to special authorisation, to employ children and young persons at night for urgent and unforeseeable tasks when the public interest so demands.

MALAGASY REPUBLIC

The information previously given is still valid, that is to say the new Labour Code of 1960 has in general followed the main lines of the 1952 Code.

No office worker is employed after 7 p.m., and it has never been thought necessary to adopt a special regulation for office workers.

SENEGAL

See under Convention No. 4.

TUNISIA

The provisions of Legislative Decree No. 60-10 of 14 March 1960, which amended existing legislation, bring it into line with the requirements of the Convention.

The night-time rest period for children is at least 12 consecutive hours. For children under 16 years of age this rest must include the period from 10 p.m. to 6 a.m.; for young persons of 16 to 18 years of age night rest must include the period from 10 p.m. to 5 a.m.

No provision is made for suspension.

Night work in bakeries is determined by the needs of apprenticeship and by seasonal temperature.

Force majeure is any unforeseeable and unavoidable event which is beyond the control of the employer.

VIET-NAM

In reply to a request by the Committee of Experts, the Government states that the proposed ordinance to limit (in accordance with Article 2, paragraph 2) the exceptions permitted by section 171 of the Labour Code, has been submitted to the National Labour Advisory Commission for examination.

* * *

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

Argentina, Austria, Belgium, Burma, Cameroun, Chad, Chile, Denmark, France, Guinea, Hungary, Ireland, Italy, Luxembourg, Malagasy Republic, Niger, Poland, Portugal, Senegal, Switzerland, Tunisia, Upper Volta, Viet-Nam.

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

Brazil, Congo (Brazzaville), Dahomey, Greece, India, Ivory Coast, Pakistan, Spain, Venezuela.

7. Minimum Age (Sea) Convention, 1920

This Convention came into force on 27 September 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Mexico ^a	17. 8. 1948
Belgium	2. 2. 1925	Netherlands ^a	26. 3. 1925
Brazil	8. 6. 1936	Nicaragua	12. 4. 1934
Bulgaria	16. 3. 1923	Norway	7. 10. 1927
Canada	31. 3. 1926	Poland	21. 6. 1924
Ceylon	2. 9. 1950	Portugal	24. 10. 1960
Chile	18. 10. 1935	Rumania	8. 5. 1922
China	2. 12. 1936	Sierra Leone	15. 6. 1961
Colombia	20. 6. 1933	Spain	20. 6. 1924
Cuba	6. 8. 1928	Sweden	27. 9. 1921
Denmark	12. 5. 1924	United Kingdom	14. 7. 1921
Dominican Republic	4. 2. 1933	Uruguay ^a	6. 6. 1933
Finland	10. 10. 1925	Venezuela	20. 11. 1944
Federal Republic of Germany ¹	11. 6. 1929	Yugoslavia	1. 4. 1927
Greece	16. 12. 1925		
Hungary	1. 3. 1928		
Ireland	4. 9. 1925		
Italy	14. 7. 1932		
Japan	7. 6. 1924		

¹ See footnote 3 to Convention No. 2.

^a Has denounced this Convention and has ratified Convention No. 58.

COLOMBIA

Regulations of the Colombian Merchant Marine (Rule No. 2 of 12 May 1956).

In reply to the observations of the Committee of Experts, the Government states that according to the Labour Code young persons of less than 18 years of age are not permitted to sign an individual labour contract. In the Colombian merchant marine it is prescribed that any person wishing to obtain a permit to work as member of the crew must have satisfied his military obligations.

According to section 99 of Decree No. 3183 of 1952, all Colombian merchant vessels must possess a crew list.

PORTUGAL (First Report)

Legislative Decree No. 23764 respecting persons employed in the mercantile marine, dated 13 April 1934 (*L.S.* 1934—Por. 1).

Legislative Decree No. 41643 dated 23 May 1958 (*Colecção Oficial de Legislação Portuguesa*, Vol. 1, 1958).

Article 1 of the Convention. According to section 2 of Legislative Decree No. 41643, "vessels engaged in maritime navigation" include all craft navigating on the high seas for purposes of commercial trade.

Article 2. Section 8 of Legislative Decree No. 23764 sets the minimum age for admission to work on vessels at 14 years.

Article 4. By virtue of section 123 of Legislative Decree No. 23764, all craft must keep a ship's register. This contains, along with other information, the age of every member of the crew.

* * *

The report from *Cuba* reproduces the information previously supplied.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Mexico	20. 5. 1937
Belgium	2. 2. 1925	Netherlands	15. 12. 1937
Bulgaria	16. 3. 1923	Nicaragua	12. 4. 1934
Canada	31. 3. 1926	Nigeria	16. 6. 1961
Ceylon	25. 4. 1951	Norway	21. 7. 1936
Chile	18. 10. 1935	Poland	21. 6. 1924
Colombia	20. 6. 1933	Rumania	10. 11. 1930
Cuba	6. 8. 1928	Sierra Leone	15. 6. 1961
Denmark	15. 2. 1938	Spain	20. 6. 1924
Finland	20. 1. 1950	Sweden	1. 1. 1935
France	21. 3. 1929	Switzerland	21. 4. 1960
Federal Republic of Germany ¹	4. 3. 1930	United Kingdom	12. 3. 1926
Greece	16. 12. 1925	Uruguay	6. 6. 1933
Ireland	5. 7. 1930	Yugoslavia	30. 9. 1929
Italy	8. 9. 1924		
Japan	22. 8. 1955		

¹ See footnote 3 to Convention No. 2.

SWITZERLAND (First Report)

Federal Act of 23 September 1953 respecting maritime navigation under the Swiss flag.

Section 86 of the above-mentioned Act concerns all Swiss members of crews and all Swiss sea-going vessels. By "loss or foundering" is meant total loss or total incapacity of the vessel to proceed as a result of damage which prevents the voyage from being completed and necessitates the dismissal of the crew. Indemnity against unemployment is paid for each day of effective unemployment for a maximum period of two months, irrespective of the date when the contract expires. "Wages" are understood to mean only the basic wage established in the contract.

The Swiss Maritime Navigation Office in Basle supervises the application of the provisions concerning maritime navigation under the Swiss flag.

* * *

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

Colombia, Cuba, Mexico.

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

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	3. 8. 1925	Mexico	1. 9. 1939
Belgium	4. 2. 1925	Netherlands	9. 1. 1948
Bulgaria	16. 3. 1923	New Zealand	29. 3. 1938
Chile	18. 10. 1935	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	23. 11. 1921
Cuba	6. 8. 1928	Poland	21. 6. 1924
Denmark	23. 8. 1938	Rumania	10. 11. 1930
Finland	7. 10. 1922	Spain	23. 2. 1931
France	25. 1. 1928	Sweden	27. 9. 1921
Federal Republic of Germany ¹	6. 6. 1925	Uruguay	6. 6. 1933
Greece	16. 12. 1925	Yugoslavia	30. 9. 1929
Italy	8. 9. 1924		
Japan	23. 11. 1922		

¹ See footnote 3 to Convention No. 2.

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

Colombia, Cuba.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Israel	23. 12. 1953
Argentina	26. 5. 1936	Italy	8. 9. 1924
Australia	24. 12. 1957	Japan	19. 12. 1923
Austria	12. 6. 1924	Luxembourg	16. 4. 1928
Belgium	13. 6. 1928	Netherlands	28. 11. 1956
Bulgaria	6. 3. 1925	New Zealand	8. 7. 1947
Byelorussia	6. 11. 1956	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	28. 1. 1957
Cuba	22. 8. 1935	Peru	1. 2. 1960
Czechoslovakia	31. 8. 1923	Poland	21. 6. 1924
Dominican Republic	4. 2. 1933	Rumania	10. 11. 1930
France	7. 6. 1951	Spain	29. 8. 1932
Gabon	13. 6. 1961	Sweden	27. 11. 1923
Federal Republic of Germany	20. 3. 1957	Ukraine	14. 9. 1956
Hungary	2. 2. 1927	U.S.S.R.	10. 8. 1956
Ireland	26. 5. 1925	Uruguay	6. 6. 1933

FEDERAL REPUBLIC OF GERMANY

Act of 9 August 1960 respecting the protection of young workers (*Bundesgesetzblatt*, 13 Aug. 1960).

Article 1 of the Convention. Under section 29 of the above-mentioned Act of 9 August 1960, children over 12 years of age may be employed in agriculture for light auxiliary work, but it is prohibited to employ children between 6 p.m. and 8 a.m., before school hours, on Sundays and on legal public holidays.

NORWAY

In response to the direct request of the Committee of Experts the report indicates that the school year begins on 1 July and continues until 30 June. The working year for children should not exceed 39 weeks, and holidays may amount to 14 weeks. When permission is granted by the Director of Schools, the school principals may prolong the holidays to a maximum of 16 weeks.

U.S.S.R.

In reply to the direct request of the Committee of Experts the Government states that the Decree of the Presidium of the Supreme Soviet of 13 December 1956 prohibits the employment of all persons under the age of 16, including children living in kolkhozes.

Further, the model charter of the kolkhozes adopted on 12 February 1935 provides that only workers over the age of 16 may become members.

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

Argentina, Belgium, Chile, Cuba, Ireland, Israel, Italy, Netherlands.

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

Australia, Austria, Czechoslovakia, Dominican Republic, France, Hungary, Japan, Luxembourg, New Zealand, Poland, Rumania, Spain, Sweden.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Mauritania ^a	20. 6. 1961
Argentina	26. 5. 1936	Mexico	20. 5. 1937
Australia	24. 12. 1957	Morocco	20. 5. 1957
Austria	12. 6. 1924	Netherlands	20. 8. 1926
Belgium	19. 7. 1926	New Zealand	29. 3. 1938
Brazil	25. 4. 1957	Nicaragua	12. 4. 1934
Bulgaria	6. 3. 1925	Niger ^a	27. 2. 1961
Burma ¹	11. 5. 1923	Nigeria	16. 6. 1961
Byelorussia	6. 11. 1956	Norway	11. 6. 1929
Cameroun ^a	7. 6. 1960	Pakistan ^a	11. 5. 1923
Central African Republic ²	27. 10. 1960	Peru	8. 11. 1945
Ceylon	25. 8. 1952	Poland	21. 6. 1924
Chad ^a	10. 11. 1960	Rumania	10. 11. 1930
Chile	15. 9. 1925	Senegal ^a	4. 11. 1960
China	27. 4. 1934	Spain	29. 8. 1932
Colombia	20. 6. 1933	Sweden	27. 11. 1923
Congo (Brazzaville) ^a	10. 11. 1960	Switzerland	23. 5. 1940
Congo (Leopoldville) ^a	20. 9. 1960	Syrian Arab Republic	26. 7. 1960
Cuba	22. 8. 1935	Togo ^a	7. 6. 1960
Czechoslovakia	31. 8. 1923	Tunisia	15. 5. 1957
Dahomey ^a	12. 12. 1960	Turkey	29. 3. 1961
Denmark	20. 6. 1930	Ukraine	14. 9. 1956
Finland	19. 6. 1923	U.S.S.R.	10. 8. 1956
France	23. 3. 1929	United Arab Republic	3. 7. 1954
Gabon ^a	14. 10. 1960	United Kingdom	6. 8. 1923
Federal Republic of Germany ⁴	6. 6. 1925	Upper Volta ^a	21. 11. 1960
Greece	13. 6. 1952	Uruguay	6. 6. 1933
Guinea ^a	21. 1. 1959	Venezuela	20. 11. 1944
Iceland	21. 8. 1956	Yugoslavia	30. 9. 1929
India	11. 5. 1923		
Ireland	17. 6. 1924		
Italy	8. 9. 1924		
Ivory Coast ^a	21. 11. 1960		
Luxembourg	16. 4. 1928		
Malagasy Republic ^a	1. 11. 1960		
Malaya	11. 1. 1960		
Mali ^a	22. 9. 1960		

¹ See footnote 2 to Convention No. 1.

^a See footnote 4 to Convention No. 4.

^a See footnote 6 to Convention No. 4.

^a See footnote 3 to Convention No. 2.

^a See footnote 7 to Convention No. 4.

^a See footnote 3 to Convention No. 1.

CHILE

The Commission set up to examine the revision of the Labour Code has not yet finished its work.

A Bill to amend the legislation on agricultural trade unions is now before the Senate.

* * *

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

Belgium, Chile, Colombia, Cuba, Gabon.

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

Nigeria, United Arab Republic.

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

This Convention came into force on 26 February 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Australia	7. 6. 1960	Malaya	5. 6. 1961
Austria	14. 6. 1954	Mexico	1. 11. 1937
Belgium	26. 10. 1932	Morocco	20. 9. 1956
Brazil	25. 4. 1957	Netherlands	20. 8. 1926
Bulgaria	6. 3. 1925	New Zealand	29. 3. 1938
Chile	15. 9. 1925	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Panama	3. 6. 1958
Congo (Leopoldville) ¹	20. 9. 1960	Poland	21. 6. 1924
Cuba	22. 8. 1935	Portugal	16. 5. 1960
Czechoslovakia	12. 6. 1950	El Salvador	11. 10. 1955
Denmark	26. 2. 1923	Spain	1. 10. 1931
Finland	20. 1. 1950	Sweden	27. 11. 1923
France	4. 4. 1928	Tunisia	15. 5. 1957
Gabon	13. 6. 1961	United Kingdom	6. 8. 1923
Federal Republic of Germany ²	6. 6. 1925	Uruguay	6. 6. 1933
Haiti	19. 4. 1955	Yugoslavia	27. 1. 1958
Hungary	8. 6. 1956		
Ireland	17. 6. 1924		
Italy	1. 9. 1930		

¹ See footnote 6 to Convention No. 4.

² See footnote 3 to Convention No. 2.

COLOMBIA

See under Convention No. 17.

FRANCE

Decree No. 61-148 of 8 February 1961 respecting the travel expenses of victims of accidents in agriculture and compensation for those of such victims accepted for retraining (*Journal officiel*, 12 Feb. 1961).

Where the pension or daily allowance paid to a person who has sustained an accident during the course of his work and who is attending a course at a vocational retraining establishment is less than the minimum wage rate in the occupation for which he is being retrained, he will henceforth be entitled to receive the difference.

HAITI

See under Convention No. 17.

ITALY

The new Act No. 62 of 4 February 1960 increases the indemnities payable under schemes of insurance against employment injury and occupational disease.

MALAYA (First Report)

The employment injury legislation which has been in force in Malaya since 1 April 1953 is applicable both to agricultural workers and to workers in other industries.

As regards the application of this Convention see under Convention No. 17.

MEXICO

A compulsory survivors' benefit scheme for migrant agricultural workers working in the United States was established by the Decree of 6 January 1960.

The Regulations dated 18 August 1960 concerning social insurance for agricultural workers give effect to the provisions of sections 6, 7 and 8 of the Social Insurance Act, which introduced compulsory social insurance for such workers. The scheme will be applied gradually.

NETHERLANDS

See under Convention No. 17.

POLAND

See under Convention No. 17.

PORTUGAL

Legislation respecting compensation for employment injury and occupational diseases is the same for all branches of the economy. There is no special scheme for agricultural workers.

The Ministry of Corporations and Social Welfare and the Ministry for the Overseas Provinces are required to apply this legislation.

The employers' and workers' organisations have not sent any observations.

The provisions of article 23 of the Constitution of the I.L.O. have been observed.

UNITED KINGDOM

See under Convention No. 17.

* * *

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

Argentina, Austria, Belgium, Chile, Colombia, Federal Republic of Germany, Ireland, Luxembourg, Morocco, New Zealand, Tunisia, Yugoslavia.

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

Brazil, Czechoslovakia, Denmark, Finland, Hungary, Spain, Sweden.

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Mauritania ¹	20. 6. 1961
Argentina	26. 5. 1936	Mexico	7. 1. 1938
Austria	12. 6. 1924	Morocco ³	13. 6. 1956
Belgium	19. 7. 1926	Netherlands	15. 12. 1939
Bulgaria	6. 3. 1925	Nicaragua	12. 4. 1934
Cameroun ¹	7. 6. 1960	Niger ¹	27. 2. 1961
Central African Republic ¹	27. 10. 1960	Norway	11. 6. 1929
Chad ¹	10. 11. 1960	Poland	21. 6. 1924
Chile	15. 9. 1925	Rumania	4. 12. 1925
Colombia	20. 6. 1933	Senegal ³	4. 11. 1960
Congo (Brazzaville) ¹	10. 11. 1960	Spain	20. 6. 1924
Cuba	7. 7. 1928	Sweden	27. 11. 1923
Czechoslovakia	31. 8. 1923	Togo ¹	7. 6. 1960
Dahomey ¹	12. 12. 1960	Tunisia ⁴	12. 6. 1956
Finland	5. 4. 1929	Upper Volta ¹	21. 11. 1960
France	19. 2. 1926	Uruguay	6. 6. 1933
Gabon ¹	14. 10. 1960	Venezuela	28. 4. 1933
Greece	22. 12. 1926	Viet-Nam	6. 6. 1953
Guinea ¹	21. 1. 1959	Yugoslavia	30. 9. 1929
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 ³	22. 9. 1960		

¹ See footnote 4 to Convention No. 4.

³ 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.

ARGENTINA

In reply to the observation made by the Committee of Experts in 1961, the Government states that a commission is now examining how the national legislation can be brought into line with the provisions of the Convention. It also states that, as prescribed in Article 1, paragraph 1, of the Convention, it is working in consultation with the employers' and workers' organisations concerned.

CHAD

In reply to the request made in 1960 by the Committee of Experts, the Government states that the amendments to the national provisions applying Article 5, point I (a), of the Convention (use of white lead, etc., only in the form of paste or of paint ready for use) will be adopted following redrafting of the Labour Code and the regulations for its application. It is also intended to stipulate the action required in order to prevent danger arising from the application of paint in the form of spray (Article 5, point I (b)).

CONGO (BRAZZAVILLE)

In reply to the direct request made by the Committee of Experts in 1960, the Government declares that an amending text intended to apply Article 5, point I (a) and (b), of the Convention (use of white lead, sulphate of lead, etc., only in the form of paste or of paint ready for use, and precautionary measures to be taken to prevent

danger arising from the application of paint in the form of spray) will be introduced under the general revision of the health and safety regulations.

FINLAND

Protection of Labour Act. Dated 28 June 1958 (L.S. 1958—Fin. 1).

In reply to a general observation by the Committee of Experts requesting the Government to furnish fuller information concerning the practical application of ratified Conventions, the Government refers, with regard to application of Article 5 of the Convention (measures to prevent lead poisoning in painting operations where the use of white lead, sulphate of lead, etc., is not prohibited), to section 17 of the above-mentioned Act of 28 June 1958. This section states that the essential protective measures must be taken if materials which are harmful or dangerous to health are used in the course of work. If such measures are insufficient to eliminate the danger, the dangerous materials must be replaced by others. The employer is also required to ascertain the composition of dangerous materials and the quantity of such materials contained in the atmosphere at the workplace, and to cause regular examination to be made of any changes which might occur in such composition.

GUINEA

In reply to the request made in 1960 by the Committee of Experts, the Government has furnished the following information.

Article 3 of the Convention. As the paint industry is undeveloped in the Republic of Guinea, no legislation or regulations are at present contemplated to prohibit the employment of young persons under 18 and women in industrial painting work. The report draws attention to section 179 of the Labour Code, which provides that young persons under 18 and women may not be employed in unhealthy or dangerous establishments except under special conditions to be laid down by the public administration regulations for each of these categories of workers.

Article 5, point II (b). The Government is planning regulations under which heads of undertakings will be compelled to provide suitable clothing for working painters during the whole of the working period.

Point III (a). Under section 134 of the Social Security Code cases of lead poisoning must be notified within 15 days of the patient's ceasing work. Under section 84 of the same Code the Social Security Fund may arrange for subsequent medical examination of the patient.

Article 7. No statistics have as yet been compiled with regard to lead poisoning among working painters.

HUNGARY

The report contains the text of Decree No. 36/1957 and Decree No. 8300/22/1952 of the Ministry of Health concerning the prevention of lead poisoning, which the Committee of Experts requested the Government to communicate so as to ascertain whether they were in line with the provisions of the Convention.

ITALY

Act No. 706 of 19 July 1961 concerning the use of white lead in painting operations (*Gazzetta Ufficiale*, No. 197, 9 Aug. 1961).

The Government states that the Act concerning the use of white lead in painting operations came into force on 9 August 1961.

The report also states, in reply to the request made in 1960 by the Committee of Experts, that it is not possible to communicate information concerning the number of workers protected by such legislation, since there are no regulations in Italy requiring statistical information to be collected with regard to the number of persons exposed to any particular risk.

IVORY COAST

In reply to the direct request made by the Committee of Experts in 1961, the Government has supplied the following information.

Article 5, point II (b), of the Convention. Section 5 of Order No. 8822/IGTLS/AOF of 14 November 1955 is to be redrafted so as to make the wearing of working clothes compulsory during the whole of the working period. In addition, a new wording for section 10 of Order No. 8827/IGTLS/AOF of 14 November 1955 is to be proposed to the competent authorities, to read as follows: "In all operations involving the preparation and application of paint, varnish, lacquer, ink, putty or coating substances with a lead base, the head of the undertaking must provide each worker with overalls, fitting closely about the neck, wrists and ankles, and a cap affording air-tight protection for the hair."

Point III (a). The following paragraphs will be added at the end of section 8 of Order No. 8822/IGTLS/AOF of 14 November 1955:

"All cases of suspected lead poisoning, as well as confirmed cases of lead poisoning, should be notified as occupational diseases, under the same conditions as apply to industrial accidents." "The competent labour inspector, as soon as he receives such notification, shall arrange for subsequent examination of the patient by an industrial medical practitioner or other medical practitioner designated by him."

MALAGASY REPUBLIC

Order No. 903 of 20 May 1960 determining the special health measures to apply in establishments where workers are exposed to lead poisoning (*Journal officiel*, 11 June 1960).

In reply to the request made by the Committee of Experts in 1960 regarding measures which, in accordance with Article 5, point I (b), of the Convention, must be taken to avoid the danger arising from the application of paint in the form of spray, the Government has issued Order No. 903 mentioned above, section 6 of which provides that "white lead, lead sulphate and red oxide of lead may be used for painting only in the form of paste".

MEXICO

In reply to an observation by the Committee of Experts, the Government points out that Article 6 of the Convention grants each member State wide powers to take such steps as it considers necessary to ensure the observance of the relevant regulations. The Government does not therefore believe any further regulations are called for, since the use of white lead has been eliminated and the obligation contracted through ratification of the Convention is fully complied with. The expression "wherever practicable" used in the Convention reduces each State's obligation to what its resources permit and what is demanded by the particular circumstances.

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

NIGER

In reply to the direct request made by the Committee of Experts in 1960, the Government states that General Order No. 8829/IGTLS/AOF of 14 November 1955, prohibiting the use of white lead, sulphate of lead, etc., in painting operations both inside and outside buildings, remains the basic text applying in this connection in Niger.

Prohibition of the employment of young persons aged under 18 in industrial painting operations where white lead is used (Article 3 of the Convention) is covered under table A annexed to General Order No. 8827/IGTLS/AOF of 14 November 1955.

POLAND

In reply to the direct requests made by the Committee of Experts in 1959 and 1960 concerning the communication of statistics of cases of lead poisoning and the details stated under item V of the report form (number of workers covered by the relevant legislation, and number and nature of contraventions reported, etc.), the Government furnishes the following information.

A special ordinance was issued on 16 June 1961 concerning improvement of occupational safety and health conditions. Paragraph 9 of that ordinance requires the Minister of Health and Social Assistance to prepare by 31 December 1961, in consultation with the Central Council of Trade Unions, legislation to regulate all matters concerning the prevention of occupational diseases. The information requested cannot therefore be communicated until later.

SENEGAL

In reply to the direct request by the Committee of Experts regarding the issue of legislation to regulate the use of white lead in instances where its use is still authorised, such as will ensure full compliance with the provisions of Article 5 of the Convention, the Government details the orders at present in force which, in the words of the report, partly cover the various items in Article 5. It states that "all these scattered provisions will be consolidated when texts are studied for application of the Act of 15 June 1961 setting up a Labour Code in Senegal". In Chapter VI, dealing with safety and health, the Code provides for an advisory technical committee to be set up under the Ministry of Labour and Social Security to consider questions relating to occupational safety and health.

* * *

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

Austria, Belgium, Chad, Finland, Greece, Guinea, Netherlands, Sweden, Tunisia, Viet-Nam.

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

Afghanistan, Cameroun, Chile, Czechoslovakia, Dahomey, France, Luxembourg, Morocco, Norway, Spain, Upper Volta, Venezuela, Yugoslavia.

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Malagasy Republic ^a	1. 11. 1960
Argentina	26. 5. 1936	Mali ⁴	22. 9. 1960
Belgium	19. 7. 1926	Mauritania ^a	20. 6. 1961
Bolivia	19. 7. 1954	Mexico	7. 1. 1938
Brazil	25. 4. 1957	Morocco	20. 9. 1956
Bulgaria	6. 3. 1925	New Zealand	29. 3. 1938
Burma ¹	11. 5. 1923	Nicaragua	12. 4. 1934
Cameroun ^a	7. 6. 1960	Niger ²	27. 2. 1961
Canada	21. 3. 1935	Norway	7. 7. 1937
Central African Republic ^a	27. 10. 1960	Pakistan ⁵	11. 5. 1923
Chad ^a	10. 11. 1960	Peru	8. 11. 1945
Chile	15. 9. 1925	Poland	21. 6. 1924
China	17. 5. 1934	Portugal	3. 7. 1928
Colombia	20. 6. 1933	Rumania	18. 8. 1923
Congo (Brazzaville) ^a	10. 11. 1960	Senegal ⁴	4. 11. 1960
Congo (Leopoldville) ^a	20. 9. 1960	Spain	20. 6. 1924
Cuba	20. 7. 1953	Sweden	22. 12. 1931
Czechoslovakia	31. 8. 1923	Switzerland	16. 1. 1935
Dahomey ^a	12. 12. 1960	Syrian Arab Republic	10. 5. 1960
Denmark	30. 8. 1935	Togo ²	7. 6. 1960
Finland	19. 6. 1923	Tunisia	15. 5. 1957
France	3. 9. 1926	Turkey	27. 12. 1946
Gabon ^a	14. 10. 1960	United Arab Republic	10. 5. 1960
Greece	11. 5. 1929	Upper Volta ^a	21. 11. 1960
Guinea ^a	21. 1. 1959	Uruguay	6. 6. 1933
Haiti	14. 5. 1952	Venezuela	20. 11. 1944
Hungary	8. 6. 1956	Viet-Nam	14. 6. 1955
India	11. 5. 1923	Yugoslavia	1. 4. 1927
Iraq	12. 5. 1960		
Ireland	22. 7. 1930		
Israel	26. 6. 1951		
Italy	8. 9. 1924		
Ivory Coast ^a	21. 11. 1960		
Luxembourg	16. 4. 1928		

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.

CONGO (LEOPOLDVILLE)

Fundamental Law of the Congo, 19 May 1960.

Hours of Work and Rest Periods Decree of 14 March 1957 (*L.S.* 1957—Bel. C. 3).

Employment Rules Decree of 27 July 1955 (*L.S.* 1955—Bel. C. 1).

In virtue of the Fundamental Law of 1960, legislation which existed for the Belgian Congo prior to 30 June 1960 remains in force for the Republic. Therefore, the application of the substantive provisions of the Convention is provided for by the Decree of 14 March 1957 and section 7 of the Decree of 27 July 1955.

HAITI

See under Convention No. 106.

* * *

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

Afghanistan, Belgium, Colombia, Congo (Leopoldville).

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	26. 5. 1936	New Zealand	26. 11. 1959
Australia	28. 6. 1935	Nicaragua	12. 4. 1934
Belgium	19. 7. 1926	Nigeria ⁴	17. 10. 1960
Bulgaria	6. 3. 1925	Norway	7. 10. 1927
Burma ¹	20. 11. 1922	Pakistan ⁵	20. 11. 1922
Byelorussia	6. 11. 1956	Poland	21. 6. 1924
Canada	31. 3. 1926	Rumania	18. 8. 1923
Ceylon	25. 4. 1951	Sierra Leone ⁴	13. 6. 1961
Chile	18. 10. 1935	Spain	20. 6. 1924
China	2. 12. 1936	Sweden	14. 7. 1925
Colombia	20. 6. 1933	Switzerland	21. 4. 1960
Cuba	7. 7. 1928	Tanganyika ⁴	30. 1. 1962
Cyprus ²	23. 9. 1960	Turkey	29. 9. 1959
Denmark	12. 5. 1924	Ukraine	14. 9. 1956
Finland	10. 10. 1925	U.S.S.R.	10. 8. 1956
France	16. 1. 1928	United Kingdom	8. 3. 1926
Federal Republic of Germany ³	11. 6. 1929	Uruguay	6. 6. 1933
Ghana ⁴	20. 5. 1957	Yugoslavia	1. 4. 1927
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		

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 3 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.

COLOMBIA

See under Convention No. 7.

SWITZERLAND (First Report)

Federal Act of 23 September 1953 respecting maritime navigation under the Swiss flag.

Ordinance of 20 November 1956 applying the Federal Act respecting maritime navigation under the Swiss flag.

Article 1 of the Convention. The provisions of section 16 of the ordinance applying the Act cover all Swiss vessels.

Articles 2 and 3. Although the Swiss fleet consists entirely of vessels equipped with diesel engines, the prohibition against employing young people of under 18 years of age extends to all workers operating such engines.

The exceptions provided in Article 3 of the Convention are not permitted.

Article 4. Section 16, paragraph 3, of the above-mentioned ordinance applies Article 4 of the Convention.

Article 5. The date of birth of each seaman is shown in the crew register; in the case of persons under 18 years of age this date is underlined in red.

Article 6. Seamen are notified of the provisions of the Convention in the seamen's manual which they receive on their first engagement on a Swiss vessel.

The responsibility for applying the provisions of the Convention rests with the Swiss consulates and the Swiss Maritime Navigation Office.

* * *

The report from *Cuba* reproduces the information previously supplied.

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Mexico	9. 3. 1938
Argentina	26. 5. 1936	Netherlands	9. 3. 1928
Australia	28. 6. 1935	New Zealand	5. 12. 1961
Belgium	19. 7. 1926	Nicaragua	12. 4. 1934
Brazil	8. 6. 1936	Nigeria ⁴	17. 10. 1960
Bulgaria	6. 3. 1925	Pakistan ⁵	20. 11. 1922
Burma ¹	20. 11. 1922	Poland	21. 6. 1924
Byelorussia	6. 11. 1956	Rumania	18. 8. 1923
Canada	31. 3. 1926	Sierra Leone ⁴	13. 6. 1961
Ceylon	25. 4. 1951	Somalia ⁶ (ex-Trust Territory)	18. 11. 1960
Chile	18. 10. 1935	Spain	20. 6. 1924
China	2. 12. 1936	Sweden	14. 7. 1925
Colombia	20. 6. 1933	Switzerland	21. 4. 1960
Cuba	7. 7. 1928	Tanganyika ⁴	30. 1. 1962
Cyprus ²	23. 9. 1960	Ukraine	14. 9. 1956
Denmark	23. 4. 1938	U.S.S.R.	10. 8. 1956
Finland	10. 10. 1925	United Kingdom	8. 3. 1926
France	22. 3. 1928	Uruguay	6. 6. 1933
Federal Republic of Germany ³	11. 6. 1929	Yugoslavia	1. 4. 1927
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		

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 15.

³ See footnote 3 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.

CHINA

Rules for the service of seamen, 19 May 1951, as promulgated by the Ministry of the Interior and finally revised on 26 August 1961.

Section 5 of the above-mentioned rules lays down that any seaman embarking for the first time must produce a medical certificate issued by a recognised physician, proving his fitness for work at sea. If his employment continues, the seaman shall undergo medical examination once a year.

POLAND

Ordinance of the Minister of Health of 30 April 1959 concerning medical examination of young persons at workplaces (*Dziennik Ustaw*, No. 30 (1960), text 180).

Ordinance of the Minister of Health of 20 November 1957 concerning health requirements of persons employed on board Polish vessels and inland navigation vessels (*ibid.*, No. 9 (1958), text 30).

In reply to a direct request made by the Committee of Experts in 1960, the report states that, according to the above-mentioned Ordinance of 30 April 1959, young persons carrying out their sea training on board Polish vessels are submitted to a special medical examination before employment and are permanently under medical supervision during their training. In addition, periodical medical examinations are carried out.

The above-mentioned Ordinance of 20 November 1957 contains provisions concerning health conditions of persons employed on board Polish vessels.

SIERRA LEONE (First Report)

The Employers and Employed Ordinance (*Laws of Sierra Leone*, 1960 Edition, Cap. 212).

Article 1 of the Convention. The definition of "vessel" in Section 2 (1) of the above-mentioned ordinance corresponds with the definition given in the Convention.

Article 2. Section 56 (1) of the ordinance gives effect to this Article.

Article 3. The ordinance does not contain a provision giving effect to this Article, but certain amendments which may include this provision are now being considered.

Article 4. Section 56 (2) of the ordinance gives effect to this Article.

SWITZERLAND (First Report)

Federal Act of 23 September 1953 respecting maritime navigation under the Swiss flag.

Ordinance of 20 November 1956 applying the Federal Act respecting maritime navigation under the Swiss flag.

The Convention is applied by section 63, paragraph 2, of the Act and by sections 17, 18 and 19 of the ordinance.

Supervision of the application of this legislation is the task of the Swiss consulates and the Swiss Maritime Navigation Office.

U.S.S.R.

Order No. 629 of the State Labour and Wages Committee of 29 August 1959.

According to the above-mentioned order, young persons of less than 18 years of age are not permitted to be engaged on board any vessel.

* * *

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

Burma, Cuba, Ghana, Greece, India, Japan, Netherlands.

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

Argentina, Australia, Belgium, Brazil, Canada, Chile, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Hungary, Ireland, Italy, Mexico, Nigeria, Pakistan, Spain, Sweden, United Kingdom, Yugoslavia.

17. Workmen's Compensation (Accidents) Convention, 1925

This Convention came into force on 1 April 1927

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Nicaragua	12. 4. 1934
Austria	21. 8. 1936	Panama	3. 6. 1958
Belgium	3. 10. 1927	Philippines	17. 11. 1960
Bulgaria	5. 9. 1929	Poland	3. 11. 1937
Burma	16. 2. 1956	Portugal	27. 3. 1929
Chile	8. 10. 1931	Sierra Leone ³	13. 6. 1961
Colombia	20. 6. 1933	Somalia ⁴ (ex-Trust Territory)	18. 11. 1960
Congo (Leopoldville) ¹	20. 9. 1960	Spain	22. 2. 1929
Cuba	6. 8. 1928	Sweden	8. 9. 1926
Czechoslovakia	12. 6. 1950	Syrian Arab Republic	10. 5. 1960
Finland	20. 1. 1950	Tanganyika ³	30. 1. 1962
France	17. 5. 1948	Tunisia	15. 5. 1957
Federal Republic of Germany	14. 6. 1955	United Arab Republic	10. 5. 1960
Greece	13. 6. 1952	United Kingdom	28. 6. 1949
Haiti	19. 4. 1955	Uruguay	6. 6. 1933
Hungary	19. 4. 1928	Yugoslavia	1. 4. 1927
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		

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 4 to Convention No. 15.

⁴ See footnote 6 to Convention No. 16.

BURMA

Referring to the various points of the direct request made by the Committee of Experts in 1960 (which was repeated in 1961), the Government states:

Article 5 of the Convention. Under the Workmen's Compensation Act of 1925 (section 8 (5)) compensation in cases of death and permanent disability is not always paid in the form of a lump sum. With regard to women and persons not possessing legal capacity lump-sum payment is the exception, and an award of a fixed periodical payment by a Commissioner for Workmen's Compensation is the rule. With regard to the proper utilisation of the compensation, the Commissioners for Workmen's Compensation have full authority to invest the money for the benefit and welfare of the recipient.

Article 9. Medical, surgical and pharmaceutical aid is available without cost in State hospitals.

Article 10. While the expenditure for artificial limbs and appliances for injured workers has been limited in amount owing to the still experimental character of the social security scheme, this maximum amount has not yet been exceeded. Nevertheless the Government would consider raising the maximum if it were to be exceeded frequently and when the fund can meet the bill. At the same time, however, with regard to the Committee's references to this Article and Article 11, the Government states that action will be taken to rectify these shortcomings.

Construction workers and workers employed in establishments employing less than ten are covered under the Workmen's Compensation Act.

COLOMBIA

Decree No. 1698 of 18 July 1960 to approve general regulations for compulsory insurance against industrial accidents and occupational diseases (*Diario Oficial*, 13 Aug. 1960).

In reply to the observations made by the Committee of Experts regarding Article 5 of the Convention, the report indicates that under the above-mentioned decree, in case of death due to employment injury, the survivors are entitled to monthly pensions in compensation. When the Colombian Social Insurance Institute takes over administration of employment injury insurance, Colombian legislation will be adjusted to the compensation system laid down in the Convention.

As regards the position of public employees, the report states that, pending issue of special regulations for such employees, the social benefits due to them continue to be governed by provisions previous to issue of the Labour Code, namely Act No. 6 of 1945 and particularly section 12 of this Act. According to this provision occupational injuries are to be compensated in accordance with the damage suffered and with a disablement valuation scale ranging from two to 24 months' remuneration. The necessary medical, surgical, hospital and pharmaceutical services are also provided.

FRANCE

Decree No. 59-927 of 31 July 1959 to extend to the Sahara the provisions of Decree No. 58-206 of 24 February 1958 amending the legislation on employment injuries applicable to Algeria and the Sahara in respect of accidents on the way to or from work (*Journal officiel*, 4 Aug. 1959).

Decree No. 60-222 of 7 March 1960 respecting the financing of the Joint Industrial Accident Funds set up in Algeria (*ibid.*, 11 Mar. 1960).

Decree No. 60-452 of 12 May 1960 respecting the establishment and functioning of social security (*ibid.*, 13 May 1960).

Decree No. 60-620 of 29 June 1960 to raise the ceiling on annual earnings to be taken into consideration in calculating social security contributions (*ibid.*, 30 June 1960).

Decree No. 60-892 of 22 August 1960 concerning models for agreements between the regional social security funds and the professional associations of dental surgeons, midwives and medical assistants (*ibid.*, 24 Aug. 1960).

Decree No. 60-1081 of 1 October 1960 to revise and supplement the tables of occupational diseases annexed to Decree No. 46-2959 of 31 December 1946 issuing public administration regulations for the application of Book IV of the Social Security Code in respect of the prevention of industrial accidents and occupational diseases and compensation therefor (*ibid.*, 11 Oct. 1960).

Decree No. 61-29 of 11 January 1961 respecting the vocational retraining of industrial accident victims and socially insured persons (*ibid.*, 12 Jan. 1961).

Decree No. 61-69 of 16 February 1961 to raise the ceiling on annual earnings to be taken into consideration in calculating social security contributions (*ibid.*, 18 Feb. 1961).

GREECE

In reply to the request for information made by the Committee of Experts in 1960 the Government gives a list of areas, factories and undertakings to which the general social insurance scheme was extended in the course of the period 1 July 1959 to 30 June 1961.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

With the exception of a few changes mentioned below, sections 568 to 591 of the new Labour Code reproduce the provisions of the Social Insurance Act of 19 September 1951, as amended in 1955.

With reference to the request made by the Committee of Experts in 1961, the new Labour Code has introduced the following amendments to the Social Insurance Act.

Paragraph 2 of section 6 of the Social Insurance Act (corresponding to section 570 of the new Labour Code), which excluded from the scope of the Act aliens employed in the embassies, legations or consulates of their respective countries and foreign technicians whose stay in Haiti did not exceed one year, has been deleted.

In section 577 of the new Labour Code (corresponding to section 39 of the former Act) a provision has been added to the effect that a supplementary allowance will be awarded to an accident victim whose incapacity necessitates the constant help of another person, and that the victims of industrial accidents are entitled to the supply and normal renewal by the Social Insurance Institution of such prosthetic and orthopaedic appliances as are recognised to be necessary, except in cases where the accident victim has received for this purpose supplementary compensation equal to the probable cost of such appliances. The Social Insurance Institution will take the necessary steps to prevent abuse in connection with the renewal of such appliances.

In addition, section 582 of the new Labour Code (corresponding to section 44 of the former Act) provides that in cases of incapacity of 35 per cent. the Social Insurance Institution may replace the pension by a lump-sum grant; this may not be done, however, until the accident victim's incapacity has become stabilised, and a guarantee must be given that the grant will be used wisely.

Amendments have also been made to the following provisions:

Under section 575 of the new Labour Code (section 37 of the former Act), the amount of the employer's contribution to industrial accident insurance is now 2 per cent. (commercial undertakings), 3 per cent. (agricultural, industrial and construction undertakings and shipping lines and agencies) or 6 per cent. (mining undertakings). Contributions may be increased by decree of the President of the Republic, having regard to the risk in the undertakings concerned.

Section 583 of the new Labour Code (section 45 of the former Act) lays down the conditions and intervals at which the pension may be converted into a lump sum, depending on the degree of incapacity.

HUNGARY

Legislative Decree No. 40 of 1958 respecting workers' retirement pensions under social security. Decrees No. 67/1958/XII.24/Korm. and No. 5/1959/V.8/Mü.M. to administer the above legislative decree.

The conditions regarding entitlement to industrial accident compensation have remained unchanged. The rate of invalidity and survivors' pensions is increased.

MALAYA

In reply to the direct requests made by the Committee of Experts in 1960 and in 1961 the Government states the following.

Article 5 of the Convention. (a) Half-monthly payments made to employment injury victims pending determination of the accident and nature (permanency) of the disability satisfy the requirements of this Article; (b) this holds true also in cases of fatal accidents where half-monthly payments are made, particularly where minors are involved, and where as a rule the authorities decide to award a lump sum for the balance of benefits due, on condition that investment of such a sum appears more advantageous to the beneficiary; (c) the foregoing interpretation is valid since no specific number of periodical payments or period of time is stipulated in the Convention. In ratifying the Convention the Government acted in the belief that this was an acceptable interpretation of this Article.

Article 10. Existing practice is in conformity with this Article since—(a) lump-sum benefits have been raised several times and presumably the legislators took into account all possible contingencies, including the cost of renewal of artificial limbs and surgical appliances; (b) public hospitals provide artificial limbs and surgical appliances at nominal cost or, in case of inability to pay, without charge.

Article 11. The \$5,000 deposit was intended merely to induce employers to insure themselves—as, in fact, most employers have done. In practice, only a few employers have deposited the sum.

MEXICO

Act of 30 December 1959 to establish the Safety and Social Services Institute for Government Workers (*Diario Oficial (D.O.)*, 30 Dec. 1959).

Decree to amend the Social Insurance Act (*D.O.*, 30 Dec. 1959) (*L.S.* 1959—Mex. 2).

Regulations of 24 June 1960 of the Compulsory Insurance Scheme for Temporary and Casual Urban Workers (*D.O.*, 28 June 1960).

An employment injury insurance scheme and a scheme for the retraining and redeployment of disabled workers must compulsorily be set up for government workers under subsections II and III of section 3 and under Chapter IV of the Act to establish the Safety and Social Services Institute for Government Workers.

The Regulations of the Compulsory Insurance Scheme for Temporary and Casual Urban Workers extend to such workers the application of the Social Insurance Act for the following contingencies: (a) employment injuries; (b) non-occupational diseases and maternity; (c) invalidity, old age and death; and (d) unemployment in old age.

The Decree to amend the Social Insurance Act provides for amendments to various sections of that Act.

NETHERLANDS

Act of 6 April 1960.

Royal Decrees of 6 August and 15 October 1959, 22 June, 9 July and 24 August 1960, and 24 January 1961.

By the above-mentioned legislation the maximum daily wage to be taken into account in the computation of benefits was raised from 19 to 22 florins.

NEW ZEALAND

Workers' Compensation Amendment Act, 1959 (*New Zealand Statutes*, 1959, p. 614).

Workers' Compensation Amendment Act, 1960 (*ibid.*, 1960, p. 629).

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

Article 5 of the Convention. The Government is unable to agree with the interpretation accorded by the Committee to the term "periodical payments". The Article requires payment of compensation in one of two ways, namely "in the form of periodical payments" or "in a lump sum", in respect of workers permanently incapacitated or those deceased as a result of employment injury. The Article makes no stipulation regarding the duration of the payments, which is a factor entirely outside the Article. Payments effected at intervals in respect of any interval of time, long or short, constitute "periodical payments". The Government considers that the New Zealand legislation, which provides for payment of compensation at weekly intervals up to a maximum of six years, fulfils the requirements of this Article. It accordingly does not propose any alteration to the existing provisions on this matter.

Article 9. Eligibility for medical and surgical benefits under the Workers' Compensation Act is not dependent on residential qualifications. In the case of employment injury, an employer is liable to pay the expenses for medical and surgical treatment in addition to any compensation payable to an injured worker. In its previous report the Government merely drew attention to the benefits additionally available under the Social Security Act applicable to every person ordinarily resident in New Zealand.

Article 10. The Government is of the opinion that it can be reasonably claimed that there is already the requisite degree of compliance. It feels that the Committee of Experts is attaching insufficient weight to the necessity for safeguards against abuses, the need for which is clearly provided in the Article. The safeguards adopted in the New Zealand system are the minimum necessary to be effective without creating hardship in genuine cases. The Government is accordingly not prepared to alter the existing requirements which are essentially to discourage frivolous claims and the inevitable attempts to exploit the system.

PHILIPPINES (First Report)

New Civil Code of 30 August 1950 (sections 1711, 1712, 2208 and 2244).

The Workmen's Compensation Law (Act No. 3428 as amended by Act No. 3812, Commonwealth Act No. 210 and Republic Acts Nos. 772 and 889).

Rules of the Workmen's Compensation Commission (*Official Gazette*, Vol. 53, No. 7, 15 Apr. 1957).

Article 2, paragraph 1, of the Convention. The legislation covers both public and private employees.

Paragraph 2. Casual employment and domestic services are not covered. Employees or labourers in public works and in the industrial concerns of the Government whose annual salaries exceed 4,800 pesos are also excluded.

Article 3, paragraph 1. Fishermen are within the coverage of Act No. 3428, as amended.

Paragraph 2. The Civil Code of 30 August 1950 contains provisions which extend compensatory benefits to industrial accident victims who are not within the coverage of the Workmen's Compensation Law.

Article 4. The Workmen's Compensation Law covers agricultural workers.

Article 5. According to sections 21, 22, 29 and 45 of the law, compensation is paid not in the form of a pension but of a substitute for wages which should not extend beyond 208 weeks or exceed 4,000 pesos, whichever is the less. The Workmen's Compensation Commission or its duly authorised representative is the authority called upon to decide whether payments should be made in lump sum or periodically. To guarantee the payment of compensation to the right parties employers are required to pay compensation through the Workmen's Compensation Commission.

The awards of compensation required to be made to minors under the law are subject to such rules as may be adopted by the Workmen's Compensation Commission. If the award to minors exceeds 400 pesos, the Commission may, at its discretion, require the appointment of a guardian before making payment; such guardian may be required to submit reports on the use of money paid to minors (section 45, Act No. 3428, as amended). In order to implement this particular provision, the Workmen's Compensation Commission has made it a policy to require the compensation due to minors and exceeding 400 pesos to be deposited with an accredited bank. Withdrawal shall be made monthly and in the amount to be fixed by the Commission.

Article 6. (a) In case of temporary total disability, compensation should be paid on the fourth day from the date of incapacity (section 14 of the law).

In cases of permanent partial and permanent total disabilities, compensation should be paid not earlier than two weeks after the period allowed for the workman's temporary total disability for labour expires (sections 15 and 17 of the law).

(b) Compensation is paid by the employer, whether or not he is insured in respect of his liability under the law.

Article 7. There is no specific provision in the Workmen's Compensation Law for additional compensation to workmen injured in such a way as to require the constant help of another person.

Article 8. There are no formal provisions in the law dealing with measures of supervision and methods of review of compensation. However, sections 48 and 49 of the Workmen's Compensation Law provide the following: "It shall be the duty of a referee under the rules and regulations of the Commissioner, to hear and determine claims for workmen's compensation. . . . Any party in interest who is dissatisfied with the order entered by the referee may petition to review the same and the referee may reopen said case. . . . In case said referee does not amend or modify said order, he shall refer the entire case to the Commissioner, who shall thereupon review the entire record in said case, and, in his discretion, may take or order the taking of additional testimony, and shall make his findings of facts and enter his award thereon. The award of the Commissioner shall be final unless a petition to review same shall be filed by an interested party. . . . Such petition must be filed within 15 days after the entry of any referee's order or award of the Commissioner unless further time is granted. . . ."

In addition, Rule 25 of the Rules of the Workmen's Compensation Commission provides the following: "Any party in interest may appeal from decision or award *in banc* of the Commission to the Supreme Court within ten days from receipt of notice of said decision or award. This period unless extended by the Supreme Court is unextendable."

Article 9. (a) A person entitled to compensation under the Act is also entitled to medical, surgical and hospital services and supplies as the nature of the injury or sickness may require. However, such services and supplies shall be limited to the amount which would ordinarily be paid in the community for such treatment of an injured person of the same standard of living if the treatment had to be paid by the injured workman himself. This right shall continue to exist as long as the injury or the illness concerned needs treatment (section 13 of the law).

(b) The employer is responsible for payment of the expenses mentioned above. If an employer does not promptly furnish the same, the injured worker may acquire said medical, surgical and hospital services and supplies at the expense of the employer (section 13 of the law).

Article 10. The Workmen's Compensation Law does not contain any specific provision concerning the supply and renewal of artificial limbs and surgical appliances. However, it is considered a moral obligation on the part of the employer to supply artificial limbs and other necessary devices. In cases where the employer cannot assume the pecuniary liability of compensation, the Fund for Rehabilitation of Crippled Men in Industry, which is under the control of the Department of Labor, takes care of rehabilitation in meritorious cases selected and approved by a Screening Committee duly appointed by the Secretary of Labor. Owing to limited funds, the Committee has adopted certain criteria or conditions as guidance in the rehabilitation of disabled workers.

Article 11. The national, provincial and municipal authorities, as well as government owned or controlled corporations employing wage earners and salaried employees who fall within the provisions of the Workmen's Compensation Law (Act No. 3428 as amended), are required to deposit with the office of the Workmen's Compensation Commission an amount to be determined by the Commissioners, to

guarantee the payment of compensation due to employees or their dependants (section 53 of the law).

Under the Civil Code, compensation due to wage earners or their dependants under laws providing indemnity in cases of labour accidents or illnesses resulting from the nature of the employment takes fourth place among the 14 preferred debts to be paid out of the real or personal property of an insolvent debtor (section 2244, Civil Code).

The Regional Offices of the Department of Labor and the Workmen's Compensation Commission are the authorities called upon to enforce the Act. The provisions of the Civil Code concerning employer's liability are enforced by competent courts.

POLAND

Ordinance of 16 December 1960 to determine the classes of homeworkers considered as wage earners for the purpose of the Decree on the general pension scheme for workers and their families.

Ordinance of 6 May 1961 to determine contributions and benefits for members of labour co-operatives employed in certain service establishments.

Ordinance of 18 May 1961 to determine contributions and benefits for members of labour co-operatives employed in individual handicraft establishments.

PORTUGAL

In reply to the request made by the Committee of Experts in 1960 the Government states that according to section 3 of Legislative Decree No. 38539 of 24 November 1951, the pensions payable to injured persons who are totally incapacitated for work and who have been judicially declared to be in need of constant attendance by another person owing to their inability to perform without help the most necessary acts of life, shall be raised to 80 per cent. of the remuneration to be taken into consideration for the pension. (Compensation for total incapacity is normally two-thirds of the worker's remuneration.)

SWEDEN

In response to a direct request made by the Committee of Experts in 1960, the Government states that the two committees which were set up to study the material co-ordination of various insurance schemes and social insurance administration have now completed their work and are rather inclined to maintain the present state of affairs. Consequently the committees do not recommend any amendments to the Swedish legislation to overcome the existing discrepancies. Another committee was, however, set up on 30 June 1961 to review the present employment injury insurance scheme and to examine the possibilities of embodying the employment injury legislation in the future general social security legislation. The terms of reference of this committee state that in its work it should pay due attention to international Conventions ratified by Sweden.

According to present plans, the legislation governing sickness-maternity insurance, basic national pensions and supplementary pensions will be embodied in one general Act. This Act would also include those parts of the employment injury legislation which it is deemed necessary to maintain. The present co-ordination between sickness insurance and employment injury insurance would thus continue to be applied, and the Government may ultimately be faced with the necessity of denouncing the Convention.

TUNISIA

In reply to a request made by the Committee of Experts, the Government states that a Bill has been prepared and is awaiting approval. The Bill provides for the extension of industrial accident legislation to cover service personnel and all domestic staff. As soon as it is published in the Official Bulletin it will be transmitted to the International Labour Office.

UNITED KINGDOM

National Insurance Act, 1960.
 National Health Service Contributions Act, 1961.
 National Health Service Act, 1961.
 National Insurance Act (Northern Ireland), 1960.
 Health Service Contributions Act (Northern Ireland), 1961.
 Family Allowances, National Insurance and Industrial Injuries (Denmark) Order, 1960 (*S.I.*, 1960, No. 211).
 Family Allowances, National Insurance and Industrial Injuries (Finland) Order, 1960 (*S.I.*, 1960, No. 212).
 National Insurance and Industrial Injuries (Republic of Ireland) Order, 1960 (*S.I.*, 1960, No. 707).
 National Insurance and Industrial Injuries (Turkey) Order, 1961 (*S.I.*, 1961, No. 584).
 National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1961 (*S.I.*, 1961, No. 602).
 Family Allowances, National Insurance and Industrial Injuries (Germany) Order, 1961 (*S.I.*, 1961, No. 1202).
 Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Denmark) Order (Northern Ireland), 1960 (*S.R. & O.*, 1960, No. 16).
 Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland), 1960 (*S.R. & O.*, 1960, No. 67).
 Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland) (*S.R. & O.*, 1961, No. 148).
 National Insurance and Industrial Injuries (Reciprocal Agreement with Turkey) Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 149).
 National Health Service (Charges for Drugs and Appliances) Regulations, 1961 (*S.I.*, 1961, No. 182).
 National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, 1961 (*S.I.*, 1961, No. 185 (S. 6)).
 National Health Service (Hospital Charges for Drugs and Appliances) Regulations, 1961 (*S.I.*, 1961, No. 183).
 National Health Service (Hospital Charges for Drugs and Appliances) (Scotland) Amendment Regulations, 1961 (*S.I.*, 1961, No. 186 (S. 7)).
 Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 62).
 Health Services (Hospital Charges for Drugs and Appliances, etc.) (Amendment) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 63).
 Health Services (Charges for Appliances) (Hospitals) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 120).

Articles 9 and 10 of the Convention. The report summarises the present provisions of the National Health Service Acts, 1946-61, and the National Health Service (Scotland) Acts, 1947-61, as regards these Articles, showing the charges that may be made for medicines, drugs and minor dressings, certain appliances, spectacles, dental treatment (other than in the hospital) and dental appliances, and enumerating the cases in which there is an exemption from the charges.

For the reply to an observation by the Committee of Experts concerning Articles 9 and 10 see *Report of the Committee* (1960), p. 616.

* * *

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

Argentina, Austria, Burma, Chile, Czechoslovakia, Finland, Federal Republic of Germany, Haiti, Luxembourg, Mexico, Morocco, Sierra Leone, Sweden, Tunisia, United Kingdom, Yugoslavia.

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

Belgium, Spain.

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

This Convention came into force on 1 April 1927

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	24. 9. 1956	Morocco	20. 9. 1956
Australia	22. 4. 1959	Netherlands ⁵	1. 11. 1928
Austria	29. 9. 1928	Nicaragua	12. 4. 1934
Belgium	3. 10. 1927	Niger ⁵	27. 2. 1961
Bulgaria	5. 9. 1929	Norway	11. 6. 1929
Burma ¹	30. 9. 1927	Pakistan ⁷	30. 9. 1927
Ceylon	17. 5. 1952	Poland	3. 11. 1937
Chile	31. 5. 1933	Portugal	27. 3. 1929
Colombia	20. 6. 1933	Senegal ⁵	4. 11. 1960
Congo (Leopoldville) ²	20. 9. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Sweden ⁶	15. 10. 1929
Czechoslovakia	19. 9. 1932	Switzerland	16. 11. 1927
Dahomey ³	12. 12. 1960	Syrian Arab Republic	10. 5. 1960
Denmark	18. 6. 1934	Tunisia	12. 1. 1959
Finland	17. 9. 1927	United Arab Republic	10. 5. 1960
France	13. 8. 1931	United Kingdom ⁵	6. 10. 1926
Federal Republic of Germany ⁴	18. 9. 1928	Upper Volta ³	21. 11. 1960
Guinea ³	21. 1. 1959	Uruguay ⁵	6. 6. 1933
Hungary	19. 4. 1928	Yugoslavia	1. 4. 1927
India	30. 9. 1927		
Iraq	26. 11. 1938		
Ireland ⁵	25. 11. 1927		
Italy	22. 1. 1934		
Ivory Coast ³	21. 11. 1960		
Japan	8. 10. 1928		
Luxembourg	16. 4. 1928		
Mali ⁶	22. 9. 1960		
Mauritania ³	20. 6. 1961		

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 3 to Convention No. 2.

⁵ Has denounced this Convention and has ratified Convention No. 42.

⁶ See footnote 7 to Convention No. 4.

⁷ See footnote 3 to Convention No. 1.

ARGENTINA

See under Convention No. 42.

AUSTRALIA (First Report)

Commonwealth.

The Commonwealth Employees' Compensation Act, 1930-59.

New South Wales.

The Workers' Compensation Act, 1926-60.

Victoria.

The Workers' Compensation Act, 1958.

Queensland.

The Workers' Compensation Acts, 1916-60.

South Australia.

The Workmen's Compensation Act, 1932-60.

Western Australia.

The Workers' Compensation Act, 1912-60.

Tasmania.

The Workers' Compensation Acts, 1927-60.

Australian Capital Territory.

The Workmen's Compensation Ordinance, 1951-61, as amended by the Workmen's Compensation Ordinance No. 8 of 1961.

Northern Territory.

The Workmen's Compensation Ordinance, 1949-60, as amended by the Workmen's Compensation Ordinances No. 2 of 1960 and No. 9 of 1961.

Article 1 of the Convention. Employees generally are entitled to compensation in respect of industrial accidents under the workers' compensation legislation of the states and Territories of the Commonwealth. In general, the employer is required to insure against his liability under the legislation. Employees of the Commonwealth and of prescribed authorities of the Commonwealth are entitled to compensation under the Commonwealth Employees' Compensation Act. The state legislation applies to employees of the state governments and state governmental authorities.

The legislation covers, subject to minor exceptions, all employees under contracts of service or apprenticeship, whether their work is manual, clerical or otherwise. Some legislation excludes workers who receive more than specified levels of remuneration: in Victoria, the Australian Capital Territory and the Northern Territory the legislation excludes workers earning more than £2,000 per annum, and in Tasmania and South Australia the limits are £40 per week and £45 per week respectively. There are no such limits under the Acts of New South Wales, Queensland or Western Australia.

The contingencies giving rise to entitlement to compensation are differently defined in the different Acts as follows.

For the *Commonwealth* section 10 of the Commonwealth Employees' Compensation Act provides that where an employee to whom the Act applies is suffering from a disease and is thereby incapacitated for work, or his death is caused by a disease due to the nature of the employment in which he was engaged by the Commonwealth, the Commonwealth shall be liable to pay compensation in accordance with the Act as if the disease were personal injury by accident arising out of or in the course of his employment. Disease is defined to include any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development, and also includes the aggravation, acceleration or recurrence of a pre-existing disease.

If the disease is of such a nature as to be contracted by a gradual process, the employer is entitled to be indemnified by any other employers who are also liable to pay compensation and who employed the workman prior to the incapacity in the employment to which the disease is due.

In *New South Wales* section 6 of the Workers' Compensation Act defines "injury" to include a disease which is contracted by the worker in the course of his employment, whether at or away from his place of employment, and to which the employment was a contributing factor, and the aggravation, acceleration, exacerbation or deterioration of any disease to which aggravation, etc., the employment is a contributing factor.

Provision is made by section 7 that where a disease is of such a nature as to be contracted by a gradual process compensation shall be payable by the employer in whose employment the worker is when he becomes incapacitated or who last employed him. There is provision for contribution by any other employers who, during the 12 months preceding the incapacity, employed the worker in any employment to the nature of which the disease was due.

In *Victoria* section 12 of the Workers' Compensation Act provides that where a medical practitioner certifies that a worker is suffering from a disease and is thereby disabled from earning full wages at the work at which he was employed or his death

is caused or materially contributed to by any disease, and the disease is due to the nature of any employment in which the worker was employed at any time prior to the date of the disablement, there shall be an entitlement to compensation as if the disease were a personal injury arising out of or in the course of that employment. "Disease" is defined in the same terms as in the Commonwealth Act.

Section 14 of the Act provides that the compensation shall be recoverable from the employer who last employed the worker prior to the disablement, unless it is shown in proceedings before the Workers' Compensation Board that the disease was contracted in the employment of another employer. If the disease is of such a nature as to be contracted by a gradual process there is provision for contribution by all employers who employed the worker in the employment to the nature of which the disease was due.

By section 21 the Government is empowered to proclaim specified diseases in relation to specified processes or occupations.

Section 25 of the Act provides that nothing in the Act relating to compensation in respect of disease is to affect the rights of a worker to receive compensation in respect of a disease if the disease is a personal injury within the meaning of the Act.

In *Queensland* section 3 of the Workers' Compensation Act defines "injury" to include a disease which is contracted by a worker in the course of his employment, whether at or away from his place of employment, and to which the employment was a contributing factor, and the aggravation or acceleration of any disease where the employment was a contributing factor to such aggravation or acceleration.

In *South Australia* section 82 of the Workmen's Compensation Act provides that where any certifying medical practitioner certifies that a workman is suffering from a disease and is thereby disabled from earning full wages at the work at which he was employed, or the death of a workman is caused by any such disease, and the disease is due to the nature of any employment in which the workman was employed at any time within 12 months previous to the date of disablement, whether under one or more employers, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury by accident arising out of and in the course of the employment.

Compensation is recoverable from the employer who last employed the workman during the 12 months preceding disablement, unless that employer shows that the disease was contracted whilst the workman was in the employment of some other employer. Where the disease is of such a nature as to be contracted by a gradual process there is provision for contribution by employers who, during the period of 12 months, employed the workman in the employment to the nature of which the disease was due.

Section 89 provides that if the workman at or immediately before the date of the disablement was employed in any process mentioned in the second column of the second schedule to the Act, and the disease contracted is the disease in the first column of that schedule opposite the description of the process, the disease, except where the certifying medical practitioner certifies that in his opinion the disease was not due to the nature of the employment, shall be deemed to have been due to the nature of that employment, unless the employer proves the contrary.

In *Western Australia* section 8 of the Workers' Compensation Act provides that where a worker is suffering from certain of the diseases mentioned in the first column of the third schedule to the Act and is thereby disabled from earning full wages at the work at which he was employed, or the death of a worker is caused by any of those diseases, and the disease is or was due to the nature of any employment in which the worker was employed at any time within three years previous to the date of the disablement, whether under one or more employers, the worker, or in the case of death his

dependants, shall be entitled to compensation as if the disease were a personal injury by accident suffered by the worker at the place of his employment.

In *Tasmania* section 5 of the Workers' Compensation Act provides that if a worker is disabled or dies as the result of a disease arising out of and in the course of the employment the employer is liable to pay compensation in accordance with the provisions applicable when a worker suffers personal injury by accident so arising. It is further provided that no compensation shall be payable in respect of a disease where it is proved that the worker, at the time of entering the employment, wilfully and falsely represented himself in writing as not having previously suffered from that disease.

"Disease" is defined in section 3 to mean any disease specified in the second schedule, and includes the aggravation, acceleration or recurrence of any such disease.

In the *Australian Capital Territory* and the *Northern Territory* section 9 of the Workers' Compensation Ordinance of both Territories provides that where a workman is suffering from a disease and is thereby incapacitated for work or the death of a workman is caused by a disease and the disease is due to the nature of the employment in which the workman was employed, the employer shall be liable to pay compensation as if the disease were a personal injury by accident arising out of or in the course of the employment. "Disease" is defined in the same terms as in the Commonwealth Act.

Article 2. In accordance with Article 1 compensation is payable under all the Acts and ordinances to workmen incapacitated by any of the diseases listed in the Schedule to Article 2 of the Convention or, in case of death from such diseases, to their dependants, in accordance with the general principles of the legislation relating to compensation for industrial accidents, and at the same rates as those prescribed by the Acts and ordinances for injuries resulting from industrial accidents.

The Commonwealth Employees' Compensation Act is administered by the Federal Treasurer, the Australian Capital Territory ordinance by the Minister for the Interior and the Northern Territory ordinance by the Minister for Territories. The state Acts are administered by the Ministers of State designated in accordance with the laws of the states.

The right to compensation is enforced by judicial or quasi-judicial procedures and by the requirements of the legislation that employers insure against their liability.

Under the Commonwealth Employees' Compensation Act claims for compensation are considered by the Commissioner for Employees' Compensation.

The ordinances of the Australian Capital Territory and the Northern Territory provide for the reference of claims to arbitration by any committee representative of the employer and his workmen which has power to settle matters under the Act or ordinance.

Under the New South Wales Act a Workers' Compensation Commission is constituted consisting of members having judicial status. The Commission has exclusive jurisdiction to determine all matters and questions arising under the Act.

Under the Victorian and Western Australian Acts claims are determined by a Workers' Compensation Board.

In Queensland applications for compensation are made in the first instance to the State Government Insurance Office.

Provision is made by the South Australian Act for the settlement of questions which cannot be settled by agreement by an arbitrator agreed on by the parties.

Under the Tasmanian Act questions are determined, failing agreement, by a Justice of the Supreme Court.

AUSTRIA

See under Convention No. 42.

BELGIUM

See under Convention No. 42.

CEYLON

In reply to the request made by the Committee of Experts, the Government declares that it has decided to amend the Workmen's Compensation (Amendment) Act of 1957 so as to take account of the suggestions made by the Committee. Provisions have been made to give effect to this amendment in the near future.

COLOMBIA

See under Convention No. 17.

CZECHOSLOVAKIA

See under Convention No. 42.

DAHOMEY

Ordinance No. 10/PCM of 21 March 1959 establishing an employment injuries compensation and prevention scheme in the Republic of Dahomey.

The Government states that the adoption of this ordinance bridged a serious gap in Dahomey's labour legislation. No difficulties are met with in its application, which is entrusted to the National Inspectorate of Labour and Social Legislation, operating in the manner laid down in Chapter VII of the Labour Code.

DENMARK

See under Convention No. 42.

FINLAND

See under Convention No. 42.

FRANCE

See under Convention No. 42.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 42.

GUINEA

Act No. 1 AN/60 of 30 June 1960, establishing a Labour Code.

Act No. 21 AN/60 of 12 December 1960, establishing a Social Security Code.

In reply to the request made by the Committee of Experts in 1960, the Government states that the Labour Code and the Social Security Code supersede all laws, regulations or agreements adopted by the French administration with regard to employment injury.

INDIA

The Government states that the Employees' State Insurance Scheme was extended to certain new areas of the various states and that about 1,680,000 out of 2,500,000 insurable workers were covered by the Scheme by June 1961.

The Government adds that the recommendations of the study group which was set up in 1957 to examine the system of integrating the various social security schemes will be discussed at the 19th Session of the Indian Labour Conference.

ITALY

See under Convention No. 42.

IVORY COAST

Act No. 60-277 of 31 August 1960 to amend Decision No. 187-58/AT of 10 September 1958 relating to employment injury compensation and prevention.

The Government supplies detailed information on the nature and rate of compensation for employment injuries under the legislation now in force.

In addition, it makes the following statement in reply to the requests of the Committee of Experts in 1960 and 1961.

With regard to anthrax infection it has been proposed to the competent authorities that they should add to the list of processes apt to give rise to this disease "loading and unloading or transport of merchandise" in general. This change will be made in the very near future.

As regards poisoning by lead and mercury, the Government proposes a new, longer list of processes apt to give rise to such diseases, in order to cover those that are listed in the Convention. As regards the list of pathological symptoms caused by such poisonings the Government is contemplating an amendment of the national law with a view to bringing it into conformity with the Convention. It therefore requests the International Labour Office to provide it with further information on the subject and also with information on the way in which the other African States with legislation that is similar (coming from a common source) have managed to adapt that legislation to the Convention.

JAPAN

Act of 31 March 1960 to revise the Workmen's Compensation Act.
Ordinance of 1960 to revise the Workmen's Compensation Ordinance.
Pneumoconiosis Act, 1960.

The above-mentioned legislation has amended the earlier legislation to some extent. Provision is made for the grant of pensions in respect of serious employment injuries such as silicosis, spine injuries and disorders due to radiation, etc., which have not been cured after three years of treatment. The objective of these amendments has also been to introduce uniformity into the system of compensation, which has not always been the same under the Occupational Accidents Act and the Labour Standards Act.

The Government's report contains a detailed analysis of the various changes that have occurred and of the classification of the various kinds of invalidity giving entitlement to compensation.

LUXEMBOURG

In reply to the direct request made by the Committee in 1960 in connection with the omission from the table of the words "loading and unloading or transport of merchandise" under the heading "anthrax infection", the Government's report

states that international conventions have legal force within the country and prevail over national provisions even when they are of a later date. However, in order to bring the two lists into conformity with each other a correction will be made the next time the national list is revised.

MOROCCO

See under Convention No. 42.

NIGER

Act No. 60059 of 22 November 1960.

Under the above-mentioned Act responsibility for covering employment injuries was placed on the National Family Allowances and Employment Injuries Compensation Fund.

In reply to the request made by the Committee of Experts in 1960 the Government states that the employment injuries legislation is to be codified shortly and that on that occasion account will be taken of the comments of the Committee of Experts with regard to poisoning by lead, its alloys or compounds, poisoning by mercury, its amalgams or compounds, and anthrax infection. The Government also points out that the table of occupational diseases appended to the Ordinance of 25 February 1959 includes a list of such diseases which is indicative, not exhaustive. Section 200 of the ordinance states that medical practitioners are to report any disease not included in the list if in their opinion it is of an occupational nature, and that the list in question may be extended or revised at any time.

NORWAY

See under Convention No. 42.

POLAND

See under Convention No. 42.

SENEGAL

In reply to the request made by the Committee of Experts in 1960, the Government furnishes the following information.

With regard to poisoning by lead, its alloys or compounds and by mercury, its amalgams or compounds, the texts adopted in 1958 reproduced the texts applying under French legislation. The Government admits that the provisions of Article 2 of the Convention are more general in that they do not establish any limits regarding the pathological symptoms and the sequelae of such poisoning. Legislation in Senegal is undergoing extensive development at present. The Government states that it will not fail to take note of the Committee's comments on certain items when the relevant provisions are reviewed.

With regard to anthrax infection, the Government admits that the provisions of the Convention regarding loading and unloading or transport of merchandise are more comprehensive than under national legislation. The necessary action in this respect will be taken before the next report is prepared, in order that legislation may be brought into line with the Convention.

SPAIN

Decree No. 792 of 13 April 1961, organising occupational disease insurance and the protection scheme for disabled persons and for orphans of persons whose death is due to employment injury (*Boletín Oficial del Estado*, No. 128, 30 May 1961).

The Government states that the above-mentioned decree introduces far-reaching amendments in the system of compensation for occupational diseases, setting up a general prevention policy while maintaining the principle of assimilation of occupational diseases to employment accidents. Sections 20 ff. of the decree introduce a system of medical examinations to detect and control occupational disease in all dangerous workplaces and to intensify occupational rehabilitation and reclassification measures.

A new and fuller schedule of occupational diseases is annexed to the decree and lists the pathological symptoms considered to be of occupational origin in the light of the most modern scientific findings. The National Occupational Safety and Health Institute, in conjunction with the General Health Directorate, co-ordinates the various medical institutions and supervises application of the new prevention policy.

SWITZERLAND

Ordinance of 23 December 1960 concerning prevention of occupational disease.

The Government states that the above ordinance, which came into force on 1 January 1961, answers the request by the Committee of Experts. It amends section 3 of the Ordinance of 6 April 1956 by adding to the schedule of work likely to cause anthrax infection the "loading and unloading or transport of merchandise" in general. The Government also states that agricultural legislation will be revised in the near future, so as to bring occupational diseases under the accident insurance scheme for agricultural workers. Thus the system applied in practice will also be incorporated in the law.

TUNISIA

In reply to the direct request made by the Committee of Experts in 1961 the Government makes the following statement.

With regard to poisoning by lead, its alloys and compounds or by mercury, its amalgams and compounds, the list of pathological symptoms given in the table in the Act of 11 December 1957 mentions all those which occur in Tunisia and accordingly gives an exact definition of the direct consequences of such poisonings.

With regard to the list of operations that can give rise to anthrax infection, the list defines the nature of the merchandise customarily handled, loaded, unloaded or transported in Tunisia.

For the above-mentioned reasons, the Government considers that the differences are merely matters of drafting and that it is unnecessary to introduce into the national legislation the amendment advocated by the Committee.

UPPER VOLTA

In reply to the request made by the Committee of Experts in 1960 the Government makes the following statement.

With regard to poisoning caused by lead, its alloys or compounds the legislation of the Upper Volta is modelled on the French legislation, which provides that lists of such diseases must be limitative and specifically mentioned in the legislation.

With regard to poisoning by mercury, this was intentionally omitted because no work done in the Upper Volta can give rise to such poisoning. On the other hand the loading and unloading or transport of merchandise likely to give rise to anthrax infection is in fact mentioned under item 13 in the Act of 30 January 1959.

YUGOSLAVIA

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

Among occupations that are apt to give rise to anthrax infection the national legislation mentions work with infected animals (care and treatment) as well as the handling of meat, hides and animal products and waste. These occupations cover very fully all the operations carried out with infected animals and animal carcasses both in manufacturing processes and outside them. In view of this extensive definition it is not necessary to make specific provision for cases of infection in the course of the loading, unloading or transport of merchandise. Such a provision would merely restrict the existing scope of the legislation, since other operations not connected with production would not be covered, as they are at present.

* * *

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

Belgium, Chile, India, Italy, Ivory Coast, Japan, Luxembourg, Niger, Poland, Senegal, Switzerland, Upper Volta, Yugoslavia.

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

Burma, Hungary, Iraq, Pakistan, Portugal.

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

This Convention came into force on 8 September 1926

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Morocco ⁸	13. 6. 1956
Australia	12. 6. 1959	Netherlands	13. 9. 1927
Austria	29. 9. 1928	Nicaragua	12. 4. 1934
Belgium	3. 10. 1927	Nigeria ⁵	17. 10. 1960
Bolivia	19. 7. 1954	Norway	11. 6. 1929
Brazil	25. 4. 1957	Pakistan ⁹	30. 9. 1927
Bulgaria	5. 9. 1929	Peru	8. 11. 1945
Burma ¹	30. 9. 1927	Poland	28. 2. 1928
Chile	8. 10. 1931	Portugal	27. 3. 1929
China	27. 4. 1934	Sierra Leone ⁵	13. 6. 1961
Colombia	20. 6. 1933	Somalia ¹⁰ (ex-Trust Territory)	18. 11. 1960
Congo (Leopoldville) ²	20. 9. 1960	Republic of South Africa	30. 3. 1926
Cuba	6. 8. 1928	Spain	22. 2. 1929
Cyprus ³	23. 9. 1960	Sudan	18. 6. 1957
Czechoslovakia	8. 2. 1927	Sweden	8. 9. 1926
Denmark	31. 3. 1928	Switzerland	1. 2. 1929
Dominican Republic	5. 12. 1956	Syrian Arab Republic	26. 7. 1960
Finland	17. 9. 1927	Tanganyika ⁵	30. 1. 1962
France	4. 4. 1928	Tunisia ¹¹	12. 6. 1956
Gabon	13. 6. 1961	United Arab Republic	29. 11. 1948
Federal Republic of Germany ⁴	18. 9. 1928	United Kingdom	6. 10. 1926
Ghana ⁵	20. 5. 1957	Uruguay	6. 6. 1933
Greece	30. 5. 1936	Venezuela	20. 11. 1944
Guatemala	2. 8. 1961	Yugoslavia	1. 4. 1927
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		
Ivory Coast	5. 5. 1961		
Japan	8. 10. 1928		
Luxembourg	16. 4. 1928		
Malaya ⁷	11. 11. 1957		
Mexico	12. 5. 1934		

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 3 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.

AUSTRALIA (First Report)

Commonwealth.

Commonwealth Employees' Compensation Act, 1930-60 (*Commonwealth Acts, 1901-1935*, Vol. II) (L.S. 1930—Aust. 5 and 1944—Aust. 1).

New South Wales.

The Workers' Compensation Act, 1926-60 (*The Statutes of New South Wales, 1926*) (L.S. 1926—Aust. 5, 1927—Aust. 3, 1929—Aust. 9 and 1938—Aust. 5).

Victoria.

The Workers' Compensation Act, 1958.

Queensland.

The Workers' Compensation Acts, 1916-60 (*The Queensland Statutes*, Vol. VIII, 1914-16) (L.S. 1925—Aust. 5, 1926—Aust. 8, 1934—Aust. 8, 1935—Aust. 8, 1936—Aust. 5 and 1939—Aust. 2).

South Australia.

The Workmen's Compensation Act, 1932-60 (*Acts of the Parliament of South Australia, 1932*) (L.S. 1932—Aust. 11).

Western Australia.

The Workers' Compensation Act, 1912-59 (*Reprinted Acts, 1958, of Western Australia, Vol. 13*) (L.S. 1925—Aust. 2, 1927—Aust. 10, 1935—Aust. 1 and 1939—Aust. 1).

Tasmania.

The Workers' Compensation Acts, 1927-60 (*The Acts of the Parliament of Tasmania, 1957, Vol. LV, Appendix C*).

Australian Capital Territory.

The Workers' Compensation Ordinance, 1951-59 (*Australian Capital Territory Laws, Statutes, and Ordinances, 1939-53*).

Northern Territory.

The Workers' Compensation Ordinance, 1949-59 (*The Laws of the Northern Territory of Australia, 1948-50*).

Article 1 of the Convention. The legislation mentioned above applies to nationals and non-nationals without any discrimination. The Acts of New South Wales, Victoria and Tasmania authorise the making of rules or regulations relating to the payment of compensation to persons residing in another part of Her Majesty's Dominions. The New South Wales regulations and the Victorian rules apply only as between those states respectively on the one hand and the United Kingdom and New Zealand on the other.

Article 2. No special agreement has been made.

Article 3. There exists a system of workers' compensation.

The Commonwealth Act is administered by the Federal Treasurer, the Australian Capital Territory ordinance by the Minister for the Interior and the Northern Territory ordinance by the Minister for Territories. The state Acts are administered by the Ministers of State designated in the respective legislations.

The right to compensation is enforced by judicial or quasi-judicial procedures and by the legislative requirements that employers insure against this liability.

Employers are, in general, required to insure against their liability. The Commonwealth carries its own insurance.

The application of the legislation is not, in general, the subject of any special inspection, since the awards and determinations of the authorities are enforceable in the same manner as decisions of the ordinary courts.

AUSTRIA

In respect of the direct request which the Committee of Experts addressed to it in 1960, the Government, after consulting with the Central Union of Austrian Social Insurance Carriers, accepts its obligation under Article 1 of the Convention to grant nationals of any other Members which have ratified the Convention the same treatment that it grants to its own nationals, without further stipulation of reciprocity. The Government states that no instructions are necessary to implement this interpretation of the Convention, inasmuch as the Central Union of Austrian Social Insurance Carriers has concurred in it.

The Government explains that the Agreement concerning Social Insurance concluded with the Federal Republic of Germany on 11 July 1953 applies exclusively to persons who had established a residence in Austria and who at the time the

Agreement was signed possessed Austrian or German citizenship or who belonged to the German linguistic community. Further, extension of the provisions of this agreement to other States which have ratified the Convention ought not to be made since the provisions in question pertain solely to compensation for industrial accidents which occur outside the territory of the Republic of Austria.

BURMA

In reply to the direct request made by the Committee of Experts in 1960, the Government reports that the expression "international Convention" used in section 211 (2) of the Regulations to carry out the Social Security Act of 1954 will refer to the Convention only when the Burmese Social Security Board ratifies the Convention as it intends to do.

With respect to the second part of the Committee's inquiry the Government reports that payment of industrial injury benefits to persons who are not Burmese nationals is "permissible" on condition of reciprocity under their national laws, or under any other international law.

The Government finally states that all workers covered under the Workmen's Compensation Act of 1926 are treated alike, regardless of race, religion, colour, creed or place of residence.

CHINA

Factory Act.

Mine Act.

Merchant Shipping Act.

Regulations governing employees and workers employed by enterprises of the Ministry of Economic Affairs.

Regulations for the compensation of employees and workers employed by auxiliary organs of the Ministry of Communications.

Staff Regulations of the Postal Administration.

Administrative Managements Regulations.

Labour Insurance Act, 21 July 1958.

Regulations for the Enforcement of the Labour Insurance Act.

Article 1 of the Convention. No discrimination is made in respect of nationality in the laws and regulations mentioned above. Under section 9 of the Labour Insurance Act of 1958 non-national workers may participate in the labour insurance scheme. Section 305 of the draft Labour Code will provide that foreign workers shall participate in the social insurance scheme.

Article 2. The country has established a labour insurance scheme.

Article 4. The laws and regulations have been sent to the International Labour Office.

COLOMBIA

Act No. 90 of 1946 to establish a system of compulsory social insurance and set up the Colombian Social Insurance Institution.

Decree No. 1698 of 18 July 1960 to approve the General Compulsory Employment Injuries Insurance Regulations (*Diario Oficial*, 13 Aug. 1960).

Section 20 of the above-mentioned Act No. 90 of 1946 states that "the compulsory social insurance scheme shall provide coverage for all individuals, whether nationals or aliens...".

The Colombian Social Insurance Institution could not provide insurance against the contingencies mentioned in the Act without making beforehand the actuarial calculations necessary to ensure the financial stability of the Institution. It was

hoped that the inquiry into occupational risks would be completed by the end of 1961, in which case the Government would be able to guarantee to the working population of Colombia that as from 1 January 1962 the Institution would be able to give its members the full benefits for which provision has been made.

CYPRUS

Workmen's Compensation Law, No. 67 of 1955).

The above-mentioned law makes provision for compensation for employment accidents and diseases.

FRANCE

In reply to a request of the Committee of Experts the Government makes the following statement.

"Whatever their nationality, prisoners engaged in penal labour are not included in the normal scope of the legislation on occupational accidents. When working under the direct authority of the prisons administration or under the orders of labour contractors they are not in the legal situation which is characteristic of employer-employee relations and which calls for the application of social legislation (social insurance, including insurance against accidents at work).

"Specific statutory provision (section 3 (5) of the Act of 30 October 1946 and section 416 (5) of the Social Security Code) has been made to allow an accident occurring as a result of or in connection with penal labour to be regarded as an occupational accident, and to allow compensation to be paid accordingly, subject to particular conditions laid down by decree.

"Prisoners are therefore not covered by the provisions of Article 1 of the Convention. Consequently it was possible, without infringing the Convention, to decide that similarity of treatment would be granted by decree, on a basis of reciprocity, to alien prisoners only in as far as equivalent treatment would be granted in their own countries to French nationals in the same position."

See also under Convention No. 17.

FEDERAL REPUBLIC OF GERMANY

Act of 25 February 1960 to reorganise the law governing foreign pensions and pensions payable abroad (L.S. 1960—Ger. F.R. 1).

The above-mentioned Act, which came into operation on 1 January 1959, replaces the Act of 7 August 1953 (foreign pensions and pensions payable abroad). It lays down, *inter alia*, the conditions under which the Federal Republic of Germany's social insurance scheme applies to expellees, refugees and immigrants.

The agreement signed in 1956 between the Federal Republic of Germany and Yugoslavia came into force on 29 November 1958, and the following agreements have been signed: Social Security Agreement of 20 April 1960 between the Federal Republic of Germany and the United Kingdom of Great Britain and Northern Ireland (came into force on 1 August 1961); Agreement of 11 July 1959 between the Federal Republic of Germany and the Grand Duchy of Luxembourg; Social Security Agreement of 29 October 1959 between the Federal Republic of Germany and Spain.

The last two of these have not yet come into force.

GHANA

In reply to a request made by the Committee of Experts about conditions under which workmen's compensation benefits are payable abroad to nationals of all countries bound by the Convention, the Government states that in almost all cases of death, dependants who were not resident in Ghana arrive in the country to claim compensation. However, where necessary, workmen's compensation benefits are paid through administrative and other appropriate officers in the territories concerned.

HAITI

See under Convention No. 17.

HUNGARY

See under Convention No. 17.

IRELAND

A new reciprocal agreement between Great Britain and Ireland came into force on 2 May 1960, under which a person who works in one country and who is sent temporarily to work in the other for his employer, remains insured under the scheme of the former.

ISRAEL

Convention on social security between the United Kingdom of Great Britain and Northern Ireland and Israel (signed at London on 29 April 1957 and in force on 1 November 1957).

Section 62 of the National Insurance Law, 1953, provides that the Minister of Labour may issue regulations whereby nationals of a State whose laws discriminate against Israelis may be subjected to special provisions. It further provides that in cases of reciprocity agreements between Israel and other States, the Minister of Labour may issue regulations to implement such agreements which deviate from the provisions of the law.

Section 35 of the National Insurance Regulations (insurance against employment injury) provides for payment by the National Insurance Institute to a person insured in Israel but employed abroad of the difference between the benefit payable under the law in case of an employment injury and any benefit payable under the law of the country where the injury occurred.

Under section 38 of these regulations, an insured person employed abroad is not entitled to benefits in kind, but the Institute may make a payment to such a person up to a sum which the Institute would have paid if the medical care had been given in Israel.

Under section 42, if airmen or mariners are travelling abroad in an aircraft or a ship by reason of illness or accident and are returning to Israel at their employer's expense and an accident occurs during their return, such an accident shall be regarded as an employment injury, even if the employment relationship has been severed.

ITALY

By a letter No. 75621 dated 8 March 1960 the National Social Welfare Institute of the Ministry of Labour and Social Welfare gave the National Institute for Insurance against Occupational Accidents the instructions necessary to guarantee that nationals of countries which have ratified the Convention receive not only the treatment provided for under Italian legislation but also that provided for under the international Conventions to which Italy is a party.

Furthermore, on 12 April 1961 a reciprocal agreement was signed between Italy and Argentina.

JAPAN

The National Public Service Employees' Accident Compensation Law has been amended so as to permit prompt payment of the compensation for accidents occurring to employees in regular government service while on public duty, and to establish facilities necessary for the welfare of government employees suffering from such accidents.

However, the seamen defined in section 1 of the Mariners Act of 1947 are exempt from the application of the National Public Service Employees' Accident Compensation Law.

See also under Convention No. 18.

LUXEMBOURG

In reply to a request made by the Committee of Experts in 1960, the Government points out that nationals of States which have ratified the Convention have been entitled since 1 January 1948 to benefit from the reassessment of industrial accident pensions provided for under section 100 (5) of the Social Insurance Code, in virtue of a decision of the Minister of Labour and Social Welfare dated 19 May 1948 (circ. ref. No. 7217).

POLAND

See under Convention No. 17.

PORTUGAL

A general social security convention between Portugal and France was signed on 16 November 1957. It is supplemented by five administrative agreements, the second of which relates to employment injuries.

SWEDEN

Royal Order No. 65 of 23 March 1961 respecting exemption of nationals of Cyprus, Congo (Leopoldville), Nigeria and Somalia from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

Royal Order No. 503 of 20 October 1961 respecting exemption of nationals of the Ivory Coast, Gabon and Sierra Leone from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

Royal Order No. 508 of 2 November 1961 respecting exemption of nationals of Guatemala from certain provisions of Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

The above orders extend equality of treatment respecting employment injury compensation to nationals of Cyprus, Congo (Leopoldville), Nigeria, Somalia, the Ivory Coast, Gabon, Sierra Leone and Guatemala.

UNITED KINGDOM

Great Britain.

National Insurance Act, 1959.

National Insurance Act, 1960.

Northern Ireland.

National Insurance Act (Northern Ireland), 1959.

National Insurance Act (Northern Ireland), 1960.

Reciprocal social security agreements which include provisions relating to industrial injuries insurance were concluded in 1960 with Denmark, Finland and the Republic of Ireland and in 1961 with Turkey and the Federal Republic of Germany. The comprehensive agreement with Denmark incorporates the provisions of an earlier agreement which covered only industrial injuries insurance.

The above agreements also extend to Northern Ireland, with the exception of that relating to the Republic of Ireland, with which the 1953 agreement is still in operation.

* * *

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

France, Federal Republic of Germany, Greece, Morocco, Netherlands, Poland, Portugal, Republic of South Africa, Switzerland, United Kingdom.

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

Argentina, Belgium, Brazil, Chile, Czechoslovakia, Denmark, Dominican Republic, Finland, India, Malaya, Mexico, Nigeria, Norway, Pakistan, Sierra Leone, Spain, Tanganyika, Tunisia, United Arab Republic, Venezuela, Yugoslavia.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Morocco	14. 3. 1958
Australia	1. 4. 1935	Netherlands	15. 12. 1937
Belgium	3. 10. 1927	New Zealand	29. 3. 1938
Bulgaria	29. 11. 1929	Nicaragua	12. 4. 1934
Burma ¹	31. 10. 1932	Norway	29. 3. 1940
Canada	30. 6. 1938	Pakistan ³	31. 10. 1932
Chile	18. 10. 1935	Poland	8. 8. 1931
China	2. 12. 1936	Sierra Leone	15. 6. 1961
Colombia	20. 6. 1933	Somalia ⁴ (ex-Trust Territory)	18. 11. 1960
Cuba	7. 7. 1928	Spain	23. 2. 1931
Finland	8. 4. 1947	United Kingdom	14. 6. 1929
France	4. 4. 1928	Uruguay	6. 6. 1933
Federal Republic of Germany ²	20. 9. 1930	Venezuela	20. 11. 1944
India	31. 10. 1932	Yugoslavia	30. 9. 1929
Ireland	5. 7. 1930		
Italy	10. 10. 1929		
Japan	22. 8. 1955		
Luxembourg	16. 4. 1928		
Mexico	12. 5. 1934		

¹ See footnote 2 to Convention No. 1.
² See footnote 3 to Convention No. 2.
³ See footnote 3 to Convention No. 1.
⁴ See footnote 6 to Convention No. 16.

BELGIUM

Act of 15 June 1961 amending the Act of 5 June 1928 concerning shipping articles (*Moniteur belge*, 29 July 1961).

Section 2 of the above-mentioned Act lays down that a contract of indeterminate duration may be terminated in any port where the vessel loads or unloads.

MOROCCO

In reply to the direct request made by the Committee of Experts in 1960, the Government furnishes the following additional information in its report.

Article 4 of the Convention. The legal provisions governing jurisdiction over execution of seamen's agreements are contained in section 58 of Annex I to the Dahir of 31 March 1919 establishing a Code of Maritime Commerce, as amended by the Dahirs of 26 July 1922 and 26 May 1937. These provisions are indisputably public and cannot be derogated from. Moroccan legislation is therefore in conformity with the Convention.

Article 5. Pending adoption of regulations at present under consideration, instructions have been given to the maritime authorities responsible for the issue of seamen's books to eliminate the divergences between the Convention and national legislation upon which the Committee of Experts had commented. In accordance with these instructions, the column headed "Pecuniary Conditions of Articles of Agreement" will no longer be used, and the pages previously used for the captain's comments on the seaman will be deleted.

Article 9, paragraph 1. The provision of section 201, paragraph 2, of the Code of Maritime Commerce stating that termination of an agreement concluded for an indefinite period is subject, in foreign ports, to authorisation by the Moroccan maritime and consular authority, is aimed at protecting seamen and preventing wrongful

termination of their agreements in a foreign port. Contrary to the opinion of the Committee of Experts, this provision would seem to fall within the scope of the exceptional circumstances provided for in Article 9, paragraph 3.

Paragraph 2. A draft dahir is being prepared under which notice will be required to be given in writing.

Article 13. The same draft dahir will bring national legislation into line with the Convention on this point also.

NEW ZEALAND

Shipping and Seamen Amendment Act, 1959, No. 102-1959.

The above-mentioned Act contains several amendments to the principal Act, including some which are relevant in some degree to the requirements of the Convention. Among them there are amendments concerning articles of agreement opened overseas, the contents of articles of agreement, dispensations, exemptions and substitutions to be recorded in articles of agreement, reporting changes of crew of foreign-going ships, engagement of crew for foreign ships, reports on character on certificates of discharge (it is now obligatory for a seaman to allow a report on character to be endorsed on his certificate of discharge), withholding of certificates of discharge, seamen engaged outside New Zealand and discharged in New Zealand by reason of illness or accident, decisions of superintendents on questions as to wages, seamen entitled to award rates of wages and conditions, entry of report of character in official log.

In reply to a direct request made by the Committee of Experts in 1960 concerning the application of the Convention to seamen engaged on New Zealand vessels in ports of countries of the Commonwealth which have not ratified the Convention, the report states that no New Zealand ship would in fact engage seamen in such ports. The Government will, however, if the position changes, consider measures that may be necessary to ensure the application of the Convention to any seamen engaged in such ports.

SIERRA LEONE (First Report)

United Kingdom Merchant Shipping Acts, 1894, 1948, 1949 and 1950.

The above-mentioned legislation is in force in Sierra Leone.

SPAIN

Order of 17 June 1960 to amend further the text of section 174 of the Labour Regulations of the Merchant Marine (*Boletín Oficial del Estado*, 23 June 1960).

In reply to a direct request made in 1960 by the Committee of Experts concerning the application of Article 9 of the Convention, the report states that by the new order the signing off of a seaman in a foreign port is no longer subject to the authorisation of the Spanish consul, but only to that of the local authority.

* * *

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

Australia, Burma, Canada, Chile, Finland, France, Italy, Japan.

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

Argentina, China, Colombia, Federal Republic of Germany, India, Ireland, Mexico, Netherlands, Norway, Pakistan, Poland, United Kingdom, Venezuela.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Netherlands	5. 5. 1948
Belgium	3. 10. 1927	Nicaragua	12. 4. 1934
Bulgaria	29. 11. 1929	Philippines	17. 11. 1960
China	2. 12. 1936	Poland	8. 8. 1931
Colombia	20. 6. 1933	Somalia ² (ex-Trust Territory) . .	18. 11. 1960
Cuba	7. 7. 1928	Spain	23. 2. 1931
France	4. 3. 1929	Switzerland	21. 4. 1960
Federal Republic of Germany ¹ .	14. 3. 1930	Uruguay	6. 6. 1933
Ireland	5. 7. 1930	Yugoslavia	30. 9. 1929
Italy	10. 10. 1929		
Luxembourg	16. 4. 1928		
Mexico	12. 5. 1934		

¹ See footnote 3 to Convention No. 2.

² See footnote 6 to Convention No. 16.

CHINA

In reply to a direct request made by the Committee of Experts in 1960 concerning the application of Article 5 (2) of the Convention, the report states that section 61 (3) of the new version of the Merchant Shipping Act, which is under consideration by the Legislative Body, will contain a provision to the effect that when a seaman who is being repatriated works during the voyage, he shall be remunerated.

PHILIPPINES (First Report)

The report makes reference only to legislation concerning the repatriation of alien seamen from the Philippines.

SWITZERLAND (First Report)

Federal Act of 23 September 1953 respecting maritime navigation under the Swiss flag.

The provisions of the Act apply to all Swiss vessels. Sections 2, 17, 30, 51 and 60 of the Act define the meaning of the terms "vessel", "master", and "seaman".

Sections 82 and 83 of the Act, in conjunction with section 77, clause 3, regulate the law on repatriation of seamen in accordance with the rules of the Convention. Costs of repatriation are the responsibility of the shipowner, except where the seaman has himself terminated his contract or if the contract has been annulled for valid reasons against him. Section 83, clause 1, provides that the parties may agree to pay a lump sum to cover the cost of repatriation, as an alternative to repatriation. Section 82, clause 1, gives the seaman the right to be taken back to the port at which he was engaged. This provision applies to all seamen irrespective of their nationality.

Costs of repatriation are the responsibility of the shipowner in all cases mentioned under Article 4 of the Convention.

Section 82, clause 2, of the Act applies Article 5 of the Convention.

Under section 82, clause 3, of the Act, if the shipowner refuses to repatriate a seaman after he has left the ship, the consulates are authorised to pay the cost of this repatriation at national expense. The Swiss Government has recourse either against the defaulting shipowner or against the seaman.

* * *

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

Belgium, Italy.

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

Argentina, Colombia, France, Federal Republic of Germany, Ireland, Mexico, Netherlands, Poland, Spain, Yugoslavia.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on	Countries	Ratification registered on
Austria	18. 2. 1929	Nicaragua	12. 4. 1934
Bulgaria	1. 11. 1930	Norway	29. 5. 1961
Chile	8. 10. 1931	Peru	8. 11. 1945
Colombia	20. 6. 1933	Poland	29. 9. 1948
Czechoslovakia	17. 1. 1929	Rumania	28. 6. 1929
Ecuador	5. 2. 1962	Spain	29. 9. 1932
France	17. 5. 1948	United Kingdom	20. 2. 1931
Federal Republic of Germany ¹	23. 1. 1928	Uruguay	6. 6. 1933
Haiti	19. 4. 1955	Yugoslavia	30. 9. 1929
Hungary	19. 4. 1928		
Luxembourg	16. 4. 1928		

¹ See footnote 3 to Convention No. 2.

AUSTRIA

Federal Law of 17 December 1959 (*Bundesgesetzblatt*, No. 290).

Federal Law of 6 April 1960 (*ibid.*, No. 87).

Federal Law of 5 December 1960 (*ibid.*, No. 294).

In reply to the direct request made by the Committee in 1960 the Government states that the above laws bring Austrian law into conformity with Article 3, paragraph 3 (c), of the Convention.

Article 3, paragraph 3 (b), of the Convention. Cash sickness benefits are suspended in virtue of section 143 of the Social Insurance Act as amended when the insured has the legal or contractual right to draw more than 50 per cent. of his wage or salary. If the insured has the right to 50 per cent. of his wage or salary, half of his cash sickness benefit is suspended. Benefits in respect of dependants continue during such suspensions and amount to 50 per cent. of the cash sickness benefit in the first case and 25 per cent. in the second case.

Sickness insurance institutions may raise the benefit in respect of dependants to two-thirds of the primary benefit in the first case and one-third in the second case, plus an additional 5 per cent. for the second and each successive dependant.

Paragraph 3 (c). Section 89, paragraphs 1 (2) and 3, of the Social Insurance Act as amended further suspend entitlement to cash sickness benefit in respect of a primary beneficiary or an eligible dependant who resides abroad, except when the Central Union of Austrian Social Insurance Carriers approves such residence abroad or when otherwise provided by international or reciprocal agreement.

Article 7, paragraph 2. Section 447 (a) of the Social Insurance Act as amended provides for a special fund established from contributions by the Central Union of Austrian Social Insurance Carriers and an annual subsidy by the federal Government. This fund is designed to meet under certain prescribed conditions an insurance institution's extraordinary expenses due to epidemics, etc., or to equalise the differential burdens arising from benefits in kind or to remedy an unfavourable financial situation.

CHILE

Legislative Decree No. 286 of 6 April 1960 fixing the legal text establishing the National Medical Service for Employed Persons (*Diario Oficial*, 6 Apr. 1960).

With reference to the first paragraph of the request of the Committee of Experts, the Government adds further details to those provided in its previous report. It states that medical benefit is not regarded as subject to any limit of time since, although national legislation does not contain any express stipulation to this effect, neither is there any limitation stated with regard to the maximum period of entitlement to benefit.

In answer to the second paragraph of the request for information, the Government's report states that two Bills relating to medical treatment for private employees have been submitted to the Labour and Social Welfare Committee of the Chamber of Deputies.

Regarding the third paragraph of the request for information, concerning public employees, the Government states that such employees are covered either by the legislation relating to private employees (in which case they are eligible for the appropriate medical benefit) or by the relevant legislation regarding the Public Employees' and Journalists' Fund. In the latter case such employees are covered by Legislative Decree No. 286 of 6 April 1960. The report reproduces the text of the relevant paragraphs of sections 3 and 4 of the decree, listing benefits to which insured persons are entitled, including "scaled" medical care and "scaled" dental care.

In answer to the last item of information requested by the Committee of Experts, the Government states that national legislation contains no specific provisions in this connection, but it also stresses that the Convention does not establish any detailed standards. The Government points out, however, that an insured person who is abroad on a special mission and meets with employment injury does not suffer any loss of wages. Under Legislative Decree No. 338 of 6 April 1960, public employees are entitled to full pay in case of sickness. It is further stated that section 161 of the Labour Code contains similar provisions concerning private employees.

CZECHOSLOVAKIA

Prime Minister's Decree No. 191 of 24 December 1960 setting forth the measures adopted by the Central Council of Trade Unions concerning the reorganisation of sickness insurance.
Decree No. 184 of 9 December 1960 concerning sickness insurance and pension benefits of employees working abroad.

In reply to a direct request by the Committee of Experts the Government states that conditions for the granting of medical care and financial benefits in cases of sickness or injury of insured persons abroad are provided for under Decree No. 164 of 1958 of the Ministry of Health as amended by Decree No. 242 of 1959. Under this decree the State provides free treatment of injuries and institutional care to: (1) employees, apprentices, homeworkers, and other persons placed at par with employees from the point of view of granting free medical care as provided for under section 4 of the decree; (2) members of producer co-operatives; (3) members of unified agricultural co-operatives which concluded an agreement on sickness insurance to the extent and under conditions stipulated in the agreement; (4) pensioners to the extent defined in the regulations on social security of non-working pensioners, and to pensioner members of the armed forces as well as to applicants who were granted advance pension benefits; (5) family members listed under points 1 to 4, as well as members of families of persons in the armed forces entitled to health care.

Persons mentioned under points 1 to 3 and their families retain their right to free medical care if they temporarily work outside Czechoslovakia, especially if they are sent abroad on short-term working tours, on scientific, artistic or cultural trips, to universities or technical schools, and for post-graduate studies. Czechoslovak citizens working permanently abroad as employees of Czechoslovak authorities, foreign trade enterprises, transport enterprises and other Czechoslovak bodies or organisations specified by the Ministry of Health, as well as members of their families

if they too are Czechoslovak citizens, are also entitled to free medical care. In other cases the granting of preventive and medical care during a person's stay abroad is governed by the provisions of sections 60 to 62 of Decree No. 164 of 1958.

FRANCE

Decree No. 60-412 of 28 April 1960.

The Ordinance of 30 December 1958, providing budgetary authorisation for 1959, had excluded the cost of hydropathic treatment from the statutory benefits under the sickness insurance scheme. Section 5 of the Ordinance of 30 December 1958 was abrogated by Decree No. 60-412 of 28 April 1960, which provides that with regard to hydropathic treatment the sickness insurance scheme shall guarantee payment of the cost of medical supervision and the cost of treatment in hydropathic establishments.

The Government gives the following reply to the observations of the Committee of Experts.

The Committee has stated that the provisions of section L 249 of the Social Security Code, which renders the grant of benefits in kind subject to certain conditions with regard to hours of work, conflict with Article 4 of the Convention.

It should be noted, first, that a literal interpretation of those provisions would lead to the grant of benefits in kind under the sickness insurance scheme to any insured person as from the date of entry into the scheme, for all items of care received, not only afterwards but even beforehand, in respect of any disease contracted before that day. That, in the view of the French Government, can certainly not be the meaning to be attached to Article 4 of the Convention.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

POLAND

Act of 10 December 1959 concerning the struggle against alcoholism (*Dziennik Ustaw*, No. 69, text 434).

Ordinances of the Chairman of the Labour and Wages Committee of 6 May 1961 concerning the determination of the basis for the amount of contribution and wages in respect of members of labour co-operatives employed in specified service establishments, and of 18 May 1961 concerning the determination of the basis for the amount of wages and benefit in respect of workers employed in individual handicrafts undertakings (*ibid.*, No. 26, texts Nos. 127 and 128).

SPAIN

Decree No. 385 of 17 March 1959, establishing the National Domestic Service Office (*Boletín Oficial del Estado*, 24 Mar. 1959).

The Government provides the following answers to the requests for information by the Committee of Experts.

Article 2 of the Convention. Cases of exclusion from the sickness social insurance scheme for reasons of nationality are very limited since, apart from nationals of Latin American countries, Portugal, Andorra, Brazil and the Philippines, who are covered by the above legislation, the number of countries with which a reciprocal scheme exists is increasing. The Government admits that the Committee of Experts is correct in observing that the Spanish Government would not encounter any undue difficulty in modifying the situation. The reason why it has not been found desirable to comply with the request for the time being is that the administration of the sick-

ness insurance scheme is under the same authority as the old-age and family allowance schemes and that it would obviously cause considerable confusion if the number of persons covered by one scheme were not the same as that for the other. It has therefore to be considered whether extension of the categories covered in view of their nationality should apply to all other schemes, which would not only correspond to the aim proposed but would also mean that Spain would put its legislation in line with the minimum conditions established for the whole of the social security structure. It would then be possible for ratification of Convention No. 102 to be proposed.

Article 3. The Committee's observation with regard to section 18 of the Sickness Insurance Act of 14 December 1942 concerning cash benefit only in cases of illness "lasting for more than seven days" contains a slight error of interpretation, since the text actually refers to sickness "of a minimum duration of seven days", which means that the actual legal minimum period of sickness is a period of *more than six days*. In any case this restrictive wording is in conflict with the Convention taken by itself since the Convention provides for no minimum duration of sickness for entitlement to benefit.

However, Article 3, paragraph 3 (a), of the Convention states that compensation may be withheld if the insured person is already in receipt of some other benefit under the Act and in respect of the same sickness. Section 68 of the Employment Contracts Act requires undertakings to pay benefit in respect of the first four days of sickness, so that if the sickness insurance scheme were responsible for this also there would be double payment. It is in order to avoid this situation that Spanish legislation has withdrawn payment of benefit during the first four days during which the insured person is legally covered from this other source.

However, many labour regulations referring to specific occupational branches state that persons absent owing to sickness shall be entitled to cash benefit for more than the seven days laid down under the specific sickness insurance scheme regulations. Therefore, even where the period of absence is less than seven days, workers receive cash benefit from the first day of absence.

With regard to national labour legislation, it should be recalled that all production workers receive, in addition to days actually worked, the wages corresponding to public holidays. In this manner they receive a day's wage in respect of each day of the year and, apart from this, they are entitled to extraordinary payments fluctuating between ten and 30 days' wages, according to their branch of activity, on the occasion of the Christmas holiday and 18 July. The latter payments are made also to workers who are absent owing to sickness.

Obviously, the minimum condition agreed to by Spain under the Convention is far exceeded through the application of the additional legislation. The aim of the Convention is that the worker should receive a day's wage in respect of every day of the year, even if sick; in Spain not only is this aim achieved, but payment is guaranteed for all days worked, for public holidays, and for the special occasions mentioned above.

A second objection by the Committee of Experts relates to the mention of "a waiting period of four days" under Spanish legislation, which is in conflict with Article 3, paragraph 2, of the Convention, referring to a "waiting period of not more than three days". The previous arguments apply to this objection, since the apparent loss that would be suffered by a worker through forfeit of social insurance benefit if absent for less than four days of sickness does not occur at all, the insured person being entitled to payment of each day's wage by the employer from the first day of sickness. With regard to extension of cash benefit, it should be noted that under sections 36 and 39 of the Decree of 4 June 1959, the maximum period of 26 weeks formerly established for payment of cash benefit has been increased to 39 weeks, whereby protection goes far beyond the limit required under the Convention.

Sickness benefit payable to domestic servants is governed by the Statutes (sections 40 to 47) and Regulations of the health service of the National Domestic Service Office (sections 1 ff.), dated 6 April 1959 and 4 November 1959 respectively.

With regard to the circumstances that led to exclusion of journalists from the compulsory sickness insurance scheme, reference is made to the stipulation under the Regulations concerning employment in the press, as approved by Ministerial Order of 14 July 1950, under which journalists are entitled in case of sickness to their complete wages for a period of three months, and to half-pay for a further three months. This fully guarantees their financial position with greater generosity than would have been the case had they been covered by the corresponding insurance scheme. This also goes beyond the minimum conditions laid down in the Convention.

With regard to the request concerning the conditions for medical assistance or cash benefit to protected persons resident abroad, it must be borne in mind that Spanish insurance legislation is at present designed for strictly territorial purposes and does not therefore apply outside the national territory. Nevertheless, consideration is being given to the possibility of thus extending application: bilateral agreements such as those already concluded in the field of social security with Italy, Belgium and the Federal Republic of Germany regulate this situation, and similar projects are under negotiation with other countries.

UNITED KINGDOM

National Insurance Act, 1960.

National Health Service Contributions Act, 1961.

National Health Service Act, 1961.

National Insurance Act (Northern Ireland), 1960.

Health Service Contributions Act (Northern Ireland), 1961.

Family Allowances and National Insurance (Canada) Order, 1959 (*S.I.*, 1959, No. 2216).

Family Allowances, National Insurance and Industrial Injuries (Denmark) Order, 1960 (*S.I.*, 1960, No. 211).

Family Allowances, National Insurance and Industrial Injuries (Finland) Order, 1960 (*S.I.*, 1960, No. 212).

National Insurance and Industrial Injuries (Republic of Ireland) Order, 1960 (*S.I.*, 1960, No. 707).

National Insurance (Switzerland) Order, 1960 (*S.I.*, 1960, No. 1064).

National Insurance and Industrial Injuries (Turkey) Order, 1961 (*S.I.*, 1961, No. 584).

Family Allowances, National Insurance and Industrial Injuries (Germany) Order, 1961 (*S.I.*, 1961, No. 1202).

Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Denmark) Order (Northern Ireland), 1960 (*S.R. & O.*, 1960, No. 16).

Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Finland) Order (Northern Ireland), 1960 (*S.R. & O.*, 1960, No. 67).

National Insurance (Reciprocal Agreement with Switzerland) Order (Northern Ireland), 1960 (*S.R. & O.*, 1960, No. 152).

Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 148).

National Insurance and Industrial Injuries (Reciprocal Agreement with Turkey) Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 149).

National Health Service (Charges for Drugs and Appliances) Regulations, 1961 (*S.I.*, 1961, No. 182).

National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, 1961 (*S.I.*, 1961, No. 185 (S. 6)).

National Health Service (Hospital Charges for Drugs and Appliances) Regulations, 1961 (*S.I.*, 1961, No. 183).

National Health Service (Hospital Charges for Drugs and Appliances) (Scotland) Amendment Regulations, 1961 (*S.I.*, 1961, No. 186 (S. 7)).

Health Services (Charges for Drugs and Appliances) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 62).

Health Services (Hospital Charges for Drugs and Appliances, etc.) (Amendment) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 63).

Health Services (Charges for Appliances) (Hospitals) Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 120).

Articles 3 and 4 of the Convention. In its reply to a question by the Committee as to the conditions under which medical and cash benefits may be granted to a sick or injured person while he is abroad, notably where his stay abroad is necessary in order to permit him to receive certain special treatment or where the injury or sickness occurs when he is temporarily abroad, the Government explains that it has interpreted the term "injury" as an injury of a non-occupational origin. It states that the benefits of the National Health Service are not available to any person who is abroad, but that certain reciprocal agreements in force enable British nationals who are abroad to take advantage of the health services of the countries concerned. The National Insurance Act, 1946, disqualifies a person who is absent from Great Britain for receiving sickness benefit under the Act, except as regulations otherwise provide. The regulations having general effect on this point provide that a person who is temporarily absent from Great Britain for the specific purpose of being treated for incapacity which commenced before he left Great Britain may be paid sickness benefit during such period as the Minister of Pensions and National Insurance may allow, having regard to the particular circumstances of the case. Any question as to the satisfaction of these conditions of entitlement is decided by the independent authorities who decide claims under the scheme; each case is decided on its own merits. The guiding principles that have been laid down in this respect place no limit to the period of "temporary" absence abroad, but make it clear that the most important factor to be considered is whether the person intends to return to Great Britain within a reasonable period. They include several other points from which it appears that sickness benefit will almost certainly be payable to a person who goes abroad to undergo a special course of treatment, but not to a person who first becomes incapacitated while temporarily abroad. Once the statutory conditions have been satisfied it is within the discretion of the Minister whether and for what period benefit should be paid, but in practice the Minister would normally allow payment to continue throughout any period which is accepted as a temporary absence. This provision may be modified where the person is in a country with which a reciprocal arrangement is in force. Bilateral agreements with other countries on social insurance enable insurance contributions in both countries to be added together for the purpose of claiming benefit. Such arrangements covering sickness insurance have been made with Australia, Belgium, Cyprus, Denmark, Finland, France, the Federal Republic of Germany, Ireland, Israel, Italy, Jersey, Luxembourg, Malta, the Isle of Man, the Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey and Yugoslavia.

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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, Chile, Colombia, Czechoslovakia, France, Federal Republic of Germany, Haiti, Hungary, Luxembourg, Poland, Spain, Yugoslavia.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on	Countries	Ratification registered on
Austria	18. 2. 1929	Norway	29. 5. 1961
Bulgaria	1. 11. 1930	Peru	1. 2. 1960
Chile	8. 10. 1931	Poland	29. 9. 1948
Colombia	20. 6. 1933	Spain	29. 9. 1932
Czechoslovakia	17. 1. 1929	United Kingdom	20. 2. 1931
Federal Republic of Germany ¹	23. 1. 1928	Uruguay	6. 6. 1933
Haiti	19. 4. 1955	Yugoslavia	21. 5. 1952
Luxembourg	16. 4. 1928		
Nicaragua	12. 4. 1934		

¹ See footnote 3 to Convention No. 2.

AUSTRIA

See under Convention No. 24.

CHILE

See under Convention No. 24.

CZECHOSLOVAKIA

See under Convention No. 24.

HAITI

See under Convention No. 24.

POLAND

See under Convention No. 24.

UNITED KINGDOM

See under Convention No. 24.

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

Austria, Colombia, Czechoslovakia, Federal Republic of Germany, Luxembourg, Poland, United Kingdom, Yugoslavia.

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

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Malagasy Republic ¹	1. 11. 1960
Australia	9. 3. 1931	Mali ⁴	22. 9. 1960
Belgium	11. 8. 1937	Mauritania ¹	20. 6. 1961
Bolivia	19. 7. 1954	Mexico	12. 5. 1934
Brazil	25. 4. 1957	Morocco	14. 3. 1958
Bulgaria	4. 6. 1935	Netherlands	10. 11. 1936
Burma	21. 5. 1954	New Zealand	29. 3. 1938
Cameroun ¹	7. 6. 1960	Nicaragua	12. 4. 1934
Canada	25. 4. 1935	Niger ¹	27. 2. 1961
Central African Republic ¹	27. 10. 1960	Nigeria	16. 6. 1961
Chad ¹	10. 11. 1960	Norway	7. 7. 1933
Chile	31. 5. 1933	Portugal	10. 11. 1959
China	5. 5. 1930	Senegal ⁴	4. 11. 1960
Colombia	20. 6. 1933	Sierra Leone	15. 6. 1961
Congo (Brazzaville) ¹	10. 11. 1960	Republic of South Africa	28. 12. 1932
Congo (Leopoldville) ²	20. 9. 1960	Spain	8. 4. 1930
Cuba	24. 2. 1936	Sudan	18. 6. 1957
Czechoslovakia	12. 6. 1950	Switzerland	7. 5. 1947
Dahomey ¹	12. 12. 1960	Syrian Arab Republic	10. 5. 1960
Dominican Republic	5. 12. 1956	Togo ¹	7. 6. 1960
Ecuador	6. 7. 1954	Tunisia	15. 5. 1957
France	18. 9. 1930	United Arab Republic	10. 5. 1960
Gabon ¹	14. 10. 1960	United Kingdom	14. 6. 1929
Federal Republic of Germany ³	30. 5. 1929	Upper Volta ¹	21. 11. 1960
Ghana	2. 7. 1959	Uruguay	6. 6. 1933
Guatemala	4. 5. 1961	Venezuela	20. 11. 1944
Guinea ¹	21. 1. 1959	Viet-Nam	14. 6. 1955
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		

¹ See footnote 4 to Convention No. 4.

² See footnote 6 to Convention No. 4.

³ See footnote 3 to Convention No. 2.

⁴ See footnote 7 to Convention No. 4.

CONGO (LEOPOLDVILLE)

Legislative Decree of 1 February 1961 concerning contracts for the hire of services (sections 35 ff.).
Ordinance of 1 February 1961 in implementation of the above-mentioned legislative decree (sections 10 and 11).

The new legislation (section 10 of the Ordinance of 1 February 1961) provides for compulsory minimum wages to be fixed for the following three categories of workers: labourers, semi-skilled workers and skilled workers. The minimum wages for semi-skilled and skilled workers should be equal respectively to 150 per cent. and 200 per cent. of the minimum wage for a labourer.

While the former legislation (section 16 of Ordinance No. 22/43 of 23 January 1959) laid down that the minimum daily wage should be so calculated as to cover at least the needs of an unmarried worker, section 10 of the Ordinance of 1 February 1961 stipulates that the minimum wage should be sufficient to satisfy the minimum needs of a household of two persons.

As employers have taken the view that the classification of workers into three groups was an arbitrary one and that the gaps between the three types of minimum wages were too wide, difficulties have arisen in application which have led to a tem-

porary suspension in the implementation of these measures. A tripartite national advisory committee has been set up to examine the problem of remuneration and a new method of fixing minimum wages.

ECUADOR

In answer to the direct request of the Committee of Experts, the Government states that no statistics exist as to the number of workers covered by the minimum wage fixing machinery, and that in some of the more important sectors of activity there is a system of direct consultation between employers and workers, who freely discuss wage rates with a view to subsequent approval of agreements by government decree.

GHANA (First Report)

Labour Ordinance (Cap. 89 of the Laws of Ghana) (*Laws of the Gold Coast*, 1951, Vol. III).
Labour (Amendment) Act, 1960.

Article 1 of the Convention. Effect is given to the Article by sections 92 to 108 of the Labour Ordinance.

Article 2. Before an order appointing a Wages Board is made a notice is published in the Ghana Gazette, and draft orders may be inspected.

Article 3. Section 92, subsection 6, of the ordinance provides that "A Wages Board shall consist in equal proportions, of such number of members representing employers and employees, etc. . . .". When a Wages Board has made a recommendation the Minister may apply it to the industry concerned. Section 107 of the ordinance renders void any agreement contravening a Wages Board order or any agreement to waive the right of enforcing remuneration in accordance with such order.

Article 4, paragraph 1. The Commissioner of Labour and Labour Officers supervise the application of the Convention. They may inspect books and records of wages, enter premises where workers are employed and interrogate the persons to whom the Convention applies. There are sanctions for offences by employers. Employees are sent notices informing them of their conditions of work.

Paragraph 2. Effect is given to the Article by section 107, subsection 2, of the ordinance.

Article 5. Minimum remuneration has been prescribed in respect of all persons employed in the retail and catering trades.

MALI (First Report)

Act No. 1322-52 of 15 December 1952 to establish a labour code for overseas territories (*Journal officiel de la République Française*, 15-16 Dec. 1952) (L.S. 1952—Fr. 5).

Territorial Order No. 682 of 4 July 1958, fixing wage and tax allowance areas (*Journal officiel du Soudan*, 1 Aug. 1958, p. 748).

Decree of 1 March 1959 fixing the national guaranteed minimum wage (*Journal officiel de la République Soudanaise*, 15 Mar. 1959, p. 280).

Article 1 of the Convention. Regulation of minimum wage levels embraces all sectors of activities in Mali (section 95 of the Labour Code).

Article 2. See Article 1 above. There are very few home industries in Mali. Employers' and workers' organisations may be consulted by the advisory labour committees (sections 95 and 163 of the Labour Code).

Article 3. The employers' and workers' organisations participate, in equal numbers and with equal rights, in the application of the methods of determining minimum wages, within the advisory labour committees. Third parties specially

qualified by their function or their occupation may be called upon to participate in the work of such committees (section 162 of the Labour Code). Minimum wage rates are fixed with binding force (sections 95 and 234 of the Labour Code).

Article 4, paragraph 1. Minimum wage rates must be posted in the offices of employers and at places of payment of wages (section 96 of the Labour Code). Application of the relevant provisions is ensured by the inspectors of labour and social legislation (sections 101 and 145 of the Labour Code). Sanctions are provided for under the law: either fine or fine and/or prison in case of second offence (section 226 of the Labour Code).

Paragraph 2. Workers who have been paid wages at a rate less than the legal figure may appeal in order to recover the sum outstanding, and such sums are payable with priority rights (sections 102 to 105 of the Labour Code).

Article 5. There are at present two wage areas in Mali (Territorial Order No. 682 of 4 July 1958). The respective rates for these areas were last fixed by the Decree of 1 March 1959.

PORTUGAL (First Report)

Legislative Decree No. 32749 of 15 April 1943 (*Diário do Governo (D.G.)*, 15 Apr. 1943, First Series, No. 74, p. 232) (*L.S.* 1943—Por. 1).

Legislative Decree No. 43179 of 23 September 1960 (*D.G.*, 23 Sep. 1960, First Series, No. 222, p. 1987) (*L.S.* 1960—Por. 1).

Ministerial Decree (Overseas) No. 17771 of 17 June 1960 (*D.G.*, 17 June 1960, First Series, No. 136, p. 1356).

Article 1 of the Convention. When it has not been possible to fix wages by collective agreement, or when social justice so dictates, the Minister of Corporations and Social Welfare (Legislative Decree No. 32749, section 1) and the Governors of the Overseas Provinces (Ministerial Decree No. 17771, section 1) are authorised to regulate wage rates.

Article 2. Wage fixing by the authorities must always be preceded by an inquiry carried out either by the administration or by technical commissions appointed by the Minister, who is to decide their membership and terms of reference (section 4 of Legislative Decree No. 32749). The body appointed may apply to corporative bodies and to management and labour for the information it requires (section 5 of Legislative Decree No. 32749). Wages may also be fixed by a compulsory extension of the provisions of existing collective agreements (Legislative Decree No. 32749, section 7, and Ministerial Decree No. 17771, section 5).

Article 3, paragraph 2 (1) and (2). In practice there is always consultation of employers' and workers' organisations before wages are fixed by the issue of regulations. In particular such organisations are always represented on the *ad hoc* technical committees.

Paragraph 2 (3). There is no statutory provision for departure from the scale of minimum wage rates fixed by regulations (except for workers who are partially incapacitated for work, under section 2, subsection 2, of Legislative Decree No. 32749).

Article 4, paragraph 1. Government decisions are published in the Official Bulletin and in the Bulletin published by the National Institute of Labour and Social Security, or overseas in the Official Bulletin of the province. Orders may also be given for decisions to be posted in places of recruitment and employment and in each parish (section 9 of Legislative Decree No. 32749 and section 7 of Ministerial Decree No. 17771). Joint committees are established to ensure the application of Government decisions (section 2, subsection 1, and sections 29 and 30 of Legislative Decree No. 43179). Such committees may request the Labour Inspection Service to take action (section 12 (b) of Legislative Decree No. 43179). Fines are imposed to punish contraventions

of the laws and regulations concerning wages (section 11 of Legislative Decree No. 32749).

Paragraph 2. The workers concerned are entitled to be repaid any sums improperly deducted (section 11 of Legislative Decree No. 32749).

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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:

Colombia, Cuba, Ecuador, Mali.

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

This Convention came into force on 9 March 1932

Countries	Ratification registered on
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 (Leopoldville) 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

Countries	Ratification registered on
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
Republic of South Africa ³	21. 2. 1933
Spain	29. 8. 1932
Sweden	11. 4. 1932
Switzerland	8. 11. 1934
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 3 to Convention No. 2.

⁵ See footnote 6 to Convention No. 19.

⁶ See footnote 3 to Convention No. 1.

CONGO (LEOPOLDVILLE)

There is no doubt that the large transport undertakings are careful about marking the weight on heavy packages, but the mass departure of European senior staff and the need to devote the time available to accelerated vocational training of future technical safety inspectors have made it no longer possible to carry out inspections. They will be resumed as soon as sufficient and adequately trained staff are available.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Ratification registered on	Countries	Ratification registered on
Albania	25. 6. 1957	Malaya ⁶	11. 11. 1957
Argentina	14. 3. 1950	Mali ⁷	22. 9. 1960
Australia	2. 1. 1932	Mauritania ¹	20. 6. 1961
Austria	7. 6. 1960	Mexico	12. 5. 1934
Belgium	20. 1. 1944	Morocco	20. 5. 1957
Brazil	25. 4. 1957	Netherlands	31. 3. 1933
Bulgaria	22. 9. 1932	New Zealand	29. 3. 1938
Burma	4. 3. 1955	Nicaragua	12. 4. 1934
Byelorussia	21. 8. 1956	Niger ¹	27. 2. 1961
Cameroun ¹	7. 6. 1960	Nigeria ⁴	17. 10. 1960
Central African Republic ¹	27. 10. 1960	Norway	1. 7. 1932
Ceylon	5. 4. 1950	Pakistan	23. 12. 1957
Chad ¹	10. 11. 1960	Peru	1. 2. 1960
Chile	31. 5. 1933	Poland	30. 7. 1958
Congo (Brazzaville) ¹	10. 11. 1960	Portugal	26. 6. 1956
Congo (Leopoldville) ²	20. 9. 1960	Rumania	28. 5. 1957
Costa Rica	2. 6. 1960	Senegal ⁷	4. 11. 1960
Cuba	20. 7. 1953	Sierra Leone ⁴	13. 6. 1961
Cyprus ³	23. 9. 1960	Somalia ⁸	18. 11. 1960
Czechoslovakia	30. 10. 1957	Spain	29. 8. 1932
Dahomey ¹	12. 12. 1960	Sudan	18. 6. 1957
Denmark	11. 2. 1932	Sweden	22. 12. 1931
Dominican Republic	5. 12. 1956	Switzerland	23. 5. 1940
Ecuador	6. 7. 1954	Syrian Arab Republic	26. 7. 1960
Finland	13. 1. 1936	Tanganyika ⁴	30. 1. 1962
France	24. 6. 1937	Togo ¹	7. 6. 1960
Gabon ¹	14. 10. 1960	Ukraine	10. 8. 1956
Federal Republic of Germany	13. 6. 1956	U.S.S.R.	23. 6. 1956
Ghana ⁴	20. 5. 1957	United Arab Republic	29. 11. 1955
Greece	13. 6. 1952	United Kingdom	3. 6. 1931
Guinea ¹	21. 1. 1959	Upper Volta ¹	21. 11. 1960
Haiti	4. 3. 1958	Venezuela	20. 11. 1944
Honduras	21. 2. 1957	Viet-Nam	6. 6. 1953
Hungary	8. 6. 1956	Yugoslavia	4. 3. 1933
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		
Libya	13. 6. 1961		
Malagasy Republic ¹	1. 11. 1960		

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 amendments 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 2 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.

AUSTRIA (First Report)

The freedom of the individual to enter into an employment relationship, to exercise any activity, to choose his profession and to receive the necessary training is guaranteed by sections 6, 7, 8 and 18 of the Fundamental State Law of 21 December 1867 respecting the general rights of citizens, which has been incorporated into the

Federal Constitution of Austria. In addition, the European Convention on Human Rights, which has been ratified by Austria, provides in Article 4 that no one shall be required to perform forced or compulsory labour. In any case of violation of the above-mentioned rights, all the safeguards which the Constitution provides to protect these freedoms and basic rights come into operation and may be invoked.

The last statutory provision which might still have permitted recourse to forced labour in certain circumstances, i.e. Tyrolean Act No. 28 of 1958 respecting the protection of youth, was amended recently by Act No. 25 of 24 May 1960 in such a way as to provide that young persons may henceforth be recruited for social work only with their own consent.

Moreover, a Federal Act (No. 231 of 1959) has amended section 12 (2) of the Penal Code of 1950 by providing that persons sentenced to detention for an administrative offence may no longer be compelled to work if they do not keep themselves occupied; they may be made to work only with their own consent.

As Austria has never possessed any dependent territories of the kind mentioned in the Convention, forced or compulsory labour such as sometimes exists in such territories has never existed in Austria; it has therefore never been necessary to adopt measures to regulate or to suppress such labour.

BRAZIL

In reply to the direct request made by the Committee of Experts in 1960 the Government states that the labour exacted under the legislation on compulsory military service is purely for military purposes. Moreover, work of the type described in paragraph 2 (b), (d) and (e) of Article 2 of the Convention is not compulsory, and only persons convicted in a court of law are compelled to perform penal labour. This latter type of work is supervised by the competent authorities.

CONGO (BRAZZAVILLE)

Act No. 44/59 of 2 October 1959 organising centres for adaptation, reclassification, settlement on the land and employment of unemployed young persons.

Decree No. 59-224 of 31 October 1959 applying the above-mentioned Act to the Commune of Brazzaville and giving directions for a census of unemployed young persons.

Decree No. 61-3 of 11 January 1961 extending the application of the Act to all "urban centres" in the Republic of the Congo.

In reply to a direct request by the Committee of Experts in 1960 the Government has issued the following information regarding compulsory civic service by young people.

The aim of this institution is to restore to productive use the growing number of young urban "workless", an incorrect term, since among 10,000 "unemployed persons" in Brazzaville, 5,000 are from 18 to 22 years of age and have never done any work.

The majority of these pseudo-unemployed are those who have taken part in the recent exodus from rural areas and who desire to escape from the tribal system and farming work, which in the main is carried out by women. The provision of food for the majority of the inhabitants of the Congo is becoming increasingly dependent on the labour of women who have remained in the villages and who are hence overworked.

The Government considers that reclassification of these young people demands primarily an educative process, as some of them have been completely idle for several years. This method does not yield immediate results, but it will, in the long run, enable reclaimed manpower to be integrated into a scheme for developing the territory.

The aim, therefore, of the civic service for young persons, set up under the Act of 2 October 1959, is to use unemployed young persons in the towns for the common weal and to develop in them a civic sense and a spirit of national solidarity. In the course of this service young people who volunteer for rural or any other reclassification will enjoy the benefit of special measures to settle them in villages, or of accelerated occupational training to facilitate their subsequent re-employment.

The introduction of such a service demands thorough groundwork and involves creating a system of integration of the native population. These needs to organise and integrate have led the Government to set up—(1) a study and organisation service, and (2) a school for supervisors. The study and organisation service has prepared and adopted the texts of certain regulations. Similarly, with the help of experts sent by France, it has begun a study of the possibilities of reclassification in rural or urban surroundings.

The school for supervisors was opened at the beginning of 1960 at a former agricultural centre. At the entrance examination for the first course, for which nearly 1,600 young persons had entered, 250 trainees were selected. In 1960 two successive courses enabled 200 young instructors to be trained; their task in relation to the young people of the intake is to be twofold: to inculcate in the young unemployed persons taking the course habits of good conduct and discipline and to imbue them with a civic spirit; to give them some measure of technical, essentially practical training which will enable part of the intake to be reclassified in agricultural life or allow the singling out of individuals who are likely to benefit from subsequent occupational training.

The mobilisation of young unemployed persons began at the beginning of 1961. Camp quarters in the bush which could accommodate “companies” from the intake had already been selected by the study service, bearing in mind certain basic requirements, i.e. readily adaptable buildings, a water supply, catering and sanitary quarters, medical inspection, facilities for general supplies, means for the “company” to feed itself from its own kitchen gardens and allotments; and the means of reclassifying and settling volunteers locally. In practice, these centres cover several tens of hectares around the camp quarters, which can accommodate persons engaged in growing crops, livestock raising or poultry farming. Two camp sites have been established, one at Mouyondzi and the other at Dolisie. During 1961 a similar site will be sought in the northern region.

The reclassification of the maximum number of unemployed young people, from the supervisory groups or from the intake, in a rural or urban area is the principal aim of the young persons’ civic service. This reclassification raises difficult problems. The great majority of these young persons who have come to “seek their fortune” are from rural areas, and it is in these areas that the great majority of the young unemployed must be reclassified to enable the country to regain its economic balance. Work on the land, however, is distasteful to young people, who regard it as work for old women.

The first year of civic service is devoted entirely to “re-shaping the intake”. Those concerned, being employed in work affecting an entire region, must regain a sense of collective work and common effort.

When the optimum size of the intake has been determined, how can rural reclassification be carried out? Activity on the land is not limited to work by the cultivator or the livestock raiser but includes all village activities: rural handicrafts (masons, carpenters, well-diggers); technical training (instructors, nurses, etc.). Rural reclassification can also be carried out by setting up a community comprising cultivators, livestock raisers, handicraft workers, technical supervisors, etc. A reclassification thus conceived can be carried out only in villages which are not bound by custom but are free from traditional restraints and easy of access to persons who

may become their advisers. Such a solution will facilitate the transition from life in camp quarters, where discipline was imposed, to life in a community, where discipline is freely accepted.

Thus, rural reclassification can be carried out to the advantage of persons as individuals.

The civic service administration has become the owner of concessions and in the cocoa area is considering the possibility of developing non-traditional villages specialising in cocoa and palm production.

The formation of pioneer units in certain areas to participate in carrying out the national economic development plan may facilitate reclassification either in groups or by individuals.

The purchase of the concession at Dimonika will enable a "school for rural handicrafts" to be set up which will provide various occupational training courses. Volunteers will spend the second part of their civic service there and when they leave will be directed to centres where possibilities of employment are decided.

As regards intakes which are neither volunteers for rural reclassification in non-traditional villages nor persons likely to benefit from occupational training, re-employment can only take place within the framework of the large public works schemes envisaged in the Congo. They will have priority of recruitment in road or dam works, to which they will bring habits and genuine experience of manual labour.

The Young People's Civic Service, which aims at re-educating and providing occupational training for young persons who have not been able to make a living or find a way of life of their own, shows the importance attached by the Government to the youth of the country.

COSTA RICA (First Report)

Constitution.
Labour Code.
Penal Code.

It has not been necessary to amend existing legislation to bring it into line with the Convention.

Under articles 121 (4) and 124 of the Constitution, Conventions ratified by the Legislative Assembly have the force of national law.

Article 1 of the Convention. No forced or compulsory labour in any form exists on the national territory.

Article 2. National legislation provides for the following three forms of compulsory service.

Under section 54 of the Penal Code a prison sentence consists in deprivation of liberty for periods of between one month and 30 years and implies the obligation to submit to the penitentiary system and perform the tasks prescribed by the regulations.

Under section 139 of the Police Code penalties may be imposed on anyone who does not assist the authorities when requested to do so in the event of an earthquake, fire, shipwreck or other disaster or adversity, being in a position to do so without personal detriment, or who does not give information when asked, or gives false information.

Under article 171 of the Constitution, municipal aldermen perform their functions without payment and obligatorily.

There is no possibility of confusion between public works which are the responsibility of the Government and the services which may be required in virtue of article 171 of the Constitution, and it has therefore not been necessary to take measures to distinguish between them.

Article 25. Under article 56 of the Constitution, to work is a right of each individual and an obligation towards the community. The State will seek to ensure that

there is honest and useful employment for all, properly remunerated, and will not allow it to be used as an excuse to create conditions which in any way detract from a man's dignity or reduce his labour to the level of a commodity to be bought and sold. "The State shall guarantee the right to a free choice of employment." This provision is guaranteed by section 242 of the Penal Code, under which "any person who by any means reduces another person to servitude or a similar state, or who accepts and maintains him in such a state for his own ends, shall be liable to from four to ten years' imprisonment".

If an individual's freedom to work is threatened by a salaried employee, public official or authority, he or his legal representative may appeal for protection under Act No. 1161 of 2 June 1950.

CYPRUS

Constitution of 1960.

Criminal Code (Cap. 154, section 254).

Forest Law (*Statute Laws of Cyprus*, Revised Edition, 1959, Cap. 60, section 18).

Section 10 of the Constitution prohibits any kind of slavery or servitude and illegal exaction of forced labour.

Under section 254 of the Penal Code, any person who illegally compels another person to work against his will is guilty of an offence and is liable to a penalty of one year's imprisonment. As regards exceptions under Article 2, paragraph 2 (c) and (d), of the Convention, the only forced labour which may be imposed in Cyprus is work required in pursuance of a sentence awarded by a court decision and such service as the population is called upon to perform in case of fires in state forests. Section 18 of the Forest Law provides that for fire-fighting purposes the forest or police authorities may call on any person of the male sex over 18 years of age who resides or works within a radius of 15 kilometres of the seat of the fire. The persons concerned are remunerated at the normal rate of wages prevailing in the area concerned. Should they refuse they are liable to a fine of up to £10.

DAHOMÉY

Decree No. 60-328 of 22 November 1960 to set up the National Young Workers' Group.

During 1961 the Government established brigades of young workers receiving pay and board. The first worksite employed 100 workers—most of them under 30 years of age—for five weeks on building a dyke 400 metres long to prevent the cutting off of a village on a lagoon near the frontier with Togo during the high-water season. On completion of the work the site was visited by the President of the Republic and the Minister of Labour and the Civil Service. A second project was the felling of 1,470 coconut trees to clear a site at Cotonou which will become Independence Square, later to have administration buildings built around it. A third project will consist in the making of roads for the town of Porto-Novo. The working hours on these sites are five per day (except on Sundays and public holidays), for four of which the workers are paid the guaranteed inter-trade minimum wage while one is worked without pay as a voluntary contribution to the national construction effort. Meals, taken communally, are provided free.

As regards the return of young people to the land, 200 young people, most of them volunteers, will be put to work on each of the two farms planned at present (six in the original plan). The aim of this enterprise is to create an ideal for the young people who live rootlessly in the towns, to abolish through communal life differences of geographical or ethnic origin and by means of this example to speed up the development of the villages and of cultivation methods. Clearing the land and building

the farm and the village will take up about the first 18 months. Tools and food will be supplied free of charge, but no wages will be paid. Funds can speedily be obtained by growing food crops with a quick yield. Lectures and study meetings will round off this practical training.

At the end of the preparation stage the group will take the form of a production co-operative with its own statutes and its budget financed by loans from agricultural credit agencies. It will be placed under the supervision of the Minister of Agriculture who, through his technicians and instructors, will continue to advise the farmers on the rational exploitation of their land.

FEDERAL REPUBLIC OF GERMANY

Act of 13 January 1960 respecting the Civil Replacement Service (*Bundesgesetzblatt*, Part I, p. 10).

Under section 1 of the above-mentioned Act the tasks performed by the civil replacement service are for the general good and include, *inter alia*, service in hospital establishments. At times when there is insufficient demand for help of this kind, preference is given to members of the civil replacement service for the erection of installations to be used for social or charitable purposes, the prevention or repair of damage caused by disasters or accidents, and other work of general concern and value to the national economy, or connected with improving water supplies or the cultivation of the soil. The Act also contains provisions as to the organisation of the civil replacement service and methods of recruitment, the legal position of persons assigned to this service, penalties and fines.

In reply to the request made by the Committee of Experts in 1960, the Government states that the suggestions it contains will be examined thoroughly during the drafting, which has already begun, of a new Act on the serving of sentences—which will repeal sections 15 and 16 of the Penal Code—and during the subsequent debates in Parliament.

GHANA

Section 109 (a) of the Labour Ordinance is being amended to conform to Article 2, paragraph 2 (a), of the Convention. The amendment forms part of the general statute law revision now being undertaken in the country.

GREECE

In reply to the observation by the Committee of Experts regarding employment of persons called to the colours for work not purely military in character (Article 2, paragraph 2 (a), of the Convention), the Government declares that, although in its opinion there is in practice no departure from the Convention, the Ministry of National Defence proposes to study measures which would give a definite ruling on this question.

See also the declaration by the Greek Government delegate at the International Labour Conference, contained in the *Report of the Committee* (1961), p. 747.

HAITI (First Report)

See under Convention No. 105.

HONDURAS

In reply to the request made by the Committee of Experts the Government has furnished the following information.

Article 2, paragraph 2 (a), of the Convention. Under Decree No. 36 of 15 February 1944 a system of compulsory military service was set up whose operation is governed by the economic possibilities of the country and the political problems confronting the State. The obligation to serve applies to those between 18 and 55 years of age, who are called up for military service for eight months, or longer if they so desire.

The work which citizens on military service may be required to perform arises out of co-operation between the armed forces and other government departments, and includes fire prevention, pest control, afforestation and the laying out of parks, the protection of wild life and fish, the cleaning up of urban, suburban and rural areas, the building of hygienic public lavatories, road-building, the opening up of routes into the interior, the construction of school buildings in rural areas, the making of school furniture, etc.

The aim of this co-operation by the armed forces in conformity with article 316 of the Constitution and section 74 of the Compulsory Military Service Act is to give members of these forces a grounding in and awareness of discipline, community spirit and collective training. They are not only taught to handle weapons, but impelled to do their duty and given practical, cultural and spiritual training as citizens. Primary schooling is also given to the illiterate.

Paragraph 2 (c). Section 98 of the Penal Code does not operate in practice. Nowadays all those sentenced to penal servitude or imprisonment are obliged while in prison to do work of their own choosing which is compatible with the regulations. A new Penal Code now in preparation will repeal this provision in the current Penal Code.

Paragraph 2 (d). Provisions empowering the authorities to exact service from citizens may be found only in the Police Act.

Section 9 of this Act lays down that in the event of sedition, rebellion or other public disorder police officers may seek the services or aid of persons, who must provide it immediately.

Section 10 of the same Act provides that in the event of an epidemic or other public disaster governors or police superintendents may issue and promulgate edicts for the purpose of maintaining order, etc.

The last paragraph of section 340 provides that governors and municipal authorities may within their respective jurisdictions exact from those living in the neighbourhood a reasonable sum of money or its equivalent in labour as a contribution towards the repairing of country roads.

HUNGARY

Act No. IV of 1960 on National Defence (repealing Act No. II of 1939).

In reply to the requests made by the Committee of Experts, the Government submits the following information.

Work carried out by persons subject to military service is governed by the military service regulations. Apart from judicial tribunals, there is no authority which has power to impose compulsory labour by way of punishment. Failure of a worker to comply with an order given by the head of an undertaking in accordance with section 43 of the Labour Code may involve the infliction of a disciplinary penalty or the worker's discharge.

Decrees No. 28 of 1952 and No. 33 of 14 June 1955 have been repealed. Decree No. 37 of 4 May 1952 respecting the suppression of violation of agricultural work contracts has never been applied in practice, and in view of the existing situation in regard to agricultural labour, it has lost all significance.

No penalty is imposed on workers who voluntarily leave their work. It would not be possible to regard as punishment the deprivation of certain advantages connected with loyalty to employment.

Any constraint imposed on an individual to oblige him to work against his will is regarded as an infringement of individual liberty and would fall within the provisions of section 379, paragraph 1, of Act No. IV of 1878, which renders "anyone who illegally apprehends, arrests or causes to be arrested any person or deprives any person in any way whatever of his individual liberty" liable to imprisonment.

INDIA

In reply to the direct request made in 1960 by the Committee of Experts the Government supplies the following information.

The issues raised by the Committee were discussed at the meeting of Labour Ministers held in April 1961; in accordance with their recommendation the state governments are examining the laws relating to village councils (*panchayats*) and other laws in the light of the requirements of the Convention and the observations of the Committee. However, since these laws are the concern not only of the state Labour Departments but of other departments as well, and that the Local Departments (central and state) will also have to be consulted, it will be some time before this examination is completed. Detailed information regarding the action taken in the light of the observations of the Committee of Experts will be included in the next report.

ISRAEL

In reply to a direct request made by the Committee of Experts, the Government supplies the following information.

Regulation 11 (g) (2) of the Regulations under the Defence Service Law provides that "a person shall be considered as not being a member of a pioneer group if he has declared himself to have ceased to be such a member or if his name has been deleted from the said list at the request of the majority of the members of the group". Devoting a certain period to agricultural training (and not to work as a hired labourer) is a voluntary act, and to promote constructive and idealistic trends within the young generation is the primary objective of the pioneer groups. The collective villages (*moshavim* and *kibbutzim*) consider these groups as most essential for their future social structure, and any change in this respect would meet with strong opposition from the trade unions.

LIBYA

Constitution.

This Convention is already applied and duly observed in Libya. No provisions contradicting the Convention have ever been issued, nor does anything exist that might prevent its implementation or application, either politically or legally. Most of the provisions of the Convention are already included in the Libyan legislation.

Forced labour is strictly prohibited under the provisions of article 13 of the Libyan Constitution. Forced labour cannot be imposed on any individual except within the provisions of law in certain exceptional cases, such as floods, natural disasters and where any forced labour is deemed a necessity in the higher interests and security of the country in such circumstances.

The competent authorities will arrange to issue the necessary legislative provisions to ensure the full application of the Convention.

MALAGASY REPUBLIC

In reply to a direct request made in 1960 the Government gives the following information.

It is superfluous to repeal the Decree of 9 November 1944 to reorganise communities in Madagascar because the decree lapsed on the issue of Order No. 042 CG of 7 February 1958 to issue regulations concerning rural communes.

The work covered by section 39 (7) of the above-mentioned order is carried out by workers who are recruited by the commune and paid out of its budget. There have been no new regulations providing for the requisition of labour since that practice was abolished by Act No. 46645 of 11 April 1946.

The collective forced labour mentioned in the previous report is labour that must be done by any citizen in the event of a public calamity. The only provisions covering such labour are sections 475 and 483 of the Penal Code.

MOROCCO

In reply to a direct request made by the Committee of Experts in 1960, the Government issues the following information.

Forced labour on farms and in private industries was authorised under the Protectorate by the Dahir of 26 June 1930, section 45 of which, however, made the adoption of all kinds of work subject to prior approval by the penal authorities.

Pending the repeal of the above-mentioned dahir, no permission to work has been granted by the penal authorities since Morocco became independent.

The Ministry of the Interior has been asked to arrange for the express repeal of provisions of the Dahirs of 2 January 1940 and 24 June 1942 and the Order of 24 June 1942 under which certain persons subject to enforced residence in a locality may be required by an administrative authority to carry out work of public importance.

Finally, section 195 of the Moroccan Penal Code suppresses abuses of authority by public officials and in particular the illegal employment of statute labour.

PAKISTAN

In reply to the direct request made in 1960 by the Committee of Experts the Government supplies the following information.

Article 2, paragraph 2 (a), of the Convention. The work exacted by the laws on compulsory military service is of a purely military character.

Paragraph 2 (b). There is no work or service forming part of the normal civic duties of citizens.

Paragraph 2 (c). Only persons convicted in a court of law are obliged to perform hard labour. This work is effected under the control of the public authorities.

Paragraph 2 (d). The cases of emergency in which work or services can be exacted from the population are generally those which are mentioned in paragraph 2 (d) of Article 2 of the Convention.

Paragraph 2 (e). At times the services of the members of the community are utilised in works like clearing water hyacinths, constructing bunds, clearing canals, killing pests, etc. All this work is done voluntarily. There is no specific law on this subject.

The following laws which applied to the Indian provinces presently constituting Pakistan are still in force: Transport and Bengal Troop Assistance Regulation (Regulation No. XI of 1806); North Indian Canal and Drainage Act, No. VII, 1873

(*Punjab Code*, Vol. I, p. 93); Punjab Minor Canals Act, No. III, 1905 (*ibid.*, Sixth Edition, Vol. II); Punjab Military Transport Act, No. 1, 1960 (*ibid.*, Sixth Edition, Vol. II).

POLAND (First Report)

Constitution of 22 July 1952.

Vocational Training (Employment of Young Persons) Act of 2 July 1958 (*Dziennik Ustaw (D.U.)*, 1958, No. 45, Text 226) (*L.S.* 1958—Pol. 2).

Act of 30 January 1959 concerning general military service (*D.U.*, 1959, No. 14).

Act of 1959 respecting the penal administration procedure (*D.U.*, 1959, No. 15, Text 79).

Article 14 of the Constitution provides that work is a right, a duty and a matter of honour for every citizen. Article 58 provides that citizens have the right to work, that is the right to employment paid in accordance with the quantity and quality of work done. Article 14 should not be interpreted as imposing a formal obligation to work on the worker; the obligation is purely a moral one and could not lead to the exaction of labour. There are no legislative provisions providing for the obligation to work against the citizen's desire except for certain generally recognised cases relating to the protection of the interests of the employer: period of notice, etc.

It should be noted that certain legislative provisions which were considered by the I.L.O. Committee on Forced Labour and which, in its view, showed that there were in Poland certain forms of forced labour, have now been repealed. The texts in question include the following: Decree of 8 January 1946 respecting registration of compulsory labour service, repealed by the Act of 2 July 1958; Act of 7 March 1950 concerning the compulsory employment of graduates of secondary vocational training schools and universities, repealed by the Act of 2 July 1958; Act of 7 March 1950 respecting measures to counteract the fluidity of labour in certain occupations particularly important for the national economy, repealed by the Act of 2 July 1958; Act of 4 February 1950 concerning compulsory military service, repealed by the Act of 30 January 1959; Act of 1951 respecting the penal administration procedure, amended in 1959 by the new Act on this subject which abolishes the penalty of corrective labour imposed by penal administrative bodies.

The provisions of Conventions Nos. 29 and 105 are fully applied in Poland.

PORTUGAL

Decree No. 43039 of 30 June 1960 (*Diário do Governo*, First Series, No. 150, 30 June 1960).

Legislative Decree No. 43893 of 6 September 1961 to repeal the Native Statute (*ibid.*, First Series, No. 207, 6 Sep. 1961).

In reply to a request by the Committee of Experts, the Government has supplied the following information.

Until 6 September 1961, the term "Native" applied to persons of Negro race or their descendants who were born or habitually lived in Portuguese Guinea, Angola or Mozambique and did not yet possess the education and individual and social habits necessary for the integral application of the public and civil law. This special status was repealed by Decree No. 43893.

Article 11 of the Convention. On 16 August 1961 the local authorities of Angola, Mozambique and Guinea were informed that the age limits for persons liable to forced labour fixed in section 301 of the Native Labour Code (14 to 60 years) must be considered replaced by those fixed in Article 11 of the Convention (18 to 45 years).

Article 19. Section 296 (3) (e) of the Native Labour Code is not incompatible with this Article, as the crops concerned are intended exclusively for the use of the persons concerned. This type of compulsory cultivation, moreover, ceased automatically on the repeal of the Native Statute.

No sanction exists in national legislation for non-fulfilment of the moral obligation to work mentioned in section 3 of the Native Labour Code.

Under customary law, the people, together with their chiefs and in accordance with their customs, deliberate on the need for performing services provided for in section 296 (3) (a) to (d) of the Native Labour Code.

The right of protest by Natives subject to forced labour, as existing in Angola, was also granted to Natives of Guinea and Mozambique by virtue of section 12 of the Native Labour Code.

Section 300 of the Native Labour Code (concerning measures to compel Natives to perform contracts) was repealed by Decree No. 43039, which allows only civil sanctions for breaches of contracts of employment by Natives.

The Native Labour Code laid down the guarantees called for by the Convention in respect of forced labour for public works and in discharge of fiscal obligations (permitted by section 146 of the Constitution). With the repeal of the Native Statute, these provisions have ceased to be necessary.

Article 2, paragraph 2 (c). Only persons sentenced by judicial decision are required to perform prison labour. Persons sentenced to preventive detention must work, but can choose the work they want, even unproductive work. Vagrants and similar persons to whom security measures involving loss of liberty have been judicially applied for a maximum period of three years, are required to work. Prison work is carried out in the prison workshops or farms or in labour camps or brigades. The work is directly administered by the State, but there exists authority for a concession system for prison workshops. Prisoners cannot be hired out to private persons, and prison labour is always supervised by the prison authorities (sections 59, 70 and 71 of the Penal Code, sections 262 to 264, 270 and 273 of Decree No. 26643, and section 1 of Decree No. 34674).

Paragraph 2 (d) and (e). Provisions concerning emergencies and minor communal services are contained in the Native Labour Code (sections 296 and 297) and section 707 of the Administrative Code.

SWEDEN

In reply to the observations and direct requests made by the Committee of Experts on the receipt of a number of successive reports, the Government states that the commission appointed in 1953 to revise the functioning of bodies entitled to make administrative decisions depriving an individual of his liberty submitted its report to the Government in June 1960. The said commission suggested that special "social courts" be set up under the presidency of a judge. It would be the task of these courts to take over from the administrative authorities the right of decision as regards the deprivation of liberty of certain individuals such as vagrants and other unsocial persons.

The report of the commission was circulated by the Ministry of Justice to various public authorities and organisations for observations and comments and was at present being studied by the said Ministry.

TANGANYIKA

On 8 December 1960 administrative instructions were issued to discontinue the use of forced labour completely and thus to complete the undertaking accepted under the Convention "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". The instructions state, *inter alia*: "It is realised that this policy may cause inconvenience, and certainly will involve paying higher

rates for the less popular jobs, but the break must be made at some time, and can well be made now." The instructions also clarify the cases in which minor communal services may be exacted; in particular, "local roads and paths" are stated to be those ordinarily used only by the inhabitants of a particular village, and native authorities may not therefore exact labour for work on roads leading from one village to another. The instructions also recall that the people or their direct representatives must be consulted before any minor communal services are called for.

UKRAINE

Penal Code of 28 December 1960.

Penal Procedure Code of 28 December 1960.

Administrative Code.

Agreement on the Antarctic ratified by the Presidium of the Supreme Soviet of the U.S.S.R. on 20 October 1960.

The following information is furnished in response to the requests made by the Committee of Experts.

Section 11 of the Labour Code will be repealed on promulgation of the new Labour Code, the draft of which is to be submitted for approval to the legislative bodies after the adoption of the fundamental principles of labour legislation in the U.S.S.R.

Section 133 of the Penal Code guarantees freedom of employment. Anyone who seriously infringes labour legislation shall incur a sentence of forced labour or the loss of the right to hold certain offices for a period of three years. The Government considers that the question of penalties to be adopted as a punishment for violation of rights in the field of labour relations, particularly in the field of forced labour, is fully resolved by existing legislation, in particular by section 133 of the Penal Code.

As a general rule, work imposed in pursuance of military service Acts is purely military in character. In exceptional cases it is possible to recruit persons on the basis of special regulations and instructions of the military authority in order to combat natural disasters (note 2 to section 193 of the Administrative Code), for the purpose of scientific research or for non-military activities in the Antarctic (Article 1 of the Agreement on the Antarctic ratified by the Presidium of the Supreme Soviet of the U.S.S.R. on 20 October 1960).

Forced labour may be imposed either in execution of a penal sentence which may be inflicted only by the judiciary (sections 23 ff. of the Penal Code and section 15 of the Penal Procedure Code of 28 December 1960) or to impose an administrative penalty in accordance with a mandatory decision of the council of the competent workers' deputies (sections 46 ff. of the Administrative Code).

The legislation contains no provision for the possibility of imposing minor work on the land as a compulsory measure.

The legislation contains no provisions for collective punishment.

U.S.S.R.

R.S.F.S.R. Penal Code of 27 October 1960.

Decree of 18 July 1927 on the obligation to perform work under the R.S.F.S.R. Labour Code.

The following supplementary information is furnished in response to the direct requests made by the Committee of Experts.

Section 2 of the R.S.F.S.R. Labour Code is applied only when it is necessary to combat natural calamities and in exceptional cases. This provision is embodied in the Decree of 18 July 1927 which regulates the conditions in which citizens may be

compelled to perform work within the provisions of section 2 of the Labour Code. Since the adoption of the Decree of 1927 means of combating natural calamities have been perfected, and for this reason it is now extremely rare to have to resort to aid by the population to carry out such work.

The conditions for and methods of awarding a corrective labour penalty or measure are governed by section 25 of the Compendium of Principles of Penal Legislation in the U.S.S.R. Under the provisions of this section an individual may be compelled to perform corrective labour only on the strength of a judicial decision; accordingly, the provisions of the Compendium of Texts Regulating Corrective Labour cannot be applied by a decision of an administrative agency. At present a draft compendium of legislative principles governing corrective labour in the U.S.S.R. and the Republics of the Union is in course of preparation. This text will contain a provision prohibiting the imposition of corrective labour otherwise than by a judicial decision. The new corrective labour codes of the U.S.S.R. and the Republics of the Union will conform to the principles of this compendium.

The voluntary work to which the Committee of Experts refers is carried out only in accordance with and on the strength of a collective decision by all the individuals concerned and under the supervision of a body elected by them (communal dwelling committee, parents' committee, mothers' council, etc.).

Any attempt to compel a person to work in violation of the rights of the citizen which are enshrined in the Constitution of the U.S.S.R. is regarded as contrary to constitutional principles and to Soviet legislation and is punishable by law. Under section 7 of the Principles of Penal Legislation in the U.S.S.R. and the corresponding sections of the penal codes of the Republics of the Union, any act which constitutes a threat to society and which interferes with the rights of the citizen, particularly rights in the field of labour, is regarded as an offence punishable by law. The penal codes contain a chapter devoted to the violation of citizens' rights in the field of politics and in the field of labour, under which any individual (either as a private person or in the exercise of his public functions) who is guilty of having illegally compelled another person to work incurs a penalty. A civil servant who has gravely violated the rights and interests of a legally protected citizen would be regarded as guilty under the following sections of the Penal Code of the R.S.F.S.R. of 27 October 1960: section 138 (serious violation of labour legislation), section 170 (abuse of power or office) or section 171 (having acted *ultra vires*). An individual would be guilty, according to the circumstances of the case, either in pursuance of section 194 of the Penal Code (arbitrary arrogation of title or powers of an official), or under section 200 of the Penal Code (acts of violence) or under the sections of the Penal Code which impose penalties for offences against the health, liberty or dignity of another person.

VENEZUELA

In accordance with section 84 of the Constitution, freedom of employment is not subject to any other restrictions than those established by law. Section 85 of the Constitution makes it illegal for the worker to renounce the provisions established by law for the protection or promotion of workers.

Section 27 of the Labour Act states that failure by the worker to fulfil an employment contract lays him open only to the corresponding civil liability, and that no action may be taken against his person.

* * *

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

Dahomey, Israel.

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

Argentina, Belgium, Burma, Cameroun, Ceylon, Chad, Chile, Ecuador, Finland, Guinea, Ireland, Italy, Ivory Coast, Japan, Malaya, Mexico, Netherlands, New Zealand, Niger, Nigeria, Norway, Senegal, Sierra Leone, Spain, Switzerland, United Arab Republic, United Kingdom, Upper Volta, Venezuela, Viet-Nam.

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

This Convention came into force on 29 August 1933

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Austria ¹	16. 2. 1933	New Zealand	29. 3. 1938
Bulgaria	22. 6. 1932	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	29. 6. 1953
Cuba	24. 2. 1936	Panama	16. 2. 1959
Finland	13. 1. 1936	Spain	29. 8. 1932
Guatemala	4. 8. 1961	Syrian Arab Republic	10. 5. 1960
Haiti	31. 3. 1952	United Arab Republic	10. 5. 1960
Israel	26. 6. 1951	Uruguay	6. 6. 1933
Kuwait	21. 9. 1961		
Luxembourg	3. 3. 1958		

¹ Conditional ratification.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961) (sections 97-109, 492, 515-517).

SPAIN

In answer to the direct request by the Committee of Experts, the Government has supplied the following information.

1. The employment regulations only establish standards in regard to hours of work in so far as they vary the provisions contained in the general legislation, that is, they affect only the occupational branches related to the activity governed by the regulations in question in so far as they can afford conditions more favourable than those generally applicable. This is expressly stated in greater detail in section 12 of the Employment Regulations Act of 16 October 1942, which states: "All matters which are not expressly provided for in the employment regulations shall be deemed to be governed by the provisions of social enactments of a general character, which cannot be waived." It is evident, then, that the absence of any limitation noted in the regulations governing telephony and broadcasting is not in fact an omission, since the provisions of the general enactment, which is the Act of 9 September 1961, do satisfy the requirements of the Convention.

2. The postal and telegraph service is operated directly by the State, the members of its staff are appointed by the public administration, their salaries are paid, according to their administrative category, out of the general state budget, they are governed by the Civil Service Regulations and they are classed as public officials. All the requirements providing for their inclusion among the exceptions specified in Article 1, paragraph 3 (b), of the Convention, are thus met.

3. The standard working day in the majority of activities—commerce, banking, insurance, etc.—renders practically inapplicable the provision in section 8 of the Spanish Act specifying the circumstances under which time lost can be made up, and hence it is not enforced in practice in these activities. Furthermore, section 8 of the Hours of Work (Commercial Undertakings) Act lays down that overtime may be worked only on 30 days, not more than six of which may be consecutive. Notwithstanding its limited effect, note has been taken of the advice given with a view to seeing how it can be observed in future.

4. See *Report of the Committee* (1960), p. 618, antepenultimate paragraph of the statement of the Spanish Government delegate.

5. The request made by the Committee of Experts does not appear sufficiently detailed to enable a satisfactory reply to be given, since it does not specify the provisions of the Spanish legislation to which it takes exception or the precise reservations made by the authorities.

6. The Hours of Work (Commercial Undertakings) Act (section 8) lays down a maximum of two hours per day on 30 days at most and on not more than six consecutive days; the Hours of Work Act, for its part (section 4), fixes the limits at 50 hours a month and 120 a year; in exceptional cases, however, they may reach 240 a year.

As regards the rate of overtime pay the Hours of Work Act (section 6) fixes it at a minimum of 25 per cent., which may in certain cases be raised to 40 per cent., or even 50 per cent. in the case of work done by women. As concerns commercial office staff, section 52 of the regulations fixes their remuneration in accordance with the same legal precept to which reference has just been made.

7. The Committee objects to section 103 of the Hours of Work Act as being based on the Hours of Work (Commercial Undertakings) Act. If this is the case the reproach should be directed at the latter and not at the former.

The only observation which appears to be valid is that referred to in paragraph 3, and that only in regard to a small part of its allegations; the rest the Government considers to have been dealt with in its replies. It does not appear, therefore, that the need to revise Spanish legislation is so urgent as to be undelayable.

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

This Convention came into force on 30 October 1934

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	New Zealand	29. 3. 1938
Belgium	2. 7. 1952	Nigeria	16. 6. 1961
Bulgaria	29. 12. 1949	Norway	23. 6. 1956
Canada	6. 4. 1946	Pakistan ¹	10. 2. 1947
Chile	18. 10. 1935	Sierra Leone	15. 6. 1961
China	30. 11. 1935	Spain	28. 7. 1934
Cuba	7. 9. 1954	Sweden	3. 8. 1938
Finland	23. 8. 1949	United Kingdom	10. 1. 1935
France	27. 5. 1955	Uruguay	6. 6. 1933
India	10. 2. 1947		
Italy	30. 10. 1933		
Mexico	12. 5. 1934		

¹ See footnote 3 to Convention No. 1.

BELGIUM

In reply to the observation made by the Committee of Experts in 1961, the Government submits the following information.

Belgium ratified the Convention in 1952. If subsequently a royal order was made in 1959 which excluded inland water transport from the field of application of section 541 of the General Labour Protection Regulations, a section which concerns precautions to be taken in connection with work in the proximity of dangerous openings, this was in consequence of a resolution adopted in 1957 by the Central Commission for Rhine Navigation which made it compulsory for the riparian States, as also for Belgium, to make a provision under Article 15 of the Convention exempting inland water transport from the provisions of Article 6 of the Convention.

This resolution was based on the following considerations: (1) it had been found that in the case of port workers occupied in loading and unloading operations on board vessels, accidents involving falls into the hold were extremely rare; (2) that the fencings required under Article 6 of the Convention greatly impeded the normal operation of Rhine vessels owing to their nature and to the customary conditions of loading and unloading.

The resolution based on the preceding considerations also arose from the desire to provide at least a minimum of uniformity in the regulation of the technical questions concerning Rhine navigation.

The Government, in the belief that Article 15 of the Convention should be interpreted as allowing a partial departure from its provisions in the case of certain specified categories of vessels, applied this resolution, which is covered by Royal Order of 8 May 1959.

This order was adopted on the recommendation of the Joint Committee on Safety, Hygiene and Improvement of Workplaces of the Port of Antwerp and of the Supreme Council for the Safety, Hygiene and Improvement of Workplaces.

Moreover, should really dangerous situations arise in practice, section 42 of the General Labour Protection Regulations would allow officials and agents of the Labour Inspectorate to take the necessary measures appropriate to each particular case.

FRANCE

Order of 8 April 1959 concerning the establishment of joint health and safety committees in maritime and inland ports (*Journal officiel*, 14 Apr. 1959).

In reply to a direct request made by the Committee of Experts in 1958, which was repeated in 1959, 1960 and 1961, the Government gives the following information.

Article 13 of the Convention. Medical services common to several undertakings set up under the Act of 11 October 1946 and the Decree of 27 November 1952, and approved by the Minister of Labour, devote their activities to supervising the health conditions of all workers. They are permanently at the disposal of workers who have suffered accidents, to give first aid before such workers are transferred to hospitals, in cases where hospitalisation is necessary.

Article 14. Dock police regulations prohibit interference with or removal of workers' protection installations on quays (fencing, ladders and life-saving appliances), except in cases of necessity recognised by maritime service engineers.

Any violation of these provisions is noted by the authorities, and proceedings may be taken against offenders by administrative courts.

Article 17, paragraph 3. Joint health and safety committees in maritime and inland ports established under the Order of 8 April 1959 examine the general problems of organising safety provisions for stevedores. Their function is also to develop consciousness of occupational safety by all effective means.

These health and safety committees recommend or order the posting of instructions and regulations relating to general safety or to the particular situation in each port.

MEXICO

In reply to an observation by the Committee of Experts, the Government states that Articles 1, 3, 5 to 8, and 13 to 18 do not call for special regulations since they are automatically incorporated in the national legislation.

The work of construction, maintenance, etc., in docks is the responsibility of the State and not of the employer. Regulations are in preparation to give detailed effect to the Convention.

According to a communication from the merchant navy to the Secretariat for Labour and Social Welfare, the Convention is complied with in all dock work handled by the Secretariat in accordance with the prescriptions of the budget. Chapter III of the Harbour Police Regulations in practice meets the requirements of Article 4 of the Convention.

Regulations are in preparation concerning examinations for merchant navy personnel which will specify the qualifications which dockers and stevedores must have.

Chapter VIII of the General Transport and Communications Act contains provisions on the inspection of ports.

Effect is given to Article 12 of the Convention in the Industrial Accidents (Preventive Measures) Regulations (1939), sections 5, 6, 30, 291 to 297 and 544 to 549.

Section 135 of the Harbour Police Regulations lays down rules for the handling of explosives and other dangerous substances.

* * *

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

33. Minimum Age (Non-Industrial Employment) Convention, 1932

This Convention came into force on 6 June 1935

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mali ³	22. 9. 1960
Austria	26. 2. 1936	Mauritania ¹	20. 6. 1961
Belgium	6. 6. 1934	Netherlands	12. 7. 1935
Cameroun ¹	7. 6. 1960	Niger ¹	27. 2. 1961
Central African Republic ¹	27. 10. 1960	Senegal ³	4. 11. 1960
Chad ¹	10. 11. 1960	Spain	22. 6. 1934
Congo (Brazzaville) ¹	10. 11. 1960	Togo ¹	7. 6. 1960
Cuba ²	24. 2. 1936	Upper Volta ¹	21. 11. 1960
Dahomey ¹	12. 12. 1960	Uruguay ²	6. 6. 1933
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		

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.

AUSTRIA

Failure of the bodies concerned to agree on a definition of "light work" has prevented submission to Parliament of the Bill which is to amend the Act of 1 July 1948.

The Austrian Congress of Chambers of Workers again stresses the necessity of adopting without delay legislation to give effect to the Convention.

* * *

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

Dahomey, Gabon.

34. Fee-Charging Employment Agencies Convention, 1933

This Convention came into force on 18 October 1936

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Norway ¹	4. 7. 1949
Bulgaria	29. 12. 1949	Spain	27. 4. 1935
Chile	18. 10. 1935	Sweden ¹	1. 1. 1936
Czechoslovakia	12. 6. 1950	Turkey ¹	27. 12. 1946
Finland ¹	13. 1. 1936		
Mexico	21. 2. 1938		

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

MEXICO

The Government states that there are no fee-charging employment agencies conducted with a view to profit as defined in Article 1, paragraph 1 (a), of the Convention. There are some not conducted with a view to profit, corresponding to those referred to in Article 1, paragraph 1 (b), of the Convention, but under the Mexican Constitution, which lays down that the placement of workers must be free of charge, these agencies may receive "an entrance fee, a periodical contribution or any other charge" only from employers. The sums received must conform to a scale approved by the Directorate for Social Welfare. The provisions of Article 4 of the Convention are applied with respect to these agencies.

In Mexico any person receiving any form of remuneration whatever must declare it to the Government, primarily for tax purposes.

Under section 69 of the Placement Regulations private employment agencies which fail to conform to the provisions respecting them may be closed and compelled to pay a fine.

* * *

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

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

Argentina, Chile, Czechoslovakia, Spain.

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Italy	22. 10. 1947
Chile	18. 10. 1935	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
France	23. 8. 1939		

FRANCE

Decree No. 61-272 of 28 March 1961 to increase certain invalidity pensions (*Journal officiel*, 30 Mar. 1961).

Decree No. 61-300 of 31 March 1961 to amend section 61 of the Decree of 29 December 1945, as amended, concerning the application of the provisions of Book III of the Social Security Code with a view to applying simpler and fairer rules regarding cumulation of invalidity pensions, wages and other earnings (*ibid.*, 3-5 Apr. 1961).

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

This Convention came into force on 22 November 1936

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Netherlands ¹	9. 12. 1935
Argentina	14. 3. 1950	New Zealand ¹	29. 3. 1938
Belgium ¹	4. 8. 1937	Niger ³	27. 2. 1961
Brazil ¹	8. 6. 1936	Pakistan ¹ ⁶	22. 11. 1935
Burma ²	22. 11. 1935	Peru	8. 11. 1945
Central African Republic ³	27. 10. 1960	Senegal ⁴	4. 11. 1960
Ceylon	2. 9. 1950	Republic of South Africa ¹	28. 5. 1935
Chad ³	10. 11. 1960	Switzerland ¹	4. 6. 1936
Congo (Brazzaville) ³	10. 11. 1960	Togo ³	7. 6. 1960
Dahomey ³	12. 12. 1960	United Arab Republic ¹	11. 7. 1947
France ¹	25. 1. 1938	United Kingdom ⁷	25. 1. 1937
Gabon ³	14. 10. 1960	Upper Volta ³	21. 11. 1960
Greece ¹	30. 5. 1936	Venezuela	20. 11. 1944
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		
Mauritania ³	20. 6. 1961		
Morocco ⁵	13. 6. 1956		

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.

HUNGARY

Substantial progress has been made during the period under review with a view to the elimination of night work for women. Night work for women has been abolished in fitting, brick-making, the cement industry and the machine tool, precision instrument, skin, hide, shoe and furniture industries. An end has also been put to the employment of women on night shifts on Saturdays.

SENEGAL

See under Convention No. 4.

* * *

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

Argentina, Hungary, Iraq, Morocco, Senegal, Venezuela.

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

Afghanistan, Burma, Ceylon, Chad, Congo (Brazzaville), Dahomey, Ivory Coast, Malagasy Republic, Niger, United Arab Republic, Upper Volta.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

This Convention came into force on 17 June 1936

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Ireland	15. 3. 1937
Australia	29. 4. 1959	Italy	22. 10. 1952
Austria	26. 2. 1936	Japan	6. 6. 1936
Belgium	3. 8. 1949	Luxembourg	3. 3. 1958
Bolivia	19. 7. 1954	Mexico	20. 5. 1937
Brazil	8. 6. 1936	Morocco	20. 5. 1957
Bulgaria	29. 12. 1949	Netherlands	1. 9. 1939
Burma	17. 5. 1957	New Zealand	29. 3. 1938
Congo (Leopoldville) ¹	20. 9. 1960	Norway	21. 5. 1935
Cuba	22. 10. 1936	Panama	16. 2. 1959
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Denmark	22. 6. 1939	Republic of South Africa	26. 2. 1952
Finland	20. 1. 1950	Spain	24. 6. 1958
France	17. 5. 1948	Sweden	24. 2. 1937
Federal Republic of Germany	17. 6. 1955	Turkey	27. 12. 1946
Greece	13. 6. 1952	United Kingdom	29. 4. 1936
Haiti	19. 4. 1955	Uruguay	18. 3. 1954
Hungary	17. 6. 1935		
Iraq	25. 7. 1941		

¹ See footnote 6 to Convention No. 4.

ARGENTINA

With regard to the requests made by the Committee of Experts in previous years the Government reports that a ministerial committee is now carrying out the necessary consultations with a view to preparing a draft Bill to enlarge the list of occupational diseases in accordance with the suggestions of the Committee of Experts.

AUSTRIA

The Government states in its reply that it has not yet been possible to carry out the alterations to the list of occupational diseases which were requested by the Committee of Experts. It is planned to make these alterations when the ninth amendment to the General Social Insurance Act is drafted.

BELGIUM

In its report the Government supplies detailed information on the way in which the legislation concerning compensation for occupational diseases is applied. Details of the contingencies covered and the rates of benefit are given.

With regard to the request made by the Committee of Experts concerning entitlement to compensation in case of anthrax infection for workers employed in the loading, unloading or transport of merchandise in general, the Government gives a detailed account of the scope of Belgian legislation on the subject and states that study of the amendments requested by the Committee of Experts is being actively pursued.

BURMA

At the request of the Committee of Experts the Government has forwarded the text of the Workmen's Compensation (Amendment) Act, 1957.

CZECHOSLOVAKIA

With reference to the direct requests made by the Committee of Experts the Government repeats that both law and practice in this country guarantee the application of the provisions of the Convention.

Nevertheless, the observations of the Committee of Experts will be examined by the competent bodies, and the results of this examination will be notified in the next report.

DENMARK

In reply to the requests made by the Committee of Experts the Government submits the following information.

In regard to the question of application of the principle of presumption of origin, the new Danish legislation makes no limitation in the case of occupational diseases covered by the Act. Presumption is therefore established by the fact that such occupational diseases are due exclusively or mainly to harmful effects of employment or to the conditions in which employment is carried out. In such cases the Industrial Accidents and Occupational Diseases Insurance Board does not even inquire whether the disease has been caused by a circumstance other than the employment. Moreover, the formula adopted: "due exclusively or mainly to the harmful effects of employment or to the conditions in which employment is carried out" is justified by the considerable extension of the list of occupational diseases which was adopted in 1959 and in which the previous restrictive provisions were considerably reduced. The new list includes not only sicknesses due exclusively to employment but also others which may equally be contracted outside the employment. The new provisions in no way affect assumption of liability for "obvious" cases of occupational diseases which appear in the Convention. For these reasons, the Government considers that there is no reason to modify the text adopted in the Act of 1959.

Regarding the question of silicosis, whether associated with tuberculosis or not, it is true that the Act does not refer to the possibility of such association. Nevertheless, this possibility is covered by the phrase "... if the sickness *and its sequelae* are due exclusively ...", which appears in section 1 of article 1 (A) of the Act.

In regard to poisoning by benzene or its homologues, it is true that these substances are not specifically mentioned in section 4 of article 1 (A) of the Act, but it was considered that the reference to "organic solvent" does in fact cover benzene and *all* its homologues. Should the Committee maintain its point of view, the Government requests that it shall state in what respect the Act is deficient.

In connection with the halogen derivatives of hydrocarbons of the aliphatic series, the reference under the same section 4 of article 1 (A) of the Act to coolants and solvents in fact covers *all* derivatives of hydrocarbons of the aliphatic series. If the Committee maintains its point of view, the Government requests that it shall state in what respect the Act is deficient.

Concerning pathological manifestations due to radiation, the Government agrees with the point raised by the Committee and has already considered amending section 7 in the sense requested by the Committee by including in it the further risk of irradiation by neutrons.

FINLAND

In reply to the request made by the Committee of Experts in 1960 the Government states that the Occupational Accident Insurance Act of 20 August 1948 and the Occupational Diseases Act of 12 May 1939, as amended in 1948, are applicable

to agricultural workers on the same grounds and in the same way as to industrial workers. Some of the diseases listed are connected with special contingencies that arise in agriculture.

FRANCE

Decree No. 60-1081 of 1 October 1960 revising and supplementing the tables of occupational diseases annexed to Decree No. 46-2959 of 31 December 1946 (*Journal officiel*, 11 Oct. 1960).

No amendments have been made concerning the substance of the legal and regulatory provisions concerning the application of Article 1 of the Convention.

Decree No. 60-1081 of 1 October 1960 revised the list of occupational diseases by adding a new table concerning diseases caused by penicillin and its salts and by making some modifications in the text of the tables covering mercury poisoning, poisoning by benzene or its homologues, sicknesses caused by X-rays and radioactive substances, dinitrophenol poisoning, and finally leptospirosis.

In reply to the requests made by the Committee of Experts the Government submits the following information.

As regards the general observation on the provision under each table of a limitative list of pathological manifestations which qualify for compensation, the Government points out that the obligation to grant compensation for occupational diseases presupposes, under the terms of the Convention, the existence of a link of causality between the work and the disease or poisoning, but that the Convention provides no guidance as to the statutory rules or practical methods by which this link of causality should be established. For this purpose and in accordance with the national legislations concerned, different solutions have been adopted. French legislation establishes presumption of origin in favour of workers who, having been exposed to risks, show symptoms of one of the diseases mentioned in the tables. The complaint made against this regulation of restricting the provisions of the Convention would, if it were true, be equally applicable to other systems such as those based on individual proof or on the decision of an expert. Such systems would provide no guarantee that all pathological manifestations of diseases contained in the tables of the Convention are indeed regarded and compensated as occupational diseases. The list of pathological manifestations shown in the tables of French legislation is, moreover, subject to revision and is, in fact, frequently revised. In addition, the Government states, "while the tables established in accordance with French legislation contain an indication of the diseases which may be caused by the noxious substances mentioned in these tables, no mention is made of the symptoms of such sicknesses except where this is necessary to enable any medical practitioner to identify the occupational disease. In general, therefore, it would not be possible to attribute a restrictive effect to the fact that a table does not contain a detailed description of the symptoms of the diseases mentioned therein."

As regards halogen derivatives of hydrocarbons of the aliphatic series, the Convention stipulates that these are forms of poisoning contracted in the application of "any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations". The information in the possession of the competent technical services has not, however, so far enabled the national legislation to designate other products than those at present shown in the tables.

In connection with poisoning from phosphorus and its compounds, if table 5 of the legislation mentions only phosphorus necrosis, the reason for this is that medical information has not made it clear that other affections may be described as occupational diseases caused by phosphorus and thus benefit from presumption

of origin. Moreover, the list of employments subject to this poisoning is purely indicative.

In regard to primary epitheliomatous cancer of the skin, the Government wishes to be informed of the medical and technical data which have emerged from research into and observation of cases of cancer caused by mineral oils which have qualified for compensation in other countries.

Concerning anthrax infections contracted while engaged in loading and unloading operations or in the transport of goods, the Government makes the same request as in respect of epitheliomatous cancer of the skin.

The Government remains convinced that the differences referred to by the Committee of Experts are apparent rather than real.

FEDERAL REPUBLIC OF GERMANY

Act of 25 February 1960 to amend the rules governing foreign pensions and pensions paid abroad (*Bundesgesetzblatt*, Part I, p. 93).

Second Act to alter provisionally the benefits in kind granted under the statutory accident insurance scheme. Dated 29 December 1960 (*ibid.*, Part I, p. 1089).

Sixth Ordinance concerning occupational diseases. Dated 28 April 1961 (*ibid.*, Part I, p. 505).

The Ordinance of 28 April 1961, which came into force on 7 May 1961, extends the list of occupational diseases to cover six new affections. In addition entitlement to compensation is not confined, as it was in the past, to workers assigned to certain undertakings or to certain types of work, for the new list covers all activities. However, certain limitations still remain with regard to infectious diseases.

With regard to anthrax infection and the corresponding processes, which was one of the points on which the Committee of Experts had made a request, the Government adds that by virtue of that list entitlement to compensation is also granted to workers engaged in the unloading, loading and transport of merchandise.

GREECE

Ministerial Decision No. 37852/1931 of 13 December 1960 modifying tables 3, 4 and 13 of section 40 of the regulations of the Social Insurance Institute concerning diseases (*Ephemeris tes Kyberneseos*, 30 Dec. 1960, No. 523, Vol. B).

In reply to the request by the Committee of Experts concerning inclusion in the list of occupational diseases of poisoning caused by the liberation of benzene and its derivatives or by certain derivatives of the hydrocarbons of the aliphatic series and the inclusion of the loading and unloading or transport of merchandise in general in the list of occupations involving exposure to anthrax infection, the Government states that it has complied with the request by means of the above-mentioned ministerial decision.

HAITI

Labour Code of 30 June 1960.

The Government report quotes section 567, paragraphs (b) and (e), of the Labour Code concerning definition of employment injury and of occupational incapacity, and section 568 concerning the scope of the insurance scheme. The report also mentions that the Social Insurance Institute of Haiti, which is responsible for application of the social insurance scheme, makes no practical distinction between compensation in respect of employment accident and compensation in respect of occupational disease. The Government further states that the schedule of occupational diseases previously communicated has not been altered.

IRAQ

In reply to the request by the Committee of Experts in 1960, the Government confirms that the waiting period for coverage in respect of all occupational diseases is the period stated in section 80, paragraph 3, of the Labour Act, namely 12 months, in the light of the provisions of section 74, paragraph 3.

Permanent partial disability due to silicosis is compensated on the basis of the incapacity rates established by the Official Medical Committee or by the Medical Appeals Committee, allowing wherever applicable for the similar instances listed in table I appended to the above Act.

The Government further states that most cases of compensation were in respect of the occupational diseases listed in table II of the Labour Act.

ITALY

Act No. 62 of 4 February 1960 amending Act No. 499 of 3 April 1958 on the improvement of cash insurance benefits in respect of industrial accidents and occupational diseases.

Presidential Decree No. 1169 of 21 July 1960 approving the regulations applying Act No. 455 of 12 April 1943, as amended by Legislative Decree No. 648 of 20 March 1956 on compulsory insurance against silicosis and asbestosis.

Presidential Decree No. 1055 of 4 August 1960 specifying the principles of application of Act No. 93 of 20 February 1958 on compulsory insurance of doctors against diseases and injuries caused by X-rays and radioactive substances.

Act No. 51 of 10 February 1961 amending Act No. 455 of 12 April 1943, and Presidential Decree No. 648 of 20 March 1956 on the extension of compulsory insurance against occupational diseases to silicosis and asbestosis.

In regard to the direct request made by the Committee of Experts, the Italian Government refers to section 2 of Royal Decree No. 1765 of 17 August 1935. According to this section anthrax infection is placed on the same footing as a work accident, and therefore the presumption of origin, as specified in the case of other occupational diseases, does not arise.

JAPAN

See under Convention No. 18.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Workmen's Compensation (Occupational Diseases) Convention (Revised) (No. 42) (Parliamentary Document No. 646, Ord. Sess., 1957-58).

The Government states that the other legislative texts applying the Convention are those which cover Convention No. 18.

Responsibility for applying Acts and regulations rests with the Accident Insurance Association, and financial supervision is exercised by the Inspectorate of Welfare Institutions.

MEXICO

Act of 30 December 1959 relating to the Institute for Social Security and Social Services for State Employees (*Diario Oficial*, 30 Dec. 1959).

Regulations dated 24 June 1960 relating to compulsory insurance for urban workers employed on a temporary or casual basis (*ibid.*, 28 June 1960).

Section 3 of the above-mentioned Act introduces a compulsory system of employment accident and occupational disease insurance for persons employed by the State and by public concerns. Section 29 of the Act considers as occupational

diseases the affections defined as such by labour legislation. The regulations of 24 June 1960 set up a compulsory social security system for temporary and casual urban workers that also covers occupational diseases.

In reply to observations and requests by the Committee of Experts the Government declares its regret that the Committee should regard as a divergence the fact that the list of occupational diseases in section 326 of the Federal Labour Act does not mention some of the diseases listed in Article 2 of the Convention. The list contained in the Labour Act is not exhaustive. It is meant to serve as an indication only, merely stating the presumed origin in favour of workers suffering from the diseases enumerated therein. The list is therefore a useful addition to the very general but also flexible and up-to-date definition of occupational diseases that is given in section 286 of the Federal Labour Act.

This interpretation is confirmed by decisions of the Mexican Supreme Court, which are binding on the various federal or regional courts and on conciliation and arbitration courts.

The Government further confirms that under article 133 of the Constitution international treaties, including international labour Conventions, which have been signed by the President of the Republic with the approval of the Senate, have the force of law. Regarding the manner in which international labour Conventions are brought to the knowledge of the public, the Government adds—(a) that ratified Conventions are published in the Official Bulletin, which is distributed to government departments and is on sale to the public; (b) that the Andrada and Castorena editions of the Federal Labour Act also contain the texts of Conventions ratified by Mexico; and (c) that all international labour Conventions, whether ratified or not, appear in the Mexican Labour Review, which is published by the Ministry of Labour and Social Welfare. In addition to publishing these texts, the same review contains information regarding the date of their adoption, their purpose, the number of the Official Bulletin in which their ratification is announced, and whatever legislation has been passed with a view to applying them.

MOROCCO

Order of the Ministry of Labour and Social Affairs No. 046-61 of 24 January 1961, amending and supplementing the Order of 31 May 1943 applying the Dahir of the same date extending to occupational diseases the provisions of the legislation respecting compensation for industrial accidents (*Bulletin officiel*, No. 2522, 24 Feb. 1961).

In reply to the request made by the Committee of Experts, the Government states that the above-mentioned order supplements the list of occupational diseases by including the loading, unloading and transport of goods in general among employments liable to anthrax infection.

The Government adds that it is arranging for a further amendment of the Order of 31 May 1943 so as to include among occupational diseases poisoning due to amalgams and inorganic compounds of mercury and to amido-derivatives of benzene or its homologues.

Regarding the other points of the request by the Committee of Experts (poisoning due to lead, phosphorus, arsenic, alloys, amalgams or compounds of such products, and poisoning due to halogen derivatives of hydrocarbons of the aliphatic series), the Government would like to receive precise indications regarding the pathological manifestations caused by those poisonings, which have been omitted from the table of the national legislation.

Finally, the Government indicates that the tables of occupational diseases and their pathological symptoms mentioned in the national legislation are limitative and not indicative in character.

NORWAY

Royal Order of 19 February 1960 assimilating certain occupational diseases to industrial accidents (*Norsk Lovtidend*, No. 7, 1960, pp. 168-169).

Royal Order of 24 May 1961 (*ibid.*, No. 19, 1961, pp. 447-448).

The Government states that the Royal Order of 1960 extends insurance against occupational diseases to infectious diseases occurring among staff of hospitals, nursing homes, old people's homes, day nurseries, maternity homes, etc., and to the same infections when they arise among persons responsible for inspecting the institutions mentioned above or transporting sick people. Further, certain complications resulting from compulsory vaccination are also considered to be occupational in origin. As regards the observations made by the Committee of Experts, the report refers to the letter sent to the Director-General of the International Labour Office on 3 October 1961.

NEW ZEALAND

Workers' Compensation Amendment Act, 1959 (*New Zealand Statutes*, 1959, p. 614).

Amendment No. 2 to Order of 1957 on Compensation for Industrial Accidents and Occupational Diseases (*Statutory Regulations*, 1959/180).

Amendment No. 3 to Order of 1957 on Compensation for Industrial Accidents and Occupational Diseases (*ibid.*, 1961/21).

In reply to the direct request made by the Committee of Experts, the Government states that it is fully conscious of the fact that the Convention establishes a presumption of origin in favour of workers in respect of the diseases mentioned in the table. In this respect existing legislation is not in accordance with the provisions of the Convention. Nevertheless, faced with the alternatives of providing compensation for only a limited number of occupational diseases with presumption of origin, or of granting compensation for all occupational diseases without presumption, the Government considers that the latter alternative is the one which is the most beneficial to the workers and that its advantages to a large extent offset the risk to the workers of having their claims rejected, should their disease not be included among those on the list.

The method of compensation adopted in New Zealand is one of the most liberal in the world. No difficulty has been experienced in proving that the diseases mentioned in the table of the Convention are in fact due to employment in the industries or undertakings referred to.

Having examined all aspects of the question, the Government is convinced that the system of compensation adopted in New Zealand is superior to that of the Convention and is not disposed to adopt any provision which would constitute a backward step and restrict the field of diseases which qualify for compensation. Nevertheless, the possibility of a compromise solution which would enable the rights of workers to compensation to be increased will be studied.

POLAND

In its report the Government mentions the establishment of a new insurance organisation, the Social Insurance Institute, and gives a detailed summary of the existing legislation with regard to compensation for occupational accidents and occupational diseases.

In reply to the request made by the Committee of Experts with regard to anthrax infection the Government states that directives were issued to the competent

bodies by circular No. 51 of 7 October 1961, issued by the Social Insurance Bureau. Under these directives anthrax infection contracted by a worker engaged in the loading, unloading or transport of merchandise will be regarded as being of occupational origin unless evidence is adduced to the contrary.

REPUBLIC OF SOUTH AFRICA

Act No. 7 of 1961 amending the Workmen's Compensation Act, 1941.

This Act provides for extension of the list of occupational diseases appended to the 1941 Act.

In reply to the request by the Committee of Experts in 1960, the Government states that action has been taken to amend national legislation regarding poisoning by benzene, its homologues and their derivatives, and pathological disorders due to radiation and silicosis, bringing these items into line with the requirements of the Convention. A new legislative text to this effect will be adopted with effect throughout the Republic of South Africa and in the territory of South West Africa.

SPAIN

See under Convention No. 18.

In addition, in reply to the request by the Committee of Experts in 1961, the Government states that the new Decree No. 792 of 1961 contains in the schedule of processes likely to cause epitheliomatous cancer of the skin the manipulation or use of "mineral oils", as opposed to the mineral acids referred to in previous legislation.

SWEDEN

In reply to the requests made by the Committee of Experts in the course of previous years, the Government again states that any sickness or disease incurred as a result of employment qualifies for compensation as an occupational disease, unless it can be proved that it is not due to the employment. The onus of this contrary proof falls on the insurance institution. Accordingly, the Government considers that the principle of presumption of origin introduced by Convention No. 42 is respected and that there is no need to amend the national legislation.

UNITED KINGDOM

Family Allowances, National Insurance and Industrial Injuries (Denmark) Order, 1960 (*S.I.*, 1960, No. 211).

Family Allowances, National Insurance and Industrial Injuries (Finland) Order, 1960 (*S.I.*, 1960, No. 212).

National Insurance and Industrial Injuries (Republic of Ireland) Order, 1960 (*S.I.*, 1960, No. 707). National Insurance (Industrial Injuries) (Insurable and Excepted Employments) Amendment Regulations, 1960 and 1961 (*S.I.*, 1960, No. 839, and 1961, No. 383).

National Insurance and Industrial Injuries (Turkey) Order, 1961 (*S.I.*, 1961, No. 584).

National Insurance (Industrial Injuries) (Colliery Workers Supplementary Scheme) Amendment Order, 1961 (*S.I.*, 1961, No. 602).

Family Allowances, National Insurance and Industrial Injuries (Germany) Order, 1961 (*S.I.*, 1961, No. 1202).

National Insurance Act of 20 December 1960 (9 Eliz. 2, Cap. 5).

National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations (Northern Ireland), 1960 and 1961 (*S.R. & O.*, 1960, No. 209, and 1961, No. 101).

Family Allowances, National Insurance and Industrial Injuries (Reciprocal Agreement with Germany) Order (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 148).

In reply to the request made by the Committee of Experts in 1960, the Government provides the following information.

As regards the direct consequences of lead, mercury and phosphorus poisoning, regulation 3 of the National (Industrial Injuries) (Prescribed Diseases) Regulations of 1959 provides that a person suffering from the sequelae of an occupational disease is entitled to compensation even when the sequela is not itself an occupational disease.

Regarding poisonings caused by lead alloys and mercury amalgams, these are covered by the Regulations in question; actually, these forms of poisoning are regarded as poisoning by the metal itself, provided that the infection in question is not caused by the action of some other element in the compounds, alloys or amalgams referred to.

Concerning phosphorus poisoning, prescribed disease No. 3 covers poisoning by phosphorus, by phosphine and by the anti-cholinesterase action of organic phosphorus compounds. Moreover, prescribed diseases Nos. 11 and 12 cover poisoning by tri-cresyl-phosphate and tri-phenyl-phosphate. In addition, in accordance with the principle already set forth regarding lead alloys and mercury amalgams, any infection due to phosphorus and caused by a phosphorus compound is regarded as phosphorus poisoning.

It may therefore, the Government states, be considered that the terminology used in the three sections mentioned above covers all phosphorus compounds which are liable to cause a chronic infection.

As regards anthrax infection, if a worker who is not exposed to contact with animals or engaged in handling animal remains contracts anthrax infection, he would still be able to claim compensation by proving that he was more liable to contract this infection in the course of his employment than he would be otherwise.

The Government adds that there are at present no grounds for thinking that any risk of infection exists in the United Kingdom for workers who are engaged in handling work and who are not in contact with animals or animal remains.

In regard to poisoning by halogen derivatives of hydrocarbons of the aliphatic series, any worker who contracts such poisoning as a result of an accident or a series of identifiable accidents would be covered by the provisions of industrial accident insurance.

* * *

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

Belgium, Denmark, Haiti, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Republic of South Africa, Sweden, Turkey, United Kingdom.

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

Brazil, Hungary.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	New Zealand	29. 3. 1938
Czechoslovakia	12. 6. 1950	Norway	20. 5. 1957
France	21. 2. 1949	Switzerland	14. 6. 1939
Ireland	10. 6. 1937	United Kingdom	29. 4. 1936
Italy	22. 10. 1952		

CZECHOSLOVAKIA

In reply to a direct request by the Committee of Experts in 1960 the Government states in its report that Government Ordinance No. 250 of 20 August 1943 concerning benefits to persons involuntarily unemployed was applicable for some time after 1945. Further developments, i.e. the guarantee of the right to work embodied in the Constitution and the development of manpower under the system of planned economy, rendered this ordinance absolutely meaningless in terms of practical application. The Government mentioned this in its previous report merely for the sake of providing complete information, as the above-mentioned ordinance was still in force; it was expressly pointed out that it was not applied because there is no unemployment in Czechoslovakia. As there is a great shortage of manpower, and as no change in this respect could be expected in the coming years, the establishment and maintenance of a relief system for the unemployed would be utterly incomprehensible to the Czechoslovak people.

Questions requiring to be dealt with are being given new attention by the Czechoslovak Government, as is evident from the legislation covering the material security of persons with diminished capacity for work and members of their families and the reimbursement of necessary expenses made in connection with readaptation training. In this respect the Government wishes to draw the attention of the Committee to Decree No. 20 of 8 March 1960 relating to assistance to persons with diminished capacity for work, which supersedes Decree No. 4 dated 1 January 1957.

FRANCE

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

Article 2 of the Convention. Prior to the order approving it on 12 May 1959, the provisions of the Agreement of 31 December 1958 were applicable only to undertakings affiliated to an employers' organisation belonging to the National Council of French Employers. Since the entry into force of this order all undertakings in all branches of activity represented by organisations on the National Council of French Employers (whether they themselves are members of such organisations or not) are covered by the provisions of the Agreement.

Forms of procedure annexed to the Regulations Implementing the Agreement of 31 December 1958 were adopted by the National Joint Board set up under the Agreement for the purpose of extending the national interoccupational special allowances scheme to further branches of activity. These arrangements concern the following occupational categories and undertakings: travellers, representatives and agents;

seagoing personnel in the merchant navy; firms holding concessions to operate urban and regional transport; seamen and wage-earning or share-receiving fishermen on board ships of more than 50 tons.

In virtue of other agreements the Agreement of 31 December 1958 does not apply to personnel engaged in the steering and manning of river craft or to dockers receiving compensation under the Dock Workers Act of 6 September 1947.

As regards mineworkers dismissed in consequence of the slowing down or cessation of activity by their undertaking, it may be possible for them to be awarded special benefit under section 56 of the Treaty setting up the European Coal and Steel Community. Firstly, for a period of 12 months following dismissal they may claim a progressively decreasing amount of "waiting compensation". The rate of such benefit, calculated at three successive levels, varies from 90 to 40 per cent. of the former real wage. Secondly, those unable to find employment on the spot who agree to transfer their residence to another area where the manpower services have found them jobs appropriate to their occupational skills are entitled to compensation for "transfer of residence".

Article 10. Those entitled to special allowances are seekers of employment registered with the manpower services and supervised by them on the same conditions as the recipients of public allowances. The definition of "suitable employment" is the same as that used in the case of public allowances, which has been stated in earlier reports. It should be added that the manpower services have been requested to take into account the family circumstances of the unemployed person and the accommodation available in cases where the employment offered is away from his place of residence.

Article 13. Difficulties have not arisen in connection with the calculation of the reduced allowance to be paid to unemployed persons who continue to receive benefits in kind from their former employers, and section 10 of the regulations has not had to be applied until now.

Article 15. The question of the payment of special allowances to frontier workers is at present under consideration.

IRELAND

Social Welfare (Amendment) Act, No. 25, 1960.

Social Welfare Act, No. 13, 1959.

Social Welfare (Miscellaneous Provisions) Act, 1960, No. 28, 1960.

Article 1 of the Convention. The contributions for social insurance and the rates of unemployment benefit under the social insurance scheme, including supplements for dependants, have been increased. Supplements are now payable for all children of the claimant; previously they had been paid for only two children. The rates of unemployment assistance under the complementary non-contributory scheme have been increased.

ITALY

Act No. 533 of 21 July 1959 to amend section 36 of Act No. 264 of 29 April 1949 (*L.S.* 1949—It. 2—A) making provisions for the placement of, and assistance to, involuntarily unemployed workers (*Gazzetta Ufficiale*, 31 July 1959).

Act No. 1237 of 20 October 1960 making provisions in respect of benefits in the event of involuntary unemployment.

Act No. 533 relaxes the requirements in respect of seasonal unemployment.

Act No. 1237 increases the rate of benefit by adjusting the financial benefit to changes in the cost of living.

NORWAY

Article 2, paragraph 2 (j), of the Convention. In reply to a direct request made by the Committee of Experts in 1960, the Government states with regard to section 2 (2) of the Unemployment Insurance Act, 1959, that a person whose earnings are less than the minimum fixed for affiliation to the scheme would have hourly earnings of less than 0.50 crown. The number of such cases would be quite negligible, and persons with such low earnings cannot be considered as actual employees.

Respecting section 2 (6) of the Act, the Government states that a person insured for sickness benefit under foreign legislation during his stay in Norway is excluded from membership of the Norwegian unemployment insurance scheme. When he is no longer insured under such foreign legislation he may become a member of the Norwegian unemployment insurance scheme on the same conditions as other workers and will be entitled to benefit when he has completed the qualifying period of 30 contribution weeks in the course of the last benefit year or 45 contribution weeks in the course of the last three benefit years. The persons thus excluded from unemployment insurance are employees of foreign firms temporarily working in Norway at the expense of such firms.

Article 10, paragraph 1 (a). In reply to a direct request by the Committee of Experts the Government states that no particular instructions have been issued or provisions made to ensure that refusal to accept employment in localities where no housing facilities exist shall not constitute a reason for disqualifying the insured person from receiving benefits. The report adds that when deciding whether an offer of work can be considered suitable for the person concerned, the question of housing must also be taken into consideration.

Article 11. In reply to a direct request by the Committee of Experts the report quotes examples of calculation of the maximum benefit period.

Article 15. In reply to a direct request by the Committee of Experts the Government states that it has not been found necessary to make any reciprocal agreement respecting unemployment insurance of frontier workers.

UNITED KINGDOM

National Assistance Act, 1959.

National Insurance Act, 1960.

National Assistance (Determination of Need) Amendment Regulations, 1959 (*S.I.*, 1959, No. 1241).

National Assistance (Disregard of Assets) Order, 1959 (*S.I.*, 1959, No. 1244).

National Insurance (Unemployment and Sickness Benefit) Amendment Regulations, 1960 (*S.I.*, 1960, No. 781).

National Assistance (Determination of Need) Amendment Regulations, 1960 (*S.I.*, 1960, No. 2395).

Legislation analogous to that mentioned above has been adopted in Northern Ireland. During the period under review reciprocal arrangements came into force between Great Britain and Canada, Denmark, Finland and the Republic of Ireland. These agreements, with the exception of the last, also extend to Northern Ireland. (The 1953 agreement between Northern Ireland and the Republic of Ireland is still in operation.)

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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:

New Zealand, Switzerland.

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	14. 5. 1937	Mexico	21. 2. 1938
Argentina	14. 3. 1950	Morocco	20. 9. 1956
Australia	7. 10. 1953	Netherlands	20. 2. 1937
Austria	3. 7. 1937	New Zealand	29. 3. 1938
Belgium	4. 8. 1937	Nigeria ²	17. 10. 1960
Brazil	22. 9. 1938	Pakistan ⁵	25. 3. 1938
Bulgaria	29. 12. 1949	Panama	16. 2. 1959
Byelorussia	4. 8. 1961	Peru	8. 11. 1945
Ceylon	20. 12. 1950	Poland	15. 6. 1957
Chile	16. 3. 1946	Portugal	18. 10. 1937
China	2. 12. 1936	Sierra Leone ²	13. 6. 1961
Costa Rica	22. 3. 1960	Somalia ⁶ (ex-Trust Territory)	18. 11. 1960
Cuba	14. 4. 1936	Republic of South Africa	25. 6. 1936
Cyprus ¹	23. 9. 1960	Spain	24. 6. 1958
Czechoslovakia	12. 6. 1950	Sweden	11. 7. 1936
Dominican Republic	12. 8. 1957	Switzerland	23. 5. 1940
Ecuador	6. 7. 1954	Syrian Arab Republic	26. 7. 1960
Finland	3. 3. 1938	Tanganyika ²	30. 1. 1962
France	25. 1. 1938	Tunisia	15. 5. 1957
Gabon	13. 6. 1961	Turkey	21. 4. 1938
Federal Republic of Germany	15. 11. 1954	Ukraine	4. 8. 1961
Ghana ²	20. 5. 1957	U.S.S.R.	4. 5. 1961
Greece	30. 5. 1936	United Arab Republic	11. 7. 1947
Guatemala	7. 3. 1960	United Kingdom	18. 7. 1936
Haiti	5. 4. 1960	Uruguay	18. 3. 1954
Honduras	20. 6. 1960	Venezuela	20. 11. 1944
Hungary	19. 12. 1938	Viet-Nam	6. 6. 1953
India	25. 3. 1938	Yugoslavia	21. 5. 1952
Indonesia ³	20. 2. 1937		
Ireland	20. 8. 1936		
Italy	22. 10. 1952		
Ivory Coast	5. 5. 1961		
Japan	11. 6. 1956		
Luxembourg	3. 3. 1958		
Malaya ⁴	11. 11. 1957		

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.

AUSTRIA

In reply to a direct request made by the Committee of Experts in 1960 the Government states in its report that the Austrian legislation does not provide for any exemption from the prohibition of employment of females in underground work in mines.

CEYLON

In reply to a direct request by the Committee of Experts the Government states that no regulations providing for exemptions have been framed under the Employment of Females in Mines Ordinance, and that no such exemptions have been authorised.

CHILE

In reply to a direct request by the Committee of Experts the Government states that in Chile there are no laws or regulations providing for the exemptions mentioned in Article 3 of the Convention. In practice, however, the employment of women in

underground work in mines is authorised if the women concerned go underground from time to time for purposes of vocational training. There are very few women in such a position.

CHINA

In its reply to an observation made by the Committee of Experts in 1960 the Government confirms that the Mines Act, 1950, refers only to mines which employ simultaneously 50 or more workers and that section 187 of the Regulations for the Security of Mines provides that women may, with special permission, undertake light work connected with transport in mines.

This legislation has not yet been repealed. However, the Government envisages submitting to the legislative body at an early date a draft labour code which would apply to undertakings involved in the extraction of mineral resources and would provide that women workers shall not undertake work in pits.

Moreover, the Government recalls certain measures which the Ministry of the Interior has continued to take with a view to reducing the number of women employed in mines.

CYPRUS

The *Employment of Women (in Mines) Law (Cyprus Statute Laws, Cap. 181 (former Cap. 214), Revised Edition, 1959)*.

The above-mentioned law reproduces Law No. 38 of 1936.

FINLAND

In reply to a direct request by the Committee of Experts the Government states that according to the annual general report on the work of inspection services, the number of women employed in workplaces where mining is performed was 110 in 1959.

FEDERAL REPUBLIC OF GERMANY

In reply to the request made by the Committee of Experts the Government indicates that in all probability the Federal Diet will revise the Act of 30 April 1938 during the fourth legislative period and will take this opportunity to amend section 28 of the Act, which grants a wider range of exemptions than does Article 3 of the Convention. It states that in practice no exemption from the prohibition to employ women on underground work in mines of all kinds has been granted by the responsible services.

GREECE

In reply to a direct request by the Committee of Experts the Government submits the following information concerning the application of Article 3 of the Convention.

According to section 50 of the Mining Code, the employment of women in underground work in mines and quarries is generally prohibited. Section 28 of the Mining Regulations also prohibits the employment and work of women underground. The competent Ministry intends to issue legislation concerning possible exceptions as provided in Article 3 of the Convention.

HAITI (First Report)

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Article 2 of the Convention. Under section 394 of the Labour Code no person of the female sex, whatever her age, may be employed on underground work in any mine.

The reports of the Labour Inspectorate and the manpower statistics compiled by the Department of Labour and Social Welfare demonstrate that in effect no woman is employed in underground work in any mine.

HUNGARY

In reply to observations made by the Committee of Experts and the Conference Committee, the Government declares that in the event that the new Labour Code is not promulgated shortly it will undertake to issue a legislative enactment prescribing that the Convention be applied in full.

INDIA

In reply to a direct request by the Committee of Experts, the Government states that under the Ministry of Labour and Employment Notification No. GSR 975 dated 11 August 1960 women employed in health and welfare services and those who in the course of their studies have occasionally to enter the underground workings for purposes other than manual work, continue to be exempted from the provisions of section 46 of the Mines Act, 1952. However, no such exemptions have actually been granted so far.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Underground Work (Women) Convention (No. 45), adopted by the International Labour Conference at its 19th Session, 21 June 1935 (*Mémorial*, 1958, pp. 164-166).

Article 3 of the Convention. No exemption from the prohibition under Article 2 of the Convention has been granted by the national legislation.

The application of the Act mentioned above is the responsibility of the Labour and Mines Inspectorate. The organisation and operation of this service and the methods by which it exercises supervision are defined in the Grand-Ducal Order of 26 March 1945 respecting the reorganisation of the labour inspectorate and mine administration.

NEW ZEALAND

The Government of New Zealand, in its reply to a direct request made by the Committee of Experts, points out that as regards coal mining, metalliferous mining and quarries, women are employed only as clerical workers and a few as office cleaners, the total number of women employed in these sectors of industry in April 1961 being only 83.

PAKISTAN

In its reply to a direct request made by the Committee of Experts the Government states that although exemption from the prohibition of employment in underground work in mines had been awarded to females engaged in health and welfare services, in practice no women of this category were employed underground.

SIERRA LEONE

The Employers and Employed Ordinance (*The Laws of Sierra Leone*, 1960 Edition, Vol. IV, Cap. 212, section 47 (1) and (2)).

SPAIN

In reply to a direct request addressed to it by the Committee of Experts in 1961 the Government states that the prohibitions stipulated by sections 1 and 2 of the Decree of 26 July 1957 apply to mines of all kinds. Heading III of the first schedule mentions, as occupations prohibited to women, excavation and a list of activities which constitute, in practice, the totality of work performed in mines and quarries. In addition, section 2 of the decree stipulates that these prohibitions apply equally to other industries where similar work is performed.

Exceptions provided under sections 3 and 4 of the decree have not been authorised; the intention of the second part of section 4 is to provide flexibility in the event that technological progress should change the nature of work in such a manner that current prohibitions could be reconsidered.

SWITZERLAND

In reply to the direct request made by the Committee of Experts the Government states that no exemption has been authorised under Article 3 of the Convention.

TURKEY

In its reply to a direct request made by the Committee of Experts the Government states that under section 49 of the Labour Law no girls or women, irrespective of age, may be employed on underground work. Since the law applies to wage earners engaged in manual or partly manual work, the categories of females mentioned in Article 3 of the Convention are automatically exempted from the coverage of Article 2 of the Convention. However, the employment of women as mentioned in Article 3 is not practised in Turkey.

UKRAINE (First Report)

Order No. 839 of the Council of Ministers of the U.S.S.R., dated 13 July 1957 (*Sobranie Postanovlenii Pravitelstva S.S.S.R.*, 1957, No. 8, text 81).

Order No. 245 of the Council of Ministers of the Ukrainian S.S.R., dated 14 July 1958.

Order No. 1208 of the Council of Ministers of the Ukrainian S.S.R., dated 30 August 1959.

Article 2 of the Convention. The above-mentioned orders prohibit the employment of women in underground work in the mining industry and in underground construction work.

Article 3. These orders exempt from prohibition—(a) women holding positions of management who do not perform manual work; (b) women employed in health and welfare services; (c) women who, in the course of their studies, spend a period of training in the underground parts of a mine; (d) women who may occasionally have to enter the underground parts of a mine in the exercise of a non-manual occupation.

* * *

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

Argentina, Cyprus, India, Poland, Tunisia, Ukraine.

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

Afghanistan, Belgium, Brazil, Czechoslovakia, Ecuador, France, Ghana, Ireland, Italy, Japan, Malaya, Mexico, Morocco, Netherlands, Nigeria, Portugal, Republic of South Africa, Sweden, Tanganyika, United Arab Republic, United Kingdom, Venezuela, Viet-Nam, Yugoslavia.

47. Forty-Hour Week Convention, 1935

This Convention came into force on 23 June 1957

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	21. 8. 1956	Ukraine	10. 8. 1956
New Zealand	29. 3. 1938	U.S.S.R.	23. 6. 1956

UKRAINE

During the period under consideration the Government took a series of decisions with a view to reducing the hours of work of wage earners and salaried employees, as part of a prearranged plan. In this way hours of work have been reduced by means of orders to seven per day or less in undertakings in the petroleum and gas industries, in fisheries, in the cinematographic and film distribution industry, in the mining industry in respect of underground workers and in other branches of economic activity.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Countries	Ratification registered on	Countries	Ratification registered on
Czechoslovakia	12. 6. 1950	Poland	21. 3. 1938
Hungary	10. 8. 1937	Spain	8. 7. 1937
Italy	22. 10. 1952	Yugoslavia	4. 1. 1946
Netherlands	6. 10. 1938		

CZECHOSLOVAKIA

The following agreements concluded by Czechoslovakia came into effect in the course of the period under review: the Agreement in respect of Collaboration in the Field of Social Policy, with Hungary; the Social Security Agreement, with Switzerland; the Social Security Agreement, with the U.S.S.R.

The Government states in its report that not all contracting parties have met their obligations under the Convention, in so far as they are late in supplying the Czechoslovak competent authorities with data necessary for the application of the Convention.

HUNGARY

In reply to the observation made by the Committee of Experts, the Hungarian Government thanks the Committee for supplying information on the application by other ratifying States of provisions to safeguard migrants' pension rights. The Government states its intention of obtaining information on the provisions that are applied and are deemed fair and effective by the Committee. The Government will not fail to reconsider the matter; it will carry out extensive studies with a view to determining what measures are still required and can be taken in addition to the promulgation and entry into force (which have already taken place) of the Convention as part of Hungarian law, without having concluded bilateral agreements.

NETHERLANDS

General Old-Age Insurance Act, 31 May 1956.

General Widows' and Orphans' Insurance Act, 9 April 1959.

In reply to a direct request of the Committee of Experts the Government states that the General Old-Age Insurance Act of 31 May 1956 and the General Widows' and Orphans' Insurance Act of 9 April 1959 provide complete conformity and compliance with the provisions of the Convention.

Article 18 of the Convention. Benefits are confined to nationals of the Netherlands only in cases where their granting is not dependent on certain contribution periods.

* * *

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

Czechoslovakia, Italy, Netherlands, Poland.

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

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Israel	22. 8. 1951
Argentina	14. 3. 1950	Italy	22. 10. 1952
Brazil	22. 9. 1938	Ivory Coast	5. 5. 1961
Bulgaria	29. 12. 1949	Kuwait	21. 9. 1961
Burma	21. 5. 1954	Mexico	9. 3. 1938
Byelorussia	6. 11. 1956	Morocco	20. 9. 1956
Chad	8. 6. 1961	New Zealand	10. 11. 1950
Cuba	20. 7. 1953	Panama	3. 6. 1958
Czechoslovakia	12. 6. 1950	Peru	1. 2. 1960
Denmark	22. 6. 1939	Syrian Arab Republic	26. 7. 1960
Dominican Republic	5. 12. 1956	Tunisia	15. 5. 1957
Finland	23. 8. 1949	Ukraine	14. 9. 1956
France	23. 8. 1939	U.S.S.R.	10. 8. 1956
Gabon	13. 6. 1961	United Arab Republic	3. 7. 1954
Greece	13. 6. 1952	Uruguay	18. 3. 1954
Hungary	8. 6. 1956	Viet-Nam	6. 6. 1953
Iraq	12. 5. 1960	Yugoslavia	26. 3. 1953

ALBANIA (First Report)

Constitution.

Labour Code of 3 April 1956 (*Gazeta Zyrtare*, 20 Apr. 1956, No. 4, p. 72) (*L.S.* 1956—Alb. 2).

Penal Code.

Decision of the Council of Ministers, No. 224, 16 June 1956.

Article 1 of the Convention. Under article 25 of the Constitution of the People's Republic of Albania the State guarantees citizens the right to rest by granting them annual paid holidays.

Article 2. Under article 79 of the Labour Code the wage earner or salaried employee has the right after 11 months of continuous employment to annual paid leave of 12 working days. The period of such leave is 24 working days per year for workers of under 16 years of age.

Public holidays and periods of sickness are not counted as leave.

Article 3. The wage earner or salaried employee receives for the whole period of his leave the average wage paid to him before commencement of the leave, calculated in accordance with sections 147 and 148 of the Labour Code.

Article 4. The wage earner or salaried employee may not be deprived of his leave. If he has been unable to take leave as he wishes, a situation which occurs very rarely in practice, he is entitled to compensation in cash or an extension of his leave the following year. The leave of young workers may not be compensated in cash.

Article 5. The worker may not be deprived of the wages due for the period of his leave if during this period he undertakes other paid work.

Article 6. Should the wage earner or salaried employee be dismissed before he has taken his leave he is entitled to compensation in cash.

Article 7. Under section 8 of the Labour Code the worker is supplied with a booklet in which the period of his annual paid leave is recorded.

Article 8. Any contravention of the provisions of the existing legislation is punishable by fines as specified under section 194 of the Penal Code.

FINLAND

In reply to a direct request by the Committee of Experts, the Government states that a worker whose housing is part of his remuneration continues to receive his full wages even if he gives up such housing during his leave.

GREECE

In regard to payment of the cash equivalent of wages in kind (Article 3 of the Convention), on which Greek law is not in accordance with the Convention, and regarding which a direct request was made to the Government by the Committee of Experts in 1960, the Government states that this will be taken into account in an impending revision of the law on paid annual leave, so as to adjust section 3, paragraph 3, of Act No. 539 of 1945 to the provisions of the Convention.

ITALY

The Government's reply to the observation made by the Committee of Experts will be found in the *Report of the Committee* (1960), p. 619.

MEXICO

In reply to a direct request by the Committee of Experts in 1961, the Government states that, in accordance with sections 85 and 86 of the Federal Labour Act, and with decisions by the High Court of Justice, holiday pay must include any remuneration in kind normally paid to the worker.

MOROCCO

Dahirs of 26 December 1959, 6 March 1961 and 24 October 1961 to amend the Dahir of 9 January 1946 respecting annual leave with pay (*Bulletin officiel*, 8 Jan. 1960 and 24 Mar. 1961).

Following the amendments made to the Dahir of 9 January 1946, the amount of leave granted annually is as follows: (1) ten days after six months' continuous service; (2) 21 days after 12 months' continuous service.

For young workers and apprentices the amount of leave is—(1) 15 days after six months' continuous service; (2) 30 days after 12 months' continuous service.

The amount of leave as established above is increased by one-and-a-half working days for every five years of service with the same employer.

Under the Dahir of 26 December 1959 any agreement by which leave was relinquished was rendered henceforth null and void.

TUNISIA

Article 2 of the Convention. The Government states, in reply to a request made by the Committee of Experts in 1960, that paid annual holidays must comprise 15 days, including 12 working days, in accordance with section 2 of the Decree of 25 July 1946.

Sickness leave is assimilated to a period of actual work.

* * *

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

Burma, Greece, Hungary, Tunisia, U.S.S.R., Yugoslavia.

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

Argentina, Brazil, Czechoslovakia, Denmark, Dominican Republic, France, Israel, New Zealand, Ukraine, United Arab Republic, Viet-Nam.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Mexico	1. 9. 1939
Belgium	11. 4. 1938	New Zealand	29. 3. 1938
Brazil	12. 10. 1938	Norway	7. 7. 1937
Bulgaria	29. 12. 1949	Philippines	17. 11. 1960
Denmark	13. 7. 1938	Syrian Arab Republic	26. 7. 1960
Finland	8. 4. 1947	United Arab Republic	20. 5. 1939
France	19. 6. 1947	United States	29. 10. 1938
Italy	22. 10. 1952	Yugoslavia	26. 5. 1961
Liberia	9. 5. 1960		

BELGIUM

Royal Decree of 8 September 1960 establishing the certificates of third engineer for steamships and third engineer for motor vessels.

The above-mentioned decree establishes two new certificates for engineer officers in charge of the watch. The decree contains the syllabus of the examinations for the two certificates.

NORWAY

Act of 2 June 1960 respecting engineers.

The above-mentioned Act has superseded the Act of 14 December 1917 respecting engineers in steam vessels and the Act of 9 February 1923 respecting engineers in motor vessels.

The main changes introduced by the new Act concern the names of engineers' certificates; the authority to issue royal decrees respecting special qualifications required of engineers in connection with the introduction of new methods of propulsion; and the professional experience required to pass the examinations. Other minor changes have been introduced. Instructions have been issued by the Ministry of Commerce and Shipping to implement certain sections of the Act. A pamphlet has also been published to provide information concerning the training of officers for service at sea.

* * *

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

Finland, Italy, New Zealand, United States.

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

Argentina, Brazil, Denmark, France, Liberia, Mexico, United Arab Republic.

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	11. 4. 1938	Liberia	9. 5. 1960
Bulgaria	29. 12. 1949	Mexico	15. 9. 1939
France	19. 6. 1947	Morocco	14. 3. 1958
Italy	22. 10. 1952	United States	20. 10. 1938

ITALY

In reply to the request made by the Committee of Experts, the Government states that the Ministry of Justice has ruled that there is no need to alter national legislation to bring it into line with Articles 6 and 11 of the Convention, since as these are mandatory in character, the national measures in contradiction with them have been tacitly repealed owing to the Convention having the force of law in virtue of its ratification.

* * *

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

Belgium, France.

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

Liberia, Mexico, United States.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	3. 8. 1949	Federal Republic of Germany . .	12. 12. 1956
Bulgaria	29. 12. 1949	United Kingdom	30. 9. 1944
France	9. 12. 1948	Yugoslavia	13. 10. 1958

BELGIUM

Ministerial Order of 10 April 1958 (*Moniteur belge*, 10 Apr. 1958).

In reply to a direct request by the Committee of Experts in 1959, the Government states that an insured person held in a prison, an approved institution or a workhouse is not entitled to primary incapacity benefits but may obtain benefits in kind for himself and his dependants if he contributes to the continuous insurance scheme in accordance with section 8, paragraph 5, of the above-mentioned ministerial order.

UNITED KINGDOM

National Insurance Act, 1960.

National Insurance Act (Northern Ireland), 1960.

National Insurance (Mariners) Amendment Regulations, 1960 (*S.I.*, 1960, No. 2431).

National Insurance (Mariners) Amendment Regulations (Northern Ireland), 1961 (*S.R. & O.*, 1961, No. 76).

Family Allowances and National Insurance Act, 1959.

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

Family Allowances (Determination of Claims and Questions) Regulations, 1959 (*S.I.*, 1959, No. 1157).

Family Allowances (Determination of Claims and Questions) Regulations (Northern Ireland), 1959 (*S.R. & O.*, 1959, No. 139).

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

France, Federal Republic of Germany.

58. Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Liberia	9. 5. 1960
Argentina	17. 2. 1955	Mexico	18. 7. 1952
Belgium	11. 4. 1938	Netherlands	8. 7. 1947
Brazil	12. 10. 1938	New Zealand	7. 6. 1946
Bulgaria	29. 12. 1949	Nigeria	16. 6. 1961
Byelorussia	6. 11. 1956	Norway	7. 7. 1937
Canada	10. 9. 1951	Sierra Leone ¹	13. 6. 1961
Ceylon	18. 5. 1959	Sweden	6. 1. 1939
Cuba	20. 7. 1953	Switzerland	21. 4. 1960
Denmark	4. 6. 1955	Turkey	29. 9. 1959
France	9. 12. 1948	Ukraine	14. 9. 1956
Ghana ¹	20. 5. 1957	U.S.S.R.	10. 8. 1956
Guatemala	30. 10. 1961	United States	29. 10. 1938
Iceland	21. 8. 1956	Uruguay	18. 3. 1954
Iraq	30. 12. 1939	Yugoslavia	5. 5. 1958
Italy	22. 10. 1952		
Japan	22. 8. 1955		

¹ See footnote 4 to Convention No. 15.

ALBANIA (First Report)

Labour Code of 3 April 1956 (*Gazeta Zyrtare*, No. 4, 20 Apr. 1956, p. 72) (*L.S.* 1956—Alb. 2), sections 159 and 160.

Penal Code, section 194.

Decision of the Council of Ministers, No. 537, dated 9 August 1952, prescribing the types of jobs to which persons under 18 years of age cannot be admitted (*Gazeta Zyrtare*, No. 14-15, 15 Sep. 1952, p. 489).

Ordinance of the Council of Ministers No. 14 dated 6 October 1958.

Section 160 of the Labour Code determines that the minimum age at which persons are allowed to take up particularly arduous or unhealthy work is 18. Decision of the Council of Ministers No. 537 dated 9 August 1952 includes maritime work in the definition of arduous work.

In accordance with Ordinance of the Council of Ministers No. 14 dated 6 October 1958, the managements of undertakings must issue their wage-earning and salaried employees with work books stating, *inter alia*, their date of birth.

Application of these provisions is supervised by the agencies of the Public Prosecutor's Office, the State Contract Commission and the trade unions.

Any contravention of the provisions of the existing laws is punishable by the penalties provided for under section 194 of the Penal Code.

BELGIUM

Act of 15 June 1961 amending the Act of 5 June 1928 concerning shipping articles (*Moniteur belge*, 29 July 1961).

Section 1 of the above-mentioned Act amends section 19, paragraph 1, of the former Act, making the minimum age for employment at sea 15 years.

CEYLON (First Report)

Employment of Women, Young Persons and Children Act, No. 47, 1956.
Employment of Young Persons at Sea Regulations, 1957.

Article 1 of the Convention. The definition of "vessel" contained in section 34 (1) of the above Act corresponds to that of the Convention.

Articles 2 and 3. According to section 9 of the Act, persons under the age of 15 years must not be employed on board ship, except on vessels on which only members of the same family are employed and on school-ships or training-ships supervised by public authority.

The Employment of Young Persons at Sea Regulations, 1957, apply paragraph 2 of Article 2.

Article 4. Section 10 (1) of the Act applies this Article.

NIGERIA (First Report)

Labour Code (*Revised Laws of Nigeria*, 1958 Edition, Cap. 91).

Article 1 of the Convention. Section 169 of the Labour Code defines the term "vessel" to include all ships and boats engaged in maritime navigation.

Article 2. According to section 170 of the Labour Code, young persons under the age of 15 years may not be employed or work on board ship, except on board school-ships or training-ships supervised by public authority, and ships where only members of the same family are employed.

TURKEY (First Report)

Regulations No. 4/3435 of 27 April 1954 on the number and qualifications of seamen, amended by Regulations No. 4/9360 of 28 August 1957 and No. 5/1299 of 5 June 1961.

Article 1 of the Convention. The legislation on minimum age applies to all merchant ships.

Article 2. According to section 11, paragraph 1, of the Regulations, the minimum age for employment on board is 16 years. Nevertheless, young people who have passed their primary school examination may be employed from the age of 15.

Article 3. This optional provision is not applicable to Turkey.

Article 4. If the crew of the vessel should include young people of between 15 and 16 years of age, the master will see that they are shown on the ship's register, together with their date of birth. The date of birth is also to be shown in the identity booklet which is issued to seamen, who always carry it with them while employed on board.

Application of the legislation referred to is the responsibility of the Ministry of Communications, acting through the port commandants.

* * *

The report from *Liberia* reproduces the information previously supplied.

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

This Convention came into force on 21 February 1941

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	New Zealand	8. 7. 1947
Bulgaria	22. 7. 1960	Norway	26. 8. 1938
Byelorussia	6. 11. 1956	Pakistan	26. 5. 1955
China	21. 2. 1940	Philippines	17. 11. 1960
Cuba	7. 9. 1954	Sierra Leone	15. 6. 1961
Ghana ¹	20. 5. 1957	Tanganyika ¹	30. 1. 1962
Iraq	5. 7. 1960	Ukraine	14. 9. 1956
Italy	22. 10. 1952	U.S.S.R.	10. 8. 1956
Luxembourg	3. 3. 1958	Uruguay	18. 3. 1954
Nigeria	16. 6. 1961		

¹ See footnote 4 to Convention No. 15.

ALBANIA (First Report)

Labour Code of 3 April 1956 (*Gazeta Zyrtare (G.Z.)*, 20 Apr. 1956, No. 4, p. 72) (*L.S.* 1956—Alb. 2). Decision of the Council of Ministers, No. 537, dated 9 August 1952, prescribing the types of jobs to which persons under 18 years of age cannot be admitted (*G.Z.*, 15 Sep. 1952, No. 14-15, p. 489). Decree No. 2466 of 27 May 1957 (*G.Z.*, No. 7, 20 June 1957).

The legislation in force in Albania guarantees protection for children and young persons in industrial employment. Under section 159 of the Labour Code, wage and salary earners under 18 years of age cannot be admitted to employment unless they have been given a medical examination; they shall subsequently be given such examinations periodically, at least once a year. Section 160 of the Code prohibits the employment of young persons below 18 years of age in underground work as well as work which is particularly arduous or unhealthy, as may be prescribed in regulations issued by the Government. Thus the Decision of the Council of Ministers No. 537 of 9 August 1952 prescribes the arduous and unhealthy jobs in which young persons under 18 years of age cannot be employed.

Generally, young persons employed in industrial work not dealt with by section 160 of the Labour Code have attained 15 years of age. Nevertheless, as an exception, the employment of young persons aged 14 to 15 years as student apprentices on light industrial jobs has been permitted, in certain cases, to enable them to learn a trade. Measures are now being considered with a view to eliminating all such exceptions in the near future.

In compliance with section 8 of the Labour Code the date of birth is, among other items, entered in the work book to be provided for all wage and salary earners by the management of the undertaking within five days of their engagement.

The supervision of the application of the above-mentioned provisions is carried out by the Public Prosecutor's Office, the State Council of Inspection and the trade unions, the latter of which exercise their supervision through the labour inspectors.

ITALY

The Bill concerning the minimum age for admission of children to industrial employment was approved by the Council of Ministers in March and by the Senate in July, and has been submitted by the Chamber of Deputies to the Thirteenth Committee for examination. It reproduces in detail the provisions of Conventions Nos. 59 and 60 and imposes sanctions.

LUXEMBOURG

Grand-Ducal Order of 30 March 1932, as amended by the Grand-Ducal Order of 6 January 1933.

Following the direct request by the Committee of Experts in 1961, the Government has amended the Bill on the protection of children and young workers which is shortly to be submitted to the legislative chambers.

Section 1 of the Grand-Ducal Order of 30 March 1932, as amended by the 1933 Order, defines industrial, commercial and agricultural undertakings.

The Bill provides for an exception to be made in the case of work done by children at technical and vocational schools, on condition that it is not harmful or dangerous to the child, that it is essentially educational in character and that it is approved supervised by the competent public authority. The Bill requires every employer to keep a register of the adolescents he has in his employ. It also includes a list of establishments and types of work to be prohibited to young workers under 18 years of age, which may be added to, amended and made applicable by ministerial order in whole or in part to persons between the ages of 18 and 21.

NIGERIA (First Report)

Labour Code (*Revised Laws of Nigeria*, 1958 Edition, Cap. 91).

The Labour Code defines industrial undertakings to include all those enumerated in Article 1, paragraph 1, of the Convention and also sea transport undertakings (section 142 of the Code). Specifically excluded are undertakings in which only members of the same family are employed. The provisions of the Code are in terms very similar to the following provisions of the Convention: Article 2, paragraph 1, Article 3 (section 159 of the Code) and Article 4 (section 174). Section 177 (*c*) empowers the Minister of Labour to make regulations for further restricting the employment of young persons in specified occupations in accordance with Article 5, paragraph 1 (*b*), of the Convention.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	New Zealand ¹	8. 7. 1947
Byelorussia	6. 11. 1956	Ukraine	14. 9. 1956
Cuba	7. 9. 1954	U.S.S.R.	10. 8. 1956
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Luxembourg	3. 3. 1958		

¹ Has denounced this Convention.

CUBA

Decision No. 143, dated 22 May 1959.

The above-mentioned decision sets at 14 years the minimum age for night work by minors employed as page-boys or in a similar capacity in restaurants, clubs, hotels, cabarets, casinos and other similar establishments.

ITALY

The Bill drafted to give full effect to the Convention and adopted in March 1961 by the Council of Ministers was approved in July by the Senate and submitted for examination by the Thirteenth Committee of the Chamber of Deputies.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Minimum Age (Non-Industrial Employment) Convention (Revised) (No. 60) (*Mémorial*, 1958, p. 171).

Article 1 of the Convention. No regulations have yet been adopted in order to define the scope of the Convention. However, section 5 of the Bill concerning protection of children and young workers provides for an exception in the case of domestic work in families by children belonging to the family.

Article 3. The Bill does not provide for any possibility of exceptions as established by this Article of the Convention.

Article 4. In accordance with section 6 of the above-mentioned Bill, it is prohibited for children under the age of 18 to appear in public entertainments unless it is in the interest of art, science or education. Individual authorisation may be issued, subject to the consent of the father or the guardian, by the Minister of National Education acting on the advice of the labour inspectorate. No authorisation is issued for variety shows or cabarets. Children allowed to appear in public entertainments may not work after 11 p.m.

Articles 5 and 6. The above-mentioned Bill provides for higher age limits in the cases stated in these Articles of the Convention.

Article 7. The Bill makes it compulsory for any person employing one or more young persons to keep a register. At the same time the labour inspectorate is made responsible for supervision of legal requirements, with the possibility of penalties for failure to comply with regulations.

See also under Convention No. 59.

NEW ZEALAND

The Director-General of the International Labour Office was informed by a letter dated 30 June 1961 of the denunciation of the Convention by the Government in accordance with Article 13.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	3. 10. 1951	Netherlands	2. 5. 1950
Bulgaria	29. 12. 1949	Poland	17. 4. 1950
Congo (Leopoldville) ¹	20. 9. 1960	Spain	24. 6. 1958
Finland	8. 4. 1947	Switzerland	23. 5. 1940
France	16. 12. 1950	Tunisia	12. 1. 1959
Federal Republic of Germany	14. 6. 1955	Uruguay	18. 3. 1954
Hungary	8. 6. 1956		
Mexico	4. 7. 1941		

¹ See footnote 6 to Convention No. 4.

CONGO (LEOPOLDVILLE)

Ordinance No. 22/275 of 16 August 1955 making applicable to civil engineering work, in so far as the conditions of work call for it, the safety measures applicable to the building industry.
Ordinance No. 23/342 of 28 June 1959 laying down regulations in respect of the installation and operation of hoisting machines.

The report states that the laws and regulations ensuring the application of the Convention remain in force in the Republic of the Congo.

FRANCE

Order of 24 January 1961 concerning safety measures with regard to the design, erection, use and dismantling of scaffolds, platforms and gangways on building and public works sites (*Journal officiel*, 31 Jan. 1961 and 11 Mar. 1961).

In reply to an observation made by the Committee of Experts in 1961, the Government supplies the following information concerning the application of Article 13, paragraph 2, of the Convention.

Section 72 of Book II of the Labour Code refers to special regulations that are to define the work that is dangerous for women and young persons. Section 7 of the Decree of 19 July 1958, which applies the above-mentioned section, provides as follows: "It shall also be prohibited to employ [on building and public works sites] young persons below 18 years of age . . . on the erection or dismantling of hoisting appliances or to allow them to operate such appliances, other than elevators in a closed shaft. Young persons shall not be given the task of signalling to the operator of such appliances or of tying down, hooking up or receiving hoisted loads."

See also *Report of the Committee* (1961), p. 749.

MEXICO

In reply to the observation made by the Committee of Experts in 1961 the Government states that governors have been asked to embody the provisions of the Convention in the legislation of the states.

TUNISIA (First Report)

Decree respecting hygiene and safety and the employment of women and children in commercial, industrial and professional establishments, dated 6 April 1950 (18 Jumada II 1369) (*L.S.* 1950—Tun. 1), as amended by Legislative Decree No. 60-10 of 14 March 1960, in particular sections 7, 12 and 30 thereof (*Journal officiel*, No. 13, 11-15 Mar. 1960, p. 325).

Fourth Decree of 4 August 1936 (16 Jumada I 1355) laying down measures for health and safety at workplaces belonging to the building industry and public works (*ibid.*, 7 Aug. 1936, p. 871). Order of 26 November 1936, particularly section 1 thereof (*ibid.*, 1 Dec. 1936, p. 1259).

Section 48 of the Constitution of 1 June 1959 stipulates that “ diplomatic treaties shall have the force of law once they have been approved by the National Assembly. Treaties duly ratified shall rank above the law, even if they are in contradiction with it. ” The provisions of the Convention form part of Tunisian legislation by the mere fact of its ratification.

Article 1 of the Convention. Under section 7 of the Decree of 6 April 1950, as amended by the Legislative Decree of 14 March 1960, orders for implementation may be issued, after consultation with the trade unions concerned, to prescribe, as and when the need arises, special provisions relating to certain occupations or to certain modes of work. In virtue of this the draft of an order reproducing the provisions of the model code annexed to the Safety Provisions (Building) Recommendation, 1937 (No. 53), will be published shortly.

Article 2. The legislation applies to all work done on the site in connection with the construction, repair, etc., of all types of buildings, and no exemptions are provided for.

Article 3. The provisions must be posted up on fixed sites where more than 50 workers are employed and at the place where they are paid. The industrial heads, managers or their deputies are required to take the special health and safety measures prescribed by the legislation.

Article 4. The labour inspectorate is responsible for the enforcement of the legislation relating to safety precautions in the building industry.

Article 5. The legislation applies throughout the territory of the Republic.

Article 6. Statistics on accidents in the building industry are annexed to the report in respect of Convention No. 17.

Article 7. The regulations in force contain no provisions in respect of the construction of scaffolding by competent workers. A new text has therefore been proposed. Steps should be taken, however, to ensure that centring or stanchions are not removed or any similar operation performed except on the express order of the site foreman and under his personal supervision.

Article 8. There is no prescribed height limit for working platforms, gangways and stairways. There are, however, provisions to ensure the safety of workers: handrails, guard-rails with baseboards, a minimum width of 60 centimetres for landings and gangways, and the removal of old plaster and débris.

Article 9. Special precautions must be taken in the case of work on roofs or timber-work. There is no prescribed height limit. Temporary erections should be reinforced and precautions should be taken when bringing down material.

Article 10. There is no provision in present regulations for special precautions in respect of electrical equipment.

Articles 11 to 13. There is at present nothing in the legislation which corresponds to the provisions of these Articles of the Convention.

Article 14. Every hoisting machine must be equipped with a brake. No chain, metal cable or rope may work with a load greater than one-sixth of the load required to break it.

Article 15. Measures should be taken to prevent the fall of objects being moved by hoisting appliances and to permit the latter to be immediately brought to a standstill.

Articles 16 to 18. The only safety equipment provided for under present regulations is protective glasses.

The Secretary of State for Health and Social Affairs and the Secretary of State for Public Works and Housing are responsible, each in so far as he is concerned, for the application of the laws and regulations mentioned above.

* * *

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

Belgium, Congo (Leopoldville), France, Tunisia.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Countries	Ratification registered on	Countries	Ratification registered on
Australia ¹	5. 9. 1939	Mexico	16. 7. 1942
Austria ^{1 2}	26. 11. 1958	Netherlands	9. 3. 1940
Burma ^{2 3}	24. 11. 1961	New Zealand ¹	18. 1. 1940
Canada	6. 4. 1946	Norway ³	29. 3. 1940
Ceylon ²	25. 8. 1952	Republic of South Africa ^{1 2}	8. 8. 1939
Chile ³	10. 5. 1957	Sweden ³	21. 6. 1939
Cuba	7. 9. 1954	Switzerland ^{2 3}	23. 5. 1940
Czechoslovakia	12. 6. 1950	Syrian Arab Republic ^{2 3}	26. 7. 1960
Denmark ³	22. 6. 1939	United Arab Republic ^{2 3}	5. 10. 1940
Finland ³	8. 4. 1947	United Kingdom	26. 5. 1947
France	28. 6. 1951	Uruguay	18. 3. 1954
Federal Republic of Germany	22. 6. 1954		
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

AUSTRALIA

Final results of a survey of wage rates and earnings of adult males in September 1960 will be published in the near future. A similar survey designed to show earnings of adult males in a number of industry groups is being planned for October 1961. Statistics of actual hours worked will be available from a labour force survey which is at present at the advanced planning stage.

AUSTRIA

The Austrian Central Statistical Office has now for the first time included in its report separate time rates (and hours of work) for workers under 18 years of age and compensation rates for workers serving an apprenticeship.

It was not possible to examine the question of preparing index numbers during the reporting period. The Statistical Office will have further data at its disposal when the 1961 census results are evaluated.

CZECHOSLOVAKIA

Law No. 99 of 19 September 1961.

Pursuant to the above-mentioned law, relating to state control, statistics and the other branches of economic survey, the Central Bureau of State Control and Statistics was established to supersede the former National Statistical Office. The tasks of this office are, *inter alia*, to organise the collection of statistical data on a nation-wide scale.

FRANCE

The possibility of compiling half-yearly statistics of average hourly earnings of workers is at present under consideration.

FEDERAL REPUBLIC OF GERMANY

In addition to the index of hourly wage rates, the Federal Statistical Office has compiled an index of weekly normal hours of work. For this index the same methods

have been used as for the index of hourly wage rates. By combining the two indices it has also been possible to calculate an index of weekly wage rates.

MEXICO

In reply to the observations of the Committee of Experts the Government states that plans have been prepared for the compilation of precise statistical information on average earnings.

NETHERLANDS

Ordinance concerning the statistics of earnings (*Nederlandse Staatscourant*, 5 July 1961).

REPUBLIC OF SOUTH AFRICA

A start has been made in regard to the publishing of statistics of average hourly earnings and average hours worked for selected occupations in manufacturing industries and building and construction during the reporting period. The data refer to 1959 and some previous years.

To date three special reports have been published and forwarded to the International Labour Office concerning wage rates, earnings and average hours worked in building, engineering, and the printing and newspaper industry. The data are obtained from the annual sample survey which covers 60 per cent. of the total employees in each industry.

The average earnings include all cash payments and bonuses. On the other hand, payments in kind, irrespective of their absolute or relative importance in the separate industries, are generally excluded, the employers' contributions to holiday and medical funds being included.

SWEDEN

With regard to observations made by the Committee of Experts concerning the lack of statistics of hours worked in building and construction, the Government points out that a preliminary draft plan has been prepared and communicated to the Association of General Contractors and House Builders. The result of an examination of this plan by the members of the Association is to be published in October 1961.

UNITED ARAB REPUBLIC

Decree No. 101, 1959.

The above-mentioned decree, issued by the Central Statistical Committee, provides for the compilation of a new kind of statistics on actual wages and actual hours of work by occupations in all economic activities except agriculture, every three years, starting from July 1959.

* * *

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

Canada, Ceylon, Denmark, Finland, Switzerland.

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

Chile, Ireland, New Zealand, Norway, United Kingdom.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Belgium ¹	26. 7. 1948	United Kingdom ¹	24. 8. 1943
Congo (Leopoldville) 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		
Sierra Leone ³	13. 6. 1961		
Somalia ⁵ (ex-British Somaliland)	18. 11. 1960		
Tanganyika ³	30. 1. 1962		

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.

CONGO (LEOPOLDVILLE)

Legislative Decree of 1 February 1961 concerning the contract for hire of services.

Ordinance No. 5 of 1 February 1961 containing provisions for the application of the above-mentioned legislative decree.

Article 1 of the Convention. The above-mentioned legislative decree applies to any contract for hire of services concluded in the Congo or principally put into effect there, irrespective of race, sex or nationality of the parties, the nature of payment and the amount of remuneration. The term "employer" applies to any natural person or body corporate empowered to conclude a contract.

Article 2. The term "contract for hire of services" is applied to any synallagmatic agreement under which a worker undertakes to perform work under the authority and direction of an employer who is either a natural person or a body corporate, in return for agreed remuneration. No exception is made in legislation for workers engaged in the service of an indigenous employer or for workers whose remuneration takes the form of permission to occupy or use ground belonging to the employer. The apprenticeship contract is governed by special legislation.

Article 3, paragraph 1. Any contract for a fixed period must be made in writing, except in the case of contracts of a maximum duration of 30 days which are renewed only once a year and for the engagement of workers for one day at a time. When the worker engaged for an indeterminate period is not issued with a work book by his employer, his engagement must be stated in writing. Any contract of engagement and any trial clause must be stated in writing. No special condition is laid down for contracts stipulating working conditions widely differing from those normal in the region of employment for similar work.

Paragraph 2. The manner in which the worker must indicate his consent to the contract is governed by legal provisions (communication to the worker of the draft contract not less than two days before signature).

Article 4, paragraph 1. The contract is binding on the worker only and not on his family or dependants.

Paragraph 2. The employer is responsible for execution of the contract concluded by any person acting on his behalf.

Article 5. Section 7 of the ordinance fixes all information to be given in the work book or contract, including the names of the employer and the worker, the nature of the work, the duration of employment and the rate of payment.

Article 6, paragraphs 1 and 2. The contract must be attested by an official who ascertains whether the engagement is in accordance with legal provisions, whether

the worker's consent has been obtained without coercion or undue pressure, or misrepresentation or mistake, and whether the worker has fully understood the terms of the contract.

Paragraphs 3 and 4. Refusal by the public officer to attest a contract is proof that it is not satisfactory and has no further validity.

Paragraph 5. An employer failing to have a contract attested may not support his case by any evidence other than the worker's statement of compliance, unless the absence of attestation is due to proven refusal by the worker to comply with this requirement.

Paragraph 6. A copy of the contract is kept in the archives of the labour inspectorate.

Paragraph 7. The work book or the written contract must be handed to the worker.

Article 7, paragraph 1. Medical examination is compulsory for workers aged under 16, for workers engaged for a period of six months or over, after sickness or accident which has resulted in 30 days or more of incapacity, as well as for any worker whose fitness is questioned by the labour inspector.

Paragraphs 2 and 3. In attesting a contract for a period of six months or over, the certificate of physical fitness is required in advance.

Article 8. Engagement or continuation of employment of a person aged under 14 is prohibited. Minors and persons who are under 16 may not be engaged except on specified light and healthy jobs.

Article 9. The maximum duration for contracts of a fixed term is three years, including renewal. The employer is required to give paid holidays to workers after one year of uninterrupted service or upon expiration of the contract.

Article 10. The legislative decree fixes the conditions subject to which a worker may be transferred from one employer to another. Any transfer in the course of a contract that is not provided for in the contract is subject to the consent of the worker and must be recorded in the contract or work book. The public officer checks the circumstances at the time when the contract or work book is submitted for attestation, and the transfer must be provided for and recorded when the contract is concluded.

Article 11. The death of the worker automatically terminates contractual relations. His heirs may exercise their rights in accordance with the provisions of ordinary law.

Article 12, paragraph 1. Employer and worker may withdraw from a contract of indeterminate duration, subject to notice. The conditions for the termination of a fixed-term contract are expressly stipulated.

Paragraph 2. The contract may be broken also by agreement of both parties, and the legislative decree makes it compulsory for the employer to bear the cost of the worker's and his family's return journey. If the worker is required to give his consent, he may appeal to the labour inspectorate. The same provisions apply if the employer remains bound by a particular obligation to the worker. In case of need both may apply to the competent court.

Article 13. In all the cases quoted in Article 13 the employer bears the cost of the worker's and his family's return. This obligation is subject to the dependants actually moving, and the worker's right is acquired after three years' service, unless the contract provides for a shorter period or expires before three years are up. In that case the cost is borne by the employer in proportion to the duration of services. The worker and his family are entitled to travel expenses throughout the period of travel and, in certain cases, to living expenses before the journey, from the eighth day following the end of services.

Article 14. The right to repatriation expenses expires automatically, without right of appeal, when the person concerned explicitly and in writing states that he does

not wish to exercise the right at the time when this right exists or if the worker does not request repatriation within three years of the day on which the contract ended.

Article 15, paragraph 1. The employer's obligation to bear the cost of return is sufficient to cover the requirements of this Article.

Paragraph 2. There are no special means of transport for repatriated persons, who travel under the same conditions as other persons.

Article 16, paragraph 1. See under Article 9. While implicitly fixing the duration of any contract of re-engagement, the legislative decree does not stipulate that it must generally be shorter than that fixed by the first contract.

Paragraph 2. In the case of the first contract, as also for the contract of renewal of services concluded by a worker separated from his family, divorced or separated from his dependent children for whose maintenance he is responsible, the maximum duration of a contract of a fixed term is one year. Upon expiration of one year of uninterrupted services, the worker is entitled to leave (see under Article 9) enabling him to rejoin his family; the period is shorter than that fixed by the Convention.

Article 17, paragraph 1. The Ministry of Labour is preparing a commentary on the legislative decree for the use of labour inspectors, employers and organisations of workers.

Paragraph 2. Employers may, if they deem it necessary, post extracts from legal texts at places where they can be seen by the personnel.

Article 18. Only contracts principally relating to employment in the Congo are governed by the above regulations.

Article 19. Since the new legislation was a reaction to previous discrimination, only subparagraph (d) of Article 19, paragraph 1, was taken into account. There was felt to be no need to conclude the agreements specified under paragraph 3 of this Article.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on
Ghana ¹	20. 5. 1957
Guatemala	4. 8. 1961
Malaya ²	11. 11. 1957
New Zealand ³	8. 7. 1947
Niger	23. 3. 1962
Nigeria ¹	17. 10. 1960
Sierra Leone ¹	13. 6. 1961
Somalia ⁴	18. 11. 1960

Countries	Ratification registered on
Tanganyika ¹	30. 1. 1962
United Kingdom ³	24. 8. 1943

¹ See footnote 4 to Convention No. 15.

² See footnote 2 to Convention No. 17.

³ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

⁴ See footnote 8 to Convention No. 29.

The report from *Sierra Leone* 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:

Ghana, Malaya, New Zealand, Nigeria, Tanganyika.

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

This Convention came into force on 24 March 1957

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	24. 9. 1956	Italy	22. 10. 1952
Belgium	5. 12. 1951	Netherlands	17. 6. 1958
Bulgaria	29. 12. 1949	Norway	28. 1. 1957
Canada	19. 3. 1951	Poland	13. 4. 1954
France	9. 12. 1948	Portugal	13. 6. 1952
Ireland	12. 6. 1956	United Kingdom	6. 8. 1953

NETHERLANDS

In reply to a direct request made by the Committee of Experts in 1961 the Government's report contains the following information.

Article 2, paragraph (d), of the Convention. The composition of meals on board is fixed by collective agreements. The health officer of the Navigation Inspectorate considers the question of preservation and cleaning of provisions and gives advice on these subjects. He also gives instructions to catering personnel on these subjects and on hygiene in general.

Article 3. Close contacts have existed for many years between shipowners' and seafarers' organisations regarding, *inter alia*, the catering service. The Inspector General acts as co-ordinator.

Article 7. Section 43 of the Decree concerning ships' crews does not lay down that the master shall be accompanied by a member of the catering department during his weekly inspection. The problem will be examined.

Article 9, paragraph 3. The report submitted every year by the inspectors of the Navigation Inspectorate also contains information concerning food and catering on board ship.

Article 10. The question of the annual report will be re-examined.

Article 11. The existing vocational training courses have been approved by employers' and workers' organisations.

Article 13. No certificate is prescribed in the catering department, except that of ship's cook.

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	5. 12. 1951	Netherlands	23. 2. 1951
Bulgaria	29. 12. 1949	Norway	6. 3. 1952
Canada	19. 3. 1951	Poland	13. 4. 1954
France	9. 12. 1948	Portugal	13. 6. 1952
Ireland	16. 6. 1951	United Kingdom	29. 7. 1949
Italy	22. 10. 1952	Yugoslavia	6. 3. 1961

FRANCE

Order No. 8 of 20 March 1961 concerning the issue of ships' cooks' certificates.

The above-mentioned order includes substantially the provisions formerly contained in Order No. 25 of 29 July 1953 and its amendments of 26 March 1957 and 4 July 1957.

POLAND

In reply to the direct request made by the Committee of Experts in 1960, the report states that an amendment to the legislation is in preparation, according to which a period of service at sea will be required before a ship's cook's certificate can be issued.

TANGANYIKA

There are difficulties in the implementation of the Convention deriving mainly from the fact that no sea-going ships engaged in the transport of cargo or passengers are registered. The number and types of such vessels do not at present justify the enactment of legislation on this subject, and there would be difficulties in establishing the administrative machinery required to implement the Convention.

Practical difficulties preventing the application of the Convention are, for instance, the lack of facilities for conducting examinations; the lack of trained personnel matching up to the standard required by the Convention; the fact that local shipping is confined to small fishing and coastal craft, mainly family owned and operated; and that the local resources are so limited that it would be impossible to set up the administrative machinery for the satisfactory application of the Convention.

Should the position change, the possibility of applying the Convention more fully will be examined.

* * *

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

Canada, Ireland, Italy, Portugal, United Kingdom.

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

Belgium, Netherlands, Norway.

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Japan	22. 8. 1955
Belgium	5. 12. 1951	Netherlands	17. 6. 1958
Bulgaria	29. 12. 1949	Norway	17. 2. 1955
Canada	19. 3. 1951	Poland	13. 4. 1954
Finland	15. 5. 1956	Portugal	13. 6. 1952
France	9. 12. 1948	Sweden	9. 1. 1962
Italy	22. 10. 1952	Uruguay	18. 3. 1954

FRANCE

Decree No. 60-865 of 6 August 1960 to replace certain sections of the Seamen's Code by regulations (*Journal officiel*, 15-17 Aug. 1960, No. 190, p. 7664) (*L.S.* 1960—Fr. 4).

The above-mentioned decree replaces section 8 of the Seamen's Code. The medical certificate is issued to seafarers before their engagement by a seamen's doctor. The validity of the certificate is one year for persons over 18 years of age and six months for persons below that age. The validity of the certificate in so far as colour vision is concerned is six years.

ITALY

The Bill to bring the national legislation into line with the Convention has been approved by the Council of Ministers and is at present before the Senate.

Another Bill has also been prepared, to make changes in certain items on the first and second list of diseases and physical handicaps of seafarers.

* * *

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

Argentina, Canada, France, Italy, Japan, Netherlands, Norway.

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

Belgium, Finland, Poland, Portugal.

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	5. 12. 1951	Poland	13. 4. 1954
Canada	19. 3. 1951	Portugal	13. 6. 1952
France	9. 12. 1948	United Kingdom	13. 5. 1952
Ireland	21. 6. 1957	United States	9. 4. 1953
Netherlands	14. 7. 1950	Yugoslavia	22. 12. 1961
New Zealand	5. 12. 1961		

CANADA

Canada Shipping Act.

Lifeboatmen's Efficiency Certificate Regulations, amended, P.C. 1960-3 (*The Canada Gazette*, 27 Jan. 1960).

The syllabus of examination for a certificate of efficiency as lifeboatman has been extended to include a knowledge of inflatable life rafts.

IRELAND

Merchant Shipping (Life-Saving Appliances) Rules, 1960 (*S.I.*, 1960, No. 29).

The lifeboatman's certificate which an able seaman must hold is issued under rule 46 of the above-mentioned rules, which have replaced Part II of the Merchant Shipping (Life-Saving and Fire Appliances) Rules, 1953.

Able seaman's certificates of competency issued by the United Kingdom, Canada, New Zealand and the Republic of South Africa are now recognised in Ireland.

POLAND

In reply to a direct request made by the Committee of Experts in 1960 the report states that the examinations for the able seaman's certificate are carried out in accordance with the Regulations of 28 November 1958 approved by the Minister of Shipping. The syllabus of the examination includes knowledge of the construction of vessels, navigation, cargo, signals, meteorology and oceanography, maritime law, safety and hygiene, English language and other subjects. A practical test is included in the examination.

PORTUGAL

In reply to a direct request made by the Committee of Experts in 1960 concerning the application of Article 2, paragraph 4, of the Convention, the report states that the School of Merchant Seamen and Marine Engineers has no school-ship for training its apprentices. As regards the 18 months' probationary period which the apprentices have to go through on completing the course in order to be able to sit for the able seaman's examination and obtain the corresponding certificate, this period is served on Portuguese merchant vessels, where they have to register as ships' boys.

Former members of the Navy having served two years on board ships of war outside Portuguese territorial waters have to undergo an examination before obtaining the able seaman's certificate.

TANGANYIKA

See under Convention No. 69.

UNITED KINGDOM

The Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1959, No. 2148.
The Merchant Shipping (Certificates of Competency as A.B.) (Canada) Order, 1959, No. 2213.
The Merchant Shipping (Certificates of Competency as A.B.) (Mauritius) Order, 1960, No. 1662.
The Merchant Shipping (Certificates of Competency as A.B.) (Trinidad and Tobago) Order, 1960, No. 1663.

Merchant Shipping Order No. 2213 of 1959 revokes the Merchant Shipping (Certificates of Competency as A.B.) (Canada) Order, 1954, and makes fresh provisions for the recognition in the United Kingdom of Canadian able seaman's certificates of competency. This change has been necessitated by the enactment of the Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1959, mentioned above.

Under the Merchant Shipping Orders of 1960 relating, the one to Mauritius and the other to Trinidad and Tobago, able seaman's certificates of competency issued in these islands are recognised in the same way as those issued in other parts of the British Commonwealth.

* * *

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

Belgium, France, Netherlands.

The report from the *United States* reproduces the information previously supplied.

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Iraq	13. 1. 1951
Argentina	17. 2. 1955	Israel	23. 12. 1953
Bulgaria	29. 12. 1949	Italy	22. 10. 1952
Byelorussia	6. 11. 1956	Luxembourg	3. 3. 1958
Cuba	13. 1. 1954	Philippines	17. 11. 1960
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	Uruguay	18. 3. 1954

ALBANIA (First Report)

Labour Code of 3 April 1956 (*Gazeta Zyrtare*, 20 Apr. 1956, No. 4.) (L.S. 1956—Alb. 2).

Act No. 2803 of 4 December 1959 concerning social insurance.

Ordinance No. 14 of the Council of Ministers dated 6 October 1958.

Instruction No. 79 of the Central Trade Union Council and of the Ministry of Health, dated 4 August 1956.

Articles 1 and 2 of the Convention. Wage earners and salaried employees aged under 18 and persons engaged in arduous work or work involving the use of noxious substances may not be engaged for work without having undergone a medical examination. These examinations are carried out by qualified physicians specially designated by the authorities responsible to the Ministry of Health. The result of each examination is recorded on a medical card, and a note is also entered in the work book.

Article 3. Young persons under 18 years of age are required to undergo medical examination once every six months, irrespective of the place or nature of their work. For certain categories of work harmful to health, periodical medical examination is carried out not less than once every six months. Wage earners and salaried employees changing their occupations are also required to undergo a new medical examination.

Article 4. Medical examination in the cases covered by this Article is required for all wage earners and salaried employees, irrespective of age. Young persons aged under 18 may not be employed for underground work or for particularly arduous or unhealthy work, as specified by government order.

Article 5. In accordance with social insurance regulations, the medical examination required under the terms of the Convention, together with all medical treatment, is free of charge for wage earners and salaried employees and for members of their families.

Article 6. If a worker is found to be unfit for a specific job as a result of such medical examination, another job more suitable for his state of health is provided.

Inspection of application of the relevant national provisions is the responsibility of the Public Prosecutor's Office, the State Control Committee and the trade unions. The labour inspectorate is responsible for inspection of the trade unions.

Any violation of the provisions of legislation in force is punishable in accordance with the Penal Code.

FRANCE

Decree of 9 September 1960 (*Journal officiel*, 10 Sep. 1960, p. 8307).

The above-mentioned decree provides for the application to the French National Railway Company (S.N.C.F.) of the Act of 15 March 1955 which extends to transport undertakings the provisions of the Act of 11 October 1946 regarding the organisation of industrial medical services.

GUATEMALA

In reply to the request made by the Committee of Experts in 1960 the Government indicates that medical examination is carried out free of charge by the Medical Department of the Ministry of Labour, and that labour inspectors are empowered to require presentation of the work permits of young persons, such permits not being issued unless the young person has been medically examined.

In addition, a draft regulation, at present under study by the Ministry of Labour, will provide for periodical medical re-examination and for vocational guidance and rehabilitation of handicapped young persons.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

The Government quotes in its report sections 97, 401, 402 and 403 of the Labour Code.

IRAQ

Regulations No. 4 of 1961 concerning the employment of women, young persons and children.

ITALY

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

U.S.S.R.

Decree No. 487 of the Council of Ministers of the U.S.S.R., dated 30 May 1961 (*Sobranie Postanovlenii Pravitelstva S.S.S.R.*, 1961, No. 10), section 80.

* * *

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

France, Guatemala, Haiti, Hungary, Iraq, Israel, Italy, Poland, Ukraine, U.S.S.R.

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

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Hungary	8. 6. 1956
Argentina	17. 2. 1955	Iraq	5. 7. 1960
Bulgaria	29. 12. 1949	Israel	23. 12. 1953
Byelorussia	6. 11. 1956	Italy	22. 10. 1952
Cuba	7. 9. 1954	Luxembourg	3. 3. 1958
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Honduras	20. 6. 1960	Uruguay	18. 3. 1954

ALBANIA (First Report)

See under Convention No. 77.

ARGENTINA

Act No. 15244 of 1959 (*Boletín Oficial*, 24 Dec. 1959).

Article 1, paragraph 2, of the Convention. The legislation relating to the medical examination of minors makes no distinction between industrial and non-industrial occupations.

Article 6, paragraph 1. The rehabilitation of handicapped minors is one of the functions of the National Council for the Protection of Minors, set up under Act No. 15244 of 1959 mentioned above.

Article 7, paragraph 1. Effect is given to this provision through section 62 of Decree No. 14538 of 1944.

Paragraph 2 (*a*). Minors exercising an occupation on the public thoroughfare must have their names entered in a special register kept by the police.

FRANCE

Measures with a view to ensuring medical protection for young domestic servants and children working on their own account are presently under consideration.

The identification of children employed by their parents in itinerant trading or in a public place is carried out along the lines laid down in sections 88 to 90 of Book II of the Labour Code.

GUATEMALA

See under Convention No. 77.

HAITI

See under Convention No. 77.

ITALY

See under Convention No. 77.

POLAND

Act of 1 July 1958 (*Dziennik Ustaw*, No. 45, text 224).

Decrees in application dated 25 July 1958 (*ibid.*, No. 49, texts 240, 241 and 242).

In Poland adolescents do not engage in gainful activity either for their own account or for that of their parents. This is a result of the legislation on the authorisation of such activity, particularly the Act of 1 July 1958 and the decrees in application of 25 July 1958. Under section 15 of text No. 241 mentioned above, only persons who are of age may obtain authorisation to carry on an activity in the fields of commerce and catering.

U.S.S.R.

See under Convention No. 77.

Since all young persons over school age work in state undertakings or establishments or in co-operatives, it is not necessary to take special measures to extend the application of the Convention to young persons "working on their own account".

* * *

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

Argentina, France, Guatemala, Haiti, Hungary, Israel, Italy, Poland, Ukraine, U.S.S.R.

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Poland	11. 12. 1947
Cuba	7. 9. 1954	Ukraine	14. 9. 1956
Dominican Republic	22. 9. 1953	U.S.S.R.	10. 8. 1956
Guatemala	13. 2. 1952	Uruguay	18. 3. 1954
Israel	23. 12. 1953		

ARGENTINA

Article 6, paragraph 1 (c), of the Convention. The identification of minors working on the public thoroughfare is assured under the Federal Police Order of 5 July 1932.

GUATEMALA

Decree of 5 May 1961 (*El Guatemalteco*, 16 June 1961, No. 14, p. 145).

The above-mentioned decree has amended section 116 of the Labour Code by defining night work as work carried out between 6 p.m. and 6 a.m.

LUXEMBOURG (First Report)

Act of 10 February 1958 approving the Night Work of Children and Young Persons (Non-Industrial Occupations) Convention (No. 79) (*Mémorial*, 1958, p. 186).

Articles 1 to 4 of the Convention. A Bill concerning protection for children and young workers in industrial, commercial and handicraft undertakings contains a general prohibition of night work for persons under 18 years of age. The night is defined as a period of 12 consecutive hours which shall in all cases include the interval from 10 p.m. to 6 a.m.

Article 5. The above-mentioned Bill prohibits the employment of children aged under 18 in public spectacles other than in the interests of art, science or education. Upon request by organisers of spectacles, accompanied by written authorisation from the father or guardian of the child, individual authorisation may be issued by the Ministry of National Education, subject to recommendation by the labour inspectorate. The period of employment may not go beyond 11 p.m.

Article 6. Application of legislation regarding work by children is the responsibility of the inspectorate of labour and mines. The Bill provides for sanctions in the case of failure to comply with the regulations. In addition, every person employing one or more young persons is required to keep a register for inspection purposes.

See also under Convention No. 59.

UKRAINE

There is no place in the Ukraine for measures of the type prescribed by Article 2 of the Convention, since section 135 of the Labour Code prohibits the employment

of young persons under 16 years of age, and exceptions to this rule may be made only in the case of young persons over 15 years of age.

Furthermore, under section 130 of the Code no person under 18 years of age may be employed on any work whatsoever during the night, i.e. between 10 p.m. and 6 a.m. In the new Labour Code the definition of "night" will be brought into line with that given in Article 3 of the Convention.

U.S.S.R.

In reply to the request made by the Committee of Experts the Government issues the following statement.

The principle established by the Model Works Rules of 1957, under which changes in shifts must be made on the day following weekly rest, is applied without exception in regard to young workers. Further, in accordance with the Order of the Council of People's Commissaries of 24 September 1929, the interval between two working days or between two shifts cannot be less than double the period of the working day which preceded the period of rest. The Bill respecting the principles of labour legislation, which is now being prepared, will take due account of the provisions of the Conventions ratified by the U.S.S.R.

The Order of 5 July 1929 on work in circuses permits the employment of adolescents only up to 10 p.m. (11 p.m. in summer).

* * *

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

Israel, Italy, Luxembourg, Ukraine, U.S.S.R.

The report from *Poland* reproduces the information previously supplied.

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Japan	20. 10. 1953
Austria	30. 4. 1949	Luxembourg	3. 3. 1958
Belgium	5. 4. 1957	Morocco	14. 3. 1958
Brazil	25. 4. 1957	Netherlands	15. 9. 1951
Bulgaria	29. 12. 1949	New Zealand ¹	30. 11. 1959
Ceylon	3. 4. 1956	Nigeria ^{1 3}	17. 10. 1960
China ¹	13. 2. 1962	Norway	5. 1. 1949
Costa Rica	2. 6. 1960	Pakistan	10. 10. 1953
Cuba	7. 9. 1954	Panama	3. 6. 1958
Cyprus ^{1 2}	23. 9. 1960	Peru	1. 2. 1960
Denmark	6. 8. 1958	Portugal	12. 2. 1962
Dominican Republic	22. 9. 1953	Sierra Leone ^{1 3}	13. 6. 1961
Finland	20. 1. 1950	Spain	30. 5. 1960
France	16. 12. 1950	Sweden	25. 11. 1949
Federal Republic of Germany	14. 6. 1955	Switzerland ¹	13. 7. 1949
Ghana	2. 7. 1959	Syrian Arab Republic	26. 7. 1960
Greece	16. 6. 1955	Tanganyika ^{1 3}	30. 1. 1962
Guatemala	13. 2. 1952	Tunisia	15. 5. 1957
Guinea	26. 3. 1959	Turkey	5. 3. 1951
Haiti	31. 3. 1952	United Arab Republic	11. 10. 1956
India ¹	7. 4. 1949	United Kingdom ¹	28. 6. 1949
Iraq	13. 1. 1951	Yugoslavia	18. 8. 1955
Ireland ¹	16. 6. 1951		
Israel	7. 6. 1955		
Italy	22. 10. 1952		

¹ Excluding Part II.

² See footnote 2 to Convention No. 15.

³ See footnote 4 to Convention No. 15.

ARGENTINA

The report reviews the Acts and legislative decrees in the different provinces governing the matters referred to in the Convention, and annexes copies of the enactments in question.

AUSTRIA

The Austrian Congress of Chambers of Workers (which is legally representative of the workers' interests) stresses the fact that the labour inspection staff is not sufficiently numerous to perform all its duties (particularly the supervision of small undertakings and the employment of women and young persons). In this connection the Labour Inspection Service states that action has been taken to procure more staff.

The Congress of Chambers of Workers also considers that the labour inspection services in mines and in transport should be totally separate from the other departments of those administrations, and also that all the inspection services should be brought under the same central service with a view to ensuring more effective application of labour legislation.

The Central Mines Administration, on the other hand, does not think it would be desirable to bring the specialised labour inspection services for mines and transport under a joint central service, in view of the special experience and knowledge required of the staff of the inspection services for mines and transport.

BELGIUM

Royal Order of 9 November 1959 amending the Royal Order of 29 April 1958 on committees for safety, hygiene and improvement of workplaces in surface and underground mines and underground quarries (*Moniteur belge*, 27 Nov. 1959).

Royal Order of 19 May 1961 on ventilation of mines and their classification in relation to fire-damp (*ibid.*, 9 June 1961).

Act of 12 April 1960 instituting the function of delegate-worker to inspect surface mines and quarries (*ibid.*, 9 June 1960).

Royal Orders of 4 August 1959 regulating the use of explosives in underground and surface mines and quarries (*ibid.*, 3 Oct. 1959).

Article 3 of the Convention. In accordance with the above-mentioned Act of 12 April 1960 mining engineers will in future be assisted in mines and quarries, both underground and surface, by the new delegate-workers to inspect surface mines and quarries.

Article 5. Regional committees for safety, hygiene and improvement of workplaces, similar to those already existing for mines, are established for surface mines and underground quarries.

Article 6. Delegate-workers to inspect surface mines and quarries, as instituted by the Act of 12 April 1960, enjoy in all respects the same status as delegate-workers to inspect underground mines.

Article 16. Delegate-workers to inspect surface mines and quarries visit the establishments within their respective areas as frequently as their superior considers necessary. It is their duty to place on record the measures which they consider should be taken immediately or in the very near future.

Further, replying to a request made by the Committee of Experts, the Government submits the following information.

Article 2. The general regulations on protection of labour do not apply to military establishments properly speaking, in accordance with section 14, heading III, of the Decree of the Constituent Assembly of 8-10 July 1791, which provides that the military authority shall be regarded as completely independent of the civil power. Civil servants, therefore, may not enter such establishments except in the case of certain specified undertakings which work for national defence, for the inspection of which authorisation has been granted by the military authority to each inspector of the Technical Inspectorate who held office on 1 September 1956.

Article 3, paragraph 2. The tasks entrusted to labour inspectors in addition to their main functions by no means impede the exercise of such functions; they are calculated rather to enhance the authority of members of the Inspectorate. Their presence on joint commissions enables them to establish closer contact with employers' and workers' organisations and to appreciate more fully the problems and difficulties which occur in the industrial field. Moreover, the functions of the Secretary of the Old-Age Pensions Appeal Committee approximate very closely to the duties entrusted to the Inspectorate. These various tasks are not so demanding as to interfere with the exercise of normal supervision.

Article 7. Supervision of application of the statutory provisions in mines is still carried out by the engineers of the Mining Corps. In 1959 nine posts of welfare supervisor were provided for the scheduled establishment of the Mines Administration.

Article 8. The possibility of entrusting to women certain tasks carried out by engineers and technical supervisors has been examined, but in Belgium there are practically no female engineers or women who possess technical diplomas. Moreover, it is not appropriate to appoint women to carry out night inspections.

Article 10. Properly speaking there is no difficulty in recruiting staff for the Welfare Inspectorate. The difficulties encountered in regard to technical inspection,

namely inadequate wage scales and very complicated methods of recruitment, have been brought to the notice of the Government.

Article 12. The provisions of paragraph 1 (a) and (c) of this Article are quoted explicitly in each of the Welfare Acts for which the inspectors and supervisors are competent. Nevertheless, in order not to have to incorporate these provisions in each new Act, they are covered by a section of the Inspection of Labour Bill which is now before Parliament. The provision of paragraph 1 (b) is expressly quoted in this Bill.

Article 13. As regards technical inspection, the inspectors possess the powers mentioned in this Article only in establishments classified as dangerous. In such establishments, when an imminent danger threatens the safety or health of the workers or neighbours and the head of the undertaking refuses to comply with the instructions of the official, the latter may order the cessation of work, place the equipment under seal and, if necessary, close the establishment (section 21 of the General Regulations on Protection of Labour). The extension of these measures to undertakings as a whole is a statutory matter; it is envisaged in the Inspection of Labour Bill.

As regards the inspection of mines, section 31 of the Royal Order of 23 September 1958 containing general regulations on explosives gives to the engineers of the Explosives Service the same powers as are provided for in section 21 of the General Regulations mentioned above.

Article 15. The Inspection of Labour Bill incorporates the provisions contained in paragraphs (a) and (c) of this Article.

Article 16. The separation of the Ministry of Labour from the Ministry of Social Welfare, by making more specific the functions of the Inspectorate officials, has enabled supervision to be strengthened. At present the frequency of visits varies according to districts, but on average an undertaking is visited once every three years.

Articles 20 and 21. The delay in the preparation and publication of the reports of the Medical Labour Inspectorate is due to shortage of staff in the Occupational Health and Medical Administration. As regards inspection of mines, the Director-General of Mines has arranged for the drafting of a first report for the year 1960 in accordance with the requirements of these Articles of the Convention.

Copies of the above-mentioned texts were appended to the report.

BRAZIL

In reply to a request made by the Committee of Experts in 1960, the Government has supplied the following additional information.

Article 2, paragraph 2, of the Convention. The application of the provisions of labour legislation in mining undertakings is supervised by the Ministry of Labour, which has all the powers listed in Articles 12 and 13 of the Convention. The application of the special provisions of the Code of Mines is supervised by the authorities mentioned in that Code; this does not affect in any way the powers and duties of the general labour inspection system.

Article 4. The work of the Labour Inspection Service with regard to the employment of children and young persons is supervised and inspected by the Ministry of Labour and Social Insurance through the national Department of Labour and the regional offices in the states.

Article 7, paragraph 3. The standards set for the competitions for posts of labour inspector are such that successful applicants may be regarded as possessing the necessary qualifications for the performance of their duties.

Article 12, paragraph 1 (a) and (b). Section 630 of the Legislative Decree to approve the consolidation of labour laws empowers inspectors to visit the establish-

ments subject to inspection at any time, by day or by night, provided that these establishments are open. The inspectors are expected to find out and decide whether any particular establishment is subject to the provisions of the Code.

Article 13, paragraph 2 (b). Section 156 of the legislative decree gives inspectors the powers mentioned in this paragraph.

Article 14. Occupational diseases must be reported to the competent authorities of the Ministry of Labour under section 190 of the legislative decree. The Labour Inspection Service can also obtain accurate information on occupational accidents by consulting the register of employees which must be kept by employers under section 41 of the legislative decree, as well as the employees' work books.

Article 15, paragraph (a). Any official who, acting with a view to his own advantage or under the sway of his personal feelings, fails to take action which it is his duty to take, or takes action that is incompatible with a specific statutory provision, would be guilty of a breach of trust and could be sentenced to imprisonment and a fine.

Article 15, paragraphs (b) and (c). These provisions are applied by section 325 of the Penal Code.

CYPRUS

The Motor Vehicles and Road Traffic Law (Cap. 332).

The Motor Vehicles (Drivers' Hours of Work) Regulations, 1955.

Hours of Employment Law (Cap. 182).

The Employees (Hours of Employment) Order, 1961.

The Mines and Quarries (Hours of Employment) Order, 1961.

In reply to the request of the Committee of Experts the Government gives the following additional information.

Article 2 of the Convention. A system of inspection is applied to transport undertakings.

Article 3, paragraph 1 (c). Abuses or defects resulting from gaps in the existing legislation are always brought by labour inspectors to the notice of the authority concerned.

Article 6. Section 86 (2) of the Factories Law concerning the appointment and removal of inspectors by the Governor (now the Council of Ministers) should not be understood as empowering him to act contrary to the provisions of the general orders which govern the conditions of service and safeguard the status of permanent government staff, including labour inspectors.

Sub-inspectors in the Mines Department are normally recruited from among miners with a long experience and appropriate education. Their status and conditions of service are as required by the Convention. The same applies to specialised officers in mining engineering.

Articles 7 and 9. These provisions are applied to the inspection staff of the Mines Department.

Article 10. The total strength of mines and quarries inspectors is seven; one of these posts is at present vacant.

Articles 11, 16, 19 and 20. These provisions are applied as regards mines and quarries inspection.

DENMARK

In reply to a request made by the Committee of Experts in 1961 the Government supplies the following additional information.

Article 2 of the Convention. The General Occupational Safety, Health and Welfare Act (section 1 (1)) covers industry, handicrafts, building, construction, etc. Mining is covered by the term "industry".

Article 6. The personnel of the labour inspection service consists of labour inspectors, assistant civil engineers and assistant inspectors (with adequate technical training). While the last-mentioned are all civil servants, this is the case only for part of the other personnel. Those who are not civil servants are all employed in pursuance of an agreement concluded between the Civil Engineers' Association and the Ministry of Finance concerning the employment of graduate engineers in government service.

At present there are 44 labour inspectors, 16 of whom are employed in pursuance of the agreement; 46 assistant civil engineers, all of them employed in pursuance of the agreement; and 51 assistant inspectors, who are all civil servants.

Article 18. Anyone hindering inspectors in the exercise of the powers granted under sections 53 and 67 of the General Occupational Safety, Health and Welfare Act is liable to a fine under section 71 of the Act. Chapter 14 of the Criminal Code also provides for punishment of persons who prevent public servants from carrying out their functions.

FRANCE

Decree No. 60-1183 of 7 November 1960 to amend Decree No. 50-1304 of 20 October 1950 concerning the amended public administration regulations and relating to the special status of the Labour and Manpower Inspection Corps (*Journal officiel*, No. 263, 11 Nov. 1960, p. 10139).

Article 7 of the Convention. The above-mentioned decree alters the conditions of admittance to the entrance examination for the Training Centre for Labour and Manpower Inspectors as regards the minimum age of candidates (22 years) and the maximum age (35 years), and establishes the syllabus for the examination.

Article 10. To take account of the special problems raised by the development of the Paris area, alterations have been made in the structure of the labour and manpower inspection services in the Department of the Seine.

FEDERAL REPUBLIC OF GERMANY

Article 6 of the Convention. Under a collective agreement which came into force on 1 April 1961 and applies to employees of the federal, provincial and municipal authorities (section 53, subsection 3), an employee with 15 years of service may not be dismissed if he has reached the full age of 40 years.

Articles 22 to 24. The technical supervision of occupational safety and health in all commercial establishments is also the responsibility of the Industrial Inspection Service in accordance with the fourth Federal Act of 5 February 1960 to amend the Industrial Code.

GHANA (First Report)

Labour Ordinance (Cap. 89).
Factories Ordinance, 1952.

Article 1 of the Convention. Labour inspection services were established in 1946 under the Labour Ordinance. Their scope was extended by the Factories Ordinance of 1952.

Article 2. Section 85 of the Labour Ordinance empowers a Labour Officer at all reasonable times to enter upon any land or into any building where any employee is employed or housed, for the purpose of enforcing the ordinance. Section 83 empowers Labour Officers to require employers to produce any employee and any document or pay sheet relating to the employment of such employee; to enter premises for the purpose of inspecting sanitary arrangements and water supplies; to

examine all food, take samples thereof and ascertain if reasonable food and medical facilities are provided for the use of employees; to order all buildings or premises where employees are housed or employed to be kept in a clean and sanitary condition; to institute proceedings in respect of any contraventions of, or any offence committed by an employer against, any of the provisions of the ordinance, or to institute proceedings on behalf of any employee against his employer in respect of any matter arising out of his employment; to carry out any examination or inquiry which he may consider necessary to satisfy himself that the provisions of the ordinance are being strictly observed; to order the posting and displaying in buildings or premises where employees are housed or employed of notices required by the ordinance; to take or remove for purposes of analyses samples of materials and substances used or handled in the course of employment; to require the carrying out of alterations to buildings, installations and plants in the interest of the health and safety of the employees, within a specified time limit and subject to the right of appeal.

Section 66 of the Factories Ordinance of 1952 empowers an inspector appointed under section 65 (1) to enter and inspect, if necessary with a police officer, any factory, when he has reasonable cause to believe that any person is employed therein, and any place which he has reasonable cause to believe to be a factory and in which he has reasonable cause to believe that explosives or highly inflammable materials are stored for use; to require, examine and copy any documents in pursuance of the ordinance; to make such examination or inquiry as may be necessary to ascertain whether the provisions relating to public health are complied with; to interrogate any person whom he finds in a factory; to carry out all necessary medical examinations (if he is a registered medical practitioner); and to exercise such other powers as may be necessary for putting the ordinance into effect.

Inspection of mines is the responsibility of the Chief Inspector of Mines.

Article 3, paragraph 1. Labour Officers shall—(a) conduct periodical inspections to enforce provisions relating to the employment of children and young persons, night work and underground work of women and the employment of women during confinement, as well as regulations relating to wages, hours of work and other conditions of employment, or regarding the health, safety and welfare of factory workers; (b) give advice to employers and occupiers of factories on the most effective means of removing defects and breaches of legal provisions; (c) make suggestions for the improvement of inspection services and report all defects they notice in the practical application of the law.

Paragraph 2. Labour Officers are called upon to investigate labour complaints and industrial accidents, to advise and assist trade unions regarding their organisation, administration and finance, and to help resolve industrial disputes. They also take part in social service. These and other duties do not prejudice the authority and impartiality which are necessary in their relations with employers and employees.

Article 4. Labour and factory inspection is one of the services provided by the Labour Secretariat, which is a department of the Central Government of Ghana.

Article 5, paragraph (a). The Labour Secretariat co-operates with other government departments.

Paragraph (b). It is the primary aim of the inspection services to win and maintain the confidence of employers and employees, both of whom have proved very co-operative and helpful.

Article 6. Labour Officers and Factory Inspectors are permanent civil servants appointed by the President under the provisions of the Civil Service Act, 1960, and can be removed from their posts only for proved misconduct as defined under sections 25 and 26 of that Act.

Article 7, paragraphs 1 and 2. Labour Officers are recruited from the general public and the civil service. The usual minimum education qualification required

for entry into the lower grades is the Cambridge School Leaving Certificate or its equivalent. Persons with experience of industrial relations, trade unionism and personnel and labour problems from the employee standpoint are also considered for appointment. Advancement to the grade of Assistant Labour Officer and above is by promotion based on efficiency. University graduates are at once appointed as Assistant Labour Officers. Factory Inspectors are graduates in engineering, and the procedure for their appointment is the same as that applied to Labour Officers.

Paragraph 3. Labour Inspectors are given in-service training in various subjects relating to their duties: labour complaints, industrial accidents, trade union organisations, industrial disputes, etc. Scholarships are awarded to deserving officers to study labour administration abroad. Factory Inspectors are given local and overseas training.

Article 8. Appointment to the inspection services is open to qualified men and women. The Secretariat employs a female Senior Labour Inspector.

Article 9. Under section 84 of the Labour Ordinance a medical officer may exercise certain powers conferred upon a Labour Officer. He may in addition condemn food provided for employees which in his opinion is unfit for human consumption and order at the expense of the employer such variety of food for employees as he may deem necessary; condemn any premises in which any employee is housed or employed as unfit for the purpose to which it is put; and inspect all drugs and medicines provided for the use of employees under legal provisions. Where necessary, expert advice is sought in the enforcement of legal provisions relating to labour inspection.

Article 10. The Labour Secretariat has on its staff 74 Labour Inspectors, 31 Labour Officers and three Factory Inspectors. These officers are stationed at all the principal towns in the country where there are local offices of the Secretariat, and are within easy reach of workplaces under their supervision.

Article 11. Inspectors are provided with offices accessible to the general public and with means of transport to help them carry out their duties. They are paid maintenance allowances for their cars and motor cycles and for night work. Incidental expenses necessarily incurred in the discharge of their duties are refunded.

Articles 12 and 13. See under Article 2 above.

Article 14. The Labour Ordinance requires employers to report to the nearest Labour Officer any injuries and deaths during the course of employment. No legal provisions exist requiring employers to report cases of occupational diseases, though under the Workmen's Compensation Ordinance workmen who contract these diseases may qualify for compensation. Consideration will be given to enacting legislation requiring occupational diseases to be reported.

Article 15, paragraph (a). See under Convention No. 85 for information about the general rules which are relevant in this respect. These provisions are covered by section 87 (1) of the Labour Ordinance.

Paragraph (c). The Labour Ordinance is being amended to conform to this paragraph.

Article 16. Workplaces are inspected at intervals of two years. Surprise inspections are conducted when desirable.

Article 17. As regards the Labour Ordinance see under Article 2. Section 67 (1) of the Factories Ordinance, 1952, also says: "An inspector may, although he is not an advocate, prosecute, conduct or defend before a court any charge, information, complaint or other proceeding arising under this ordinance, or in the discharge of his duty as an inspector."

Article 19. Inspectors submit reports to the Commissioner of Labour.

Article 20. Annual reports on the work of the inspection services are not published, but certain particulars noted from reports submitted by inspectors are incorporated in the annual report of the Labour Secretariat. The requirement to publish annual reports on the inspection services will be examined.

Article 21. The provisions of this Article are noted.

Articles 22 to 24. The legal provisions governing inspection of workplaces apply equally to inspection of commercial workplaces.

GREECE

Royal Decree No. 868 of 30 December 1960 to provide for the organisation of the Ministry of Labour (*L.S.* 1960—Gr. 2).

The report cites the provisions of the above-mentioned royal decree that relate to the organisation and powers of the labour inspection service.

The Government also supplies the following information in reply to an observation made by the Committee of Experts in 1960.

Article 12, paragraph 1 (c), of the Convention. Section 28 of the above-mentioned royal decree makes the labour inspection service responsible for (a) ensuring the satisfactory application of the provisions of labour legislation and (b) supervising workplaces.

Article 13. Section 9 of the same decree enumerates the powers of the Occupational Health and Safety Section.

Article 14. It is compulsory (under section 141 of the Hygiene and Safety Decree of 14 March 1934) to report industrial accidents to the labour inspector within 24 hours.

If a medical practitioner diagnoses an occupational disease he must inform the Social Insurance Institute without delay.

Articles 20 and 21. The Inspector-General submits reports on the application of labour legislation under section 7 of Act No. 2954/54 of 14 August 1954.

GUATEMALA

In reply to the observations made by the Committee of Experts in relation to certain Articles of the Convention the Government has supplied the following information.

Article 3 of the Convention. The report quotes the provisions in the new Labour Code defining the duties and powers of inspectors.

Article 6. As regards the stability of employment and independence of labour inspectors the Congress of the Republic has before it at present draft Civil Service Regulations.

Article 7. The General Labour Inspectorate organises round tables and training courses for its inspectors, based on the *Guide for Labour Inspectors* published by the International Labour Office.

Article 9. The Ministry of Labour intends to provide the General Labour Inspectorate with a corps of technical experts in each branch of production.

Article 11. Recently the structure of the Labour Inspectorate was broadened so as to give it delegations in all departments of the Republic, with suitably equipped offices.

Article 14. The Guatemalan Social Security Institute collaborates with the General Labour Inspectorate in the matter of accident statistics.

Taking into account the observations of the Committee of Experts, the labour legislation has been revised. Under section 281 (f) of the Labour Code—Article 12, paragraph 1 (c) (iv), of the Convention, inspectors have been given the power to take or remove samples of materials and substances used or handled in an establishment liable to inspection. As prescribed by Article 13, paragraph 2 (a), of the Convention, section 281 (d) of the Labour Code has been extended to empower inspectors, in

the event of imminent danger to the health of the workers, to order the adoption of measures with immediate executory force. As for the ban on inspectors having any direct or indirect interest in the undertakings under their supervision, revealing the source of any complaint or divulging commercial or manufacturing secrets, etc., mentioned in Article 15 of the Convention, section 281 (*k*) of the Labour Code, quoted in the Government's report, imposes such a ban as prescribed by the Convention. Furthermore, with a view to precluding inspectors from having any interest in the matters within their competence, section 15 (*k*) of the General Labour Inspection Regulations places a special ban on sponsoring, directing or managing as a private individual on behalf of third parties any kind of business which comes within the competence of the Ministry in question or any of its subsidiary organs.

GUINEA

The report contains a summary of sections 193 to 196 and 204 to 207 of Act No. 1 of 30 June 1960 establishing a Labour Code.

The Ministry of Labour and Social Affairs is required to publish an annual report.

HAITI

In reply to the direct request made by the Committee of Experts in 1960 the Government has supplied the following information.

Article 3 of the Convention. Labour inspection is still the inspectors' main task. Measures are taken as and when possible to release them from additional duties.

Article 12. It is provided in section 497, subsection 5, of the Labour Code, which has been in force since 20 October 1961, that labour inspectors shall be empowered "to take or remove for purposes of analysis samples of materials and substances used or handled".

INDIA

The Mines (Amendment) Act, No. 62, 1959.

The Motor Transport Workers Act, No. 27, 1961.

Articles 20 and 21 of the Convention. In reply to the request of the Committee of Experts the Government states that delay in publication of annual reports on the working of the Factories and Minimum Wages Acts is mainly due to late receipt of returns from state governments. It may be difficult at present to publish them within 12 months of the year to which they relate, but copies will be supplied within three months of publication. The *Indian Labour Year Book* need no longer be treated as an annual general report required under the Convention.

IRAQ

Allocations will be made in the next budget for the recruitment of chemists and their association in the work of inspection.

A Director of Inspection has already been appointed, and three other inspectors will be appointed very shortly.

Motor cars have been provided for the use of inspectors in performing their duties where no public transport facilities are available. Inspectors using their own cars are paid mileage allowance.

Inspectors may take samples of materials and substances for analysis under section 105 (1) of the Labour Law.

Inspectors may require the employer under section 10 of Regulations No. 11, 1958 (Inspection in Industry and Commerce), to take immediate steps, in the event of imminent danger, to guarantee the safety of workers.

Workplaces complying with the provisions of the law are visited normally twice a year, others four times a year. Those with repeated contraventions are visited at irregular intervals.

Under Law No. 63, 1960, which ratifies part II of Convention No. 81 and which came into force on 23 May 1960, inspection now covers the fields of both commerce and industry.

ISRAEL

Articles 20 and 21 of the Convention. The report on the work of the Labour Inspection Service is now ready for publication, and a copy will be sent immediately thereafter.

ITALY

Decree No. 128 of the President of the Republic concerning the inspection of mines and quarries, dated 9 April 1959 (*Gazzetta Ufficiale*, 11 Apr. 1959, supplement to No. 87).

Article 9 of the Convention. A second industrial hygiene laboratory has been opened in Rome.

Article 10. The strength of the staff of the Labour Inspectorate as at 30 June 1961 was as follows: managerial posts, 350; intermediate managerial staff, 594; executive officials, 835; auxiliary officials, 145. Difficulties have been met with in recruiting in sufficient numbers staff with scientific qualifications: engineers, doctors, etc.

Articles 12 and 13. In reply to a request from the Committee of Experts, the Government states that Decree No. 128 of the President of the Republic dated 9 April 1959 concerning the inspection of mines and quarries bestows expressly or by implication on the engineers and experts of the Mines Corps powers analogous to those prescribed in these two Articles of the Convention, for the purpose of enforcing the decree in question, and in particular those of its provisions which relate to the health of workers in mines and quarries.

Article 14. The systematic compilation of statistics on industrial accidents has been undertaken in various sectors by the offices of the Labour Inspectorate since 1959. This compilation at the outset involved many practical difficulties.

Articles 20 and 21. In reply to a request by the Committee of Experts, the Government states that the annual reports on the Labour Inspectorate's activities for 1958 and 1959 were published during the years 1959 and 1960. The report for 1960, now being printed, will contain the figures for industrial accidents in the metal-working and building industries.

JAPAN

The functions of the Labour Inspectorate have been extended by two new Acts, the first concerning minimum wages (Act No. 137 of 1959) and the second the prevention of pneumoconioses (Act No. 30 of 1960). The second of these Acts empowers the Minister of Labour to appoint specialist engineers to advise employers on action to eliminate dust.

MOROCCO

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

Article 12 of the Convention. It is planned to amend section 56 of the Dahir of 2 July 1947 respecting conditions of employment.

Article 13. Where no order has been made providing for the giving of formal notice to an employer in application of section 32 of the Dahir of 2 July 1947, the official responsible for labour inspection may immediately draw up a report in conformity with the established general principle.

Article 15. The requirement of discretion is incumbent on all Moroccan civil servants under section 18 of Dahir No. 1-58-008 of 24 February 1958 (4 Chaabane 1377) laying down the general civil service regulations. All officials responsible for labour inspection have been reminded of this obligation by means of a circular.

The number of labour supervisors has been increased as a result of the creation of posts for the year 1961.

NEW ZEALAND (First Report)

Department of Labour Act, 1954.

Agricultural Workers Act, 1936 (*L.S.* 1936—*N.Z.* 5).

Annual Holidays Act, 1944 (*L.S.* 1944—*N.Z.* 3).

Bush Workers Act, 1945.

Factories Act, 1946 (*L.S.* 1946—*N.Z.* 4).

Apprentices Act, 1948 (*L.S.* 1948—*N.Z.* 2).

Machinery Act, 1950.

Industrial Conciliation and Arbitration Act, 1954 (*L.S.* 1954—*N.Z.* 1).

Shops and Offices Act, 1955 (*L.S.* 1955—*N.Z.* 1).

Building Act, 1959.

Article 1 of the Convention. A system of labour inspection exists in industrial establishments, shops, offices, building and agriculture. This system does not cover wage-earning government employees.

Article 2. Mining and transport undertakings are subject to a special inspection system.

Article 3. The task of the labour inspection service is to ensure the application of the statutory provisions regarding conditions of work; it possesses all the necessary powers for this purpose. In addition, the inspection service supplies technical information and advice to employers and workers.

Article 4. The labour inspection service is supervised by a central authority, the Department of Labour.

Article 5. Collaboration between the inspection service and the authorities and institutions performing similar functions, and between employers and workers or their organisations, is facilitated by special arrangements between the establishments concerned and by the existence of agencies, such as the Industrial Advisory Council, which includes representatives of the Government, employers and workers, with labour inspectors participating in its activities.

Article 6. Like all civil servants, labour inspectors are appointed by an independent body, the Public Service Commission, which alone has power to remove them, subject to three months' notice. Changes in government in no way affect their career, which has all the stability required and is protected from any unwarranted outside influence by the Public Service Act of 1912 and the Public Service Regulations of 1950.

Article 7. Inspectors are recruited on the basis of an aptitude test, the programme for which is determined by special regulations (in particular, such regulations were issued in application of section 4 of the Factories Act of 1946, and of the Building Act of 1959; their main provisions are reproduced in the report). The Department of Labour organises training courses for candidates. On appointment the inspectors receive further training, both theoretical and practical.

Article 8. Both men and women are eligible for appointment as inspectors; normally, women inspect undertakings which employ female labour on a large scale.

Article 9. In the exercise of their tasks the inspectors frequently enlist the aid of qualified officials of other departments (particularly doctors and technicians).

Article 10. The number of inspectors is determined according to the criteria mentioned in this Article. On 1 April 1960 there were 112 factory inspectors and 19 safety inspectors, under the direction of a Chief Inspector and a Deputy Chief Inspector.

Article 11. Labour inspectors have 24 suitably equipped offices and adequate means of transport. They may receive allowances to cover their travel and general expenses in accordance with the Public Service Regulations of 1950.

Article 12. In accordance with section 5 of the Factories Act of 1946, inspectors have the right to enter at any reasonable hour of the day or night any factory where they have reasonable grounds for believing that someone is employed, and to enter by day any premises which they may reasonably assume to be a factory. They possess all the powers which may be necessary to carry out their task and, in particular, they are empowered to undertake any examinations, inspections, or inquiries mentioned in paragraph 1 (c) of this Article.

Similar provisions are contained in the Building Act of 1959 and in the other texts mentioned as applying the Convention.

Article 13. Under the above-mentioned Acts, and more particularly under the Factories Act of 1946 (sections 41, 50, 80 and 82) and the Machinery Act of 1950 (sections 20 and 21), inspectors may order heads of undertakings to remedy within a given period defects which they may have discovered in plants or equipment; they may immediately suspend the operation of any appliance which, in their opinion, constitutes a menace to the health or safety of the workers and prohibit its replacing in service before the necessary improvements have been made to it.

Article 14. The reporting of industrial accidents by inspectors is provided for under section 96 of the Workers' Compensation Act, 1956, section 52 of the Factories Act, section 22 of the Machinery Act and section 19 of the Building Act.

Article 15, paragraph (a). Like all civil servants, labour inspectors may exercise an employment outside their official activity only with the authorisation of the Public Service Commission (section 59 of the Public Service Act of 1912). This Commission is also empowered to require an official to relinquish any interest he may have in an undertaking, if it considers that the interest is such as to prejudice the proper exercise of his functions (section 21 of the Public Service Regulations of 1950).

Paragraph (b). Section 28 of the Public Service Regulations of 1950 forbids officials to disclose information they may have acquired in the exercise of their duties. The Factories Act (section 5), the Conciliation and Arbitration Act (section 5) and the Machinery Act reaffirm this prohibition in regard to labour inspectors.

Paragraph (c). Administrative practice is in accordance with the requirements of this subparagraph.

Article 16. The frequency of inspections is adequate. In 1961 about 66 per cent. of all factories were inspected.

Article 17. The Factories Act (sections 85 and 86) and the other regulations mentioned above render heads of undertakings who fail to observe the provisions of the law or the representations made by inspectors liable to prosecution. The inspectors frequently consider it preferable, however, to make recommendations as to the measures which should be adopted.

Article 18. Penalties are provided under the above-mentioned Acts for failure to observe provisions the application of which is supervised by the inspectors. Section 7 of the Factories Act makes obstruction of inspectors in the course of their duty a punishable offence.

Article 19. Every labour inspector submits a weekly report to the authority of the district. A monthly report and an annual report on all the activities of the inspection service are sent by the district offices to the Department of Labour.

Article 20. A report is made annually by the Department of Labour on the activities of the inspection service during the preceding year and submitted to Parliament. It is published in the appendix to the report on the work of the House of Representatives (Parliamentary Paper H. 11) and regularly transmitted to the International Labour Office.

Article 21. The document mentioned above covers the various subjects mentioned in this Article, with the exception of information regarding the staff of the inspectorate and occupational diseases, the preparation of such information being the responsibility of authorities other than the Department of Labour.

Articles 22 and 24. These provisions are excluded from acceptance of the Convention.

PAKISTAN

In reply to an observation made by the Committee of Experts in 1961 the Government states that the points raised in respect of Article 21 of the Convention are being examined in consultation with the authorities concerned with a view to modifying the existing practice in accordance with the recommendations of the Committee.

SIERRA LEONE

The Machinery (Safe-Working and Inspection) (Amendment) Ordinance, No. 20, 1960.

Article 12 of the Convention. In reply to a request of the Committee of Experts, the Government states that no appointment of labour inspectors under section 88 (1) (XVII) of the Employers and Employed Ordinance has been made, but this will be kept in view for action as soon as the legislative programme permits; no amending legislation has been enacted empowering labour inspectors to take or remove samples of materials. This will be done as soon as the legislative programme permits.

Article 13. In reply to a request of the Committee of Experts, the Government states that the powers under paragraph 2 of this Article are generally available to inspectors of machinery under terms of Chapter 218 of the Laws.

Article 15, paragraph (a). Up to 26 April 1961 effect was being given to the requirements of this Article by the Colonial Regulations, the provisions of which were binding on civil servants. With independence, it is expected that similar provisions will be made in government regulations.

Paragraph (b). In reply to a request of the Committee of Experts the Government states that section 27 of Chapter 220 and section 11 (b) of Chapter 218 as amended by Ordinance No. 20 of 1960 give effect to this paragraph.

Paragraph (c). Effect is given to this paragraph by practice, but consideration will be given to the need for legislation in this connection.

TANGANYIKA

Article 12 of the Convention. The policy that local officers should be trained to fill senior appointments has continued to be pursued. Seven locally recruited officers are now serving as Labour Officers and eight as Labour Officers (Training Grade).

The suggestion made by the Committee of Experts that specific provisions be made in the Mining Ordinance which would empower inspectors to take samples of substances has been noted and will be borne in mind when any substantial amendment of the Mining Ordinance is being considered.

TUNISIA

Decree dated 7 April 1960 relating to the special rules and conditions of service of inspectors and sub-inspectors of labour attached to the Office of the Secretary of State for Public Health and Social Affairs (*Journal officiel*, No. 18, 12 Apr. 1960, p. 471).

Order of the Secretary of State for Public Health and Social Affairs, dated 14 January 1961, to lay down rules and standards for the competition for the post of labour inspector (*ibid.*, No. 3, 24-27 Jan. 1961, p. 164).

Order of the Secretary of State for Public Health and Social Affairs, dated 14 January 1961, to lay down rules and standards for the competition for the post of sub-inspector of labour (*ibid.*, No. 3, 24-27 Jan. 1961, p. 168).

In reply to a direct request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 2 of the Convention. The officers of other ministerial departments having labour inspection duties (for technical reasons justifying such an exception to the rule that labour inspectors have all-embracing powers), have exactly the same powers as labour inspectors attached to the Office of the Secretary of State for Public Health and Social Affairs.

Article 4. The Bill that provides for supervision by the Office of the Secretary of State for Public Health and Social Affairs over the activities of officials of other ministries who have inspection duties is still under consideration.

Article 5. Directives have been issued to the Divisional Labour Inspection Service to co-operate with all the representatives of the other central and regional public authorities whenever their assistance seems to be required. The Inspection Service has also been instructed to promote consultation and co-operation between the public authorities and employers' and workers' organisations.

Article 9. As industrialisation proceeds, recourse will be had to the services of experts with special technical knowledge.

Article 12, paragraph 1 (a) and (b). Labour inspectors are empowered to enter any workplace liable to inspection, at any hour of the day or night.

Paragraph 1 (c) (i) and (iii). Inspectors have all the powers mentioned in these clauses. They carry out all the examinations and inquiries considered to be of value and interrogate both the employer and the staff.

Paragraph 1 (c) (ii). Inspectors may always copy the documents that must be shown to them on demand.

Article 13, paragraph 2 (b). Labour inspectors are empowered to require the termination of employment of any child below the age of 12 years if the work it is given exceeds its strength.

Article 15, paragraph (b). The duty of professional secrecy is imposed by section 254 of the Penal Code, which covers both inspectors at work and those who have retired.

Paragraph (c). In addition to their duty to preserve professional secrecy, inspectors are required, like all civil servants, to show professional discretion under section 8 of the Act of 5 February 1959 laying down the general conditions of service of public officials.

Article 21, paragraphs (c) and (g). The annual reports of the inspection service for the years 1959 and 1960 contain statistics of the number of establishments visited, the number of workers employed therein, industrial accidents and occupational diseases.

TURKEY

Act No. 7467 of 11 April 1960 covering annual holidays with pay for workers employed in industrial establishments (especially section 16).

Decree No. 4/12856 of 2 April 1960 concerning the employment of women and children by night.

Order of 21 July 1960 to extend the application of the Labour Code to other establishments.

UNITED KINGDOM

Factories Act, 1959 (*L.S.* 1959—U.K. 1).
Factories Act (Northern Ireland), 1959.
Wages Councils Act, 1959 (*L.S.* 1959—U.K. 2).
Offices Act, 1960.
Factories Act, 1961.

Article 5 of the Convention. Four joint standing committees and one joint advisory committee, all consisting of representatives of employers' and workers' organisations concerned and some independent members, have been appointed under the Factories Act, 1959, to promote safety, health and welfare in industry.

Article 10. The authorised strength of the Factory Inspectorate in Great Britain is now 446. The staff in post in the Inspectorate on 30 June 1961 was 415. In Northern Ireland there are now ten Factory Inspectors.

Article 25. The Offices Act, 1960, empowers the Secretary of State to make regulations specifying standards concerning working conditions for office employees.

* * *

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, Ceylon, Cyprus, Finland, France, Ghana, Greece, Guatemala, Haiti, Ireland, Italy, Morocco, New Zealand, Sweden, Switzerland, Turkey.

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

Dominican Republic, Netherlands, Nigeria, Norway, United Arab Republic.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

Countries	Ratification registered on	Countries	Ratification registered on
Belgium ¹	27. 1. 1955	United Kingdom ¹	27. 3. 1950
France ¹	26. 7. 1954		
New Zealand ¹	19. 6. 1954		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

TANGANYIKA

Employment (Amendment) Ordinance, 1960.

Credit to Natives (Restriction) (Repeal) Ordinance, 1961.

Article 11 of the Convention. Section 46 of the Employment Ordinance as amended by the Employment (Amendment) Ordinance, 1960, provides for the deposit and deferred payment of wages.

Article 12. See reports for 1959 and 1960 on Convention No. 97, summarised in Report III, Part I, submitted to the International Labour Conference at its 44th (1960) Session (pp. 209-212) and 45th (1961) Session (p. 180).

Article 13. A Territorial Minimum Wages Board has been appointed to recommend minimum wages for all areas.

Articles 15 and 16. The Committee's observation has been noted for action² at a suitable opportunity.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Countries	Ratification registered on
Belgium ¹	27. 1. 1955
France ¹	26. 7. 1954
New Zealand ¹	1. 7. 1952

Countries	Ratification registered on
United Kingdom ¹	27. 3. 1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

GHANA

Industrial Relations Act No. 56, 1958 (*L.S.* 1958—Ghana 1).

Industrial Relations (Amendment) Act No. 43, 1959 (*L.S.* 1959—Ghana 1).

In reply to the observation of the Committee of Experts the Government gives the following information.

Section 11 (1) of the Trade Unions Ordinance, as amended, requires the application for the registration of a trade union to be accompanied by the written consent of the Minister responsible for labour. The Government considers that the need for ministerial approval is in the best interest of employees and ensures that weak "mushroom" unions are not set up; it does not in any way prevent the free association of workers. The period between the date of publication of an application for the registration of a trade union in the Official Gazette and the date of registration has been reduced from six to three months. Section 13 of the Industrial Relations Act assures to trade unions which are the representatives of the workers concerned the right to conclude collective agreements.

* * *

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

Dahomey, Ghana.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Ratification registered on
Australia ¹	30. 9. 1954
Belgium ¹	27. 1. 1955
France ¹	26. 7. 1954

Countries	Ratification registered on
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).

CAMEROUN

In reply to a request made by the Committee of Experts in 1959 the Government points out that all civil or military, lay or religious, public or private establishments are without exception liable to inspection by the Labour Inspectorate.

In 1958 such establishments numbered 1,238.

GHANA

In reply to the request made in 1960 by the Committee of Experts the Government has supplied the following information.

Article 5, paragraph (a), of the Convention. Section 26 (e) of the Ghana Civil Service Act, 1960, forbids civil servants "to engage in any gainful occupation outside the Civil Service without the consent of the prescribed authority".

In addition, under General Orders 200 to 202, an officer entering government service must declare any investment or shareholding which he may possess in any company carrying on business in Ghana. Such investments cannot be acquired without prior permission of the Establishment Secretary. In case of conflict between an officer's private affairs and public duties, he may be asked to renounce such investments.

An officer must also declare all shares or interests held or acquired by his wife and certify that he has no financial interest in such shares or interests.

IVORY COAST

Decree No. 60-237 of 29 July 1960 laying down special regulations for the staff of the Labour Inspection Corps (*Journal officiel*, 20 Aug. 1960).

Article 2 of the Convention. Under section 28 of the above-mentioned decree, "alone eligible for appointment as labour and social legislation inspectors shall be those holding a degree from an advanced training establishment, for whom the conditions of recruitment, direct and professional, and of employment shall be fixed by special regulations". At present, in addition to the students graduating from the Institute of Advanced Overseas Studies in Paris, who will be appointed inspectors on their return, the social section of the Ivory Coast National School of Administration will turn out at the end of 1962 its first batch of young inspectors.

Article 5. Section 30 of Decree No. 60-237 provides that, irrespective of the obligations imposed on them by the general civil service regulations, labour and social legislation inspectors may not have any direct or indirect interest whatsoever in the undertakings under their supervision.

NIGER

Decree No. 60014/MTAS of 15 January 1960 to reorganise the labour, manpower and social security services.

Article 1 of the Convention. There are at present three regional inspectorates.

Article 2. Each inspectorate is in the charge of a Niger official. Two of them attended courses in 1961 at the Institute of Advanced Overseas Studies in Paris, on grants from the I.L.O. It is planned that their third colleague shall follow them in 1962.

In reply to a request from the Committee of Experts the Government states that because of these courses only one inspector is actually on the job. It is expected that there will be two in 1962, and that in 1963 all three inspectors will be at their posts.

Article 4. In reply to a request from the Committee of Experts, the Government states that section 154 (a) of the Labour Code authorises inspectors to enter all premises which they may have reasonable cause to believe to be liable to inspection.

SENEGAL

Act No. 61-34 of 15 June 1961 establishing a Labour Code.

The Government is at present examining the possibility of ratifying Convention No. 81.

In addition, the competent government services are considering a draft decree laying down regulations for labour inspectors.

Furthermore, in reply to a request made by the Committee of Experts in 1960 the Government states that in practice, if the labour inspector has reasonable cause to believe that on any premises whatsoever a worker is carrying on a gainful activity and is therefore covered by the protective provisions of the Act—for example if he has received a complaint from the worker himself or his trade union—he is empowered to enter the premises in question, taking every precaution in order to respect the constitutional rule of the inviolability of the home. This practice has given rise to no particular problem up to now.

UPPER VOLTA

Decree No. 435/Pres/FP.P of 8 November 1960 laying down special regulations for the staff of the Labour Inspectorate.

Article 1 of the Convention. The labour inspection services are attached to the Ministry of Labour and the Civil Service. They consist, *inter alia*, of two regional inspectorates.

Article 2. The staff is composed of French technical assistance officials (two labour and social legislation advisers and two officials from the Ministry for Overseas France) and Upper Volta citizens (one labour and social legislation inspector and two labour supervisors).

Article 4. In reply to a request made by the Committee of Experts in 1960, the Government adds that labour inspectors are empowered to enter all premises, with the exception of living accommodation, the home being inviolate.

* * *

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

Belgium, Niger, Senegal, Upper Volta.

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

Dahomey, Malaya.

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Luxembourg	3. 3. 1958
Argentina	18. 1. 1960	Malagasy Republic ¹	1. 11. 1960
Austria	18. 10. 1950	Mali ²	22. 9. 1960
Belgium	23. 10. 1951	Mauritania ¹	20. 6. 1961
Bulgaria	8. 6. 1959	Mexico	1. 4. 1950
Burma	4. 3. 1955	Niger ¹	27. 2. 1961
Byelorussia	6. 11. 1956	Nigeria ³	17. 10. 1960
Cameroun ¹	7. 6. 1960	Netherlands	7. 3. 1950
Central African Republic ¹	27. 10. 1960	Norway	4. 7. 1949
Chad ¹	10. 11. 1960	Pakistan	14. 2. 1951
Congo (Brazzaville) ¹	10. 11. 1960	Panama	3. 6. 1958
Costa Rica	2. 6. 1960	Peru	2. 3. 1960
Cuba	25. 6. 1952	Philippines	29. 12. 1953
Dahomey ¹	12. 12. 1960	Poland	25. 2. 1957
Denmark	13. 6. 1951	Rumania	28. 5. 1957
Dominican Republic	5. 12. 1956	Senegal ³	4. 11. 1960
Finland	20. 1. 1950	Sierra Leone	15. 6. 1961
France	28. 6. 1951	Sweden	25. 11. 1949
Gabon ¹	14. 10. 1960	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	20. 3. 1957	Togo ¹	7. 6. 1960
Greece	30. 3. 1962	Tunisia	18. 6. 1957
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Guinea ¹	21. 1. 1959	U.S.S.R.	10. 8. 1956
Honduras	27. 6. 1956	United Arab Republic	6. 11. 1957
Hungary	6. 6. 1957	United Kingdom	27. 6. 1949
Iceland	19. 8. 1950	Upper Volta ¹	21. 11. 1960
Ireland	4. 6. 1955	Uruguay	18. 3. 1954
Israel	28. 1. 1957	Yugoslavia	23. 7. 1958
Italy	13. 5. 1958		
Ivory Coast ¹	21. 11. 1960		
Kuwait	21. 9. 1961		

¹ See footnote 4 to Convention No. 4.² See footnote 7 to Convention No. 4.³ See footnote 4 to Convention No. 15.

BURMA

In reply to the direct request of the Committee of Experts the Government gives the following information.

The question of amending the Trade Unions Act so as to permit the registration of unions having as members less than 50 per cent. of the total number of persons employed in an establishment or undertaking is being considered.

So far, no craft union has applied for registration.

Section 4 of the Trade Unions Act may result indirectly in prohibiting the establishment of a new trade union when a union already exists in the undertaking or establishment. In practice, rival unions have existed in establishments and undertakings, owing allegiance to the Burma Trade Union Congress and the Union Labour Organisation respectively, thus reflecting the split which occurred in 1958 in the then ruling political party, the Anti-Fascist People's Freedom League. To solve this problem, the Government enacted the Trade Unions (Amendment) Act, 1959.

The question of repealing section 24 of the Trade Unions Act will be considered.

Steps are being taken to replace the Government Servants' Conduct Rules by a Civil Service Bill.

The Government is prepared to consider any recommendations which may be put forward in the report on the factual survey on freedom of association recently made by the International Labour Office in Burma.

No registered or unregistered trade union has been prohibited pursuant to Article 17 of the Constitution.

Regarding certain points of the direct request the Government states that the answers can best be given by the Ministry of Home Affairs.

CUBA

For the Government's reply to the Committee's observations see *Report of the Committee* (1961), pp. 750-751.

GUATEMALA

Decree No. 1441 of 29 April 1961, amending the Labour Code.

In reply to the observations made by the Committee of Experts the report states that the above-mentioned decree has repealed sections 235 to 238 of the Labour Code, which restricted the right to organise of agricultural workers, and has also abolished the administration's power to dissolve trade unions as provided for in section 227 of the Code.

The prior authorisation required under sections 217 and 211 of the Code before organisations may begin their activities as such may be refused only if there is an error or omission in the drafting of their statutes.

The government supervision over industrial associations provided for in section 211 (a) and (b) consists in assistance from the administration in the financial management of trade unions, which are always free to refuse it. New regulations governing civil servants and salaried employees of the State and public bodies, under which the right of such workers to organise is recognised, are at present before Congress.

HUNGARY

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

The "trade unions" are the organisations of salaried employees or wage earners. Independent workers have set up their own autonomous organisations which freely pursue their purpose of defending the interests of their members.

Use of the expression "trade unions" in section 150 of the Labour Code is a matter of wording only. Wherever the term "trade union" is used, the Central Council of Trade Unions must be understood. The legal provisions state on each occasion whether a particular measure relates not to the Central Council of Trade Unions but to other trade union organisations (the Trade Union Committee for instance).

In reply to the Committee's question as to whether the term "trade unions" as used in legislation enables workers to organise (a) in works unions, (b) in craft or occupational unions, (c) in local unions, the Government replies in the affirmative.

There is no provision under which only the associations including among their articles the functions listed in sections 1 to 3 of Decree No. 53 of 1953 may be considered as trade unions.

It is the provisions contained in the trade unions' rules which determine the principal task of the basic organisations. In addition, the rules of the trade unions are entirely recognised under domestic law.

In reply to the question by the Committee of Experts as to whether section 160 (*f*) of the Penal Code providing for terms of imprisonment for any persons establishing a prohibited association or organisation would apply to the founders of an organisation refused recognition as an occupational organisation in accordance with section 15 of Legislative Decree No. 18 of 1955 and not complying with the formalities stated in that decree, the Government replies that no such question has ever arisen in practice.

Undertakings managed by trade unions are concerned with the operation and supply of rest homes and with book publishing.

Directors of state undertakings have never requested that organisations should be formed outside the existing trade unions in order to promote and defend the interests of their members. In actual fact, they can and do belong to existing trade unions.

The problem raised by the Committee regarding the authorities competent to decide whether a trade union fulfils the purposes stated under the Constitution has never yet arisen. If any such case did arise, however, any activity contrary to the Constitution would be liquidated within the framework of trade union autonomy, that is to say the members or the higher trade union authorities would intervene. The organs of the State do not deal with such questions.

The Convention has not been published in the Official Bulletin, since the relevant texts in force guarantee citizens and trade unions far wider rights than those provided for under the Convention.

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 to enact the Labour Code (*Journal officiel*, 8 Oct. 1960).

In reply to the observations of the Committee of Experts the Government states that the above-mentioned ordinance merely reproduces the provisions of Act No. 52-1322 of 15 December 1952, which has been repealed. Under section 3 of the Act, trade unions must have as their sole object the study and defence of economic, industrial, commercial and agricultural interests. The clearer definition introduced by the 1960 Ordinance at the end of section 3 ("they are prohibited from taking part in any political activity") is merely a corollary to the foregoing provision and does not constitute a restriction of the principle of freedom of association, which is re-asserted in section 4. The Government also states that there could be no dissolution of trade union organisations by administrative decision, since section 11 of the ordinance provides only for voluntary dissolution, dissolution in accordance with the provisions of the constitution of the organisation and dissolution by a court order.

MEXICO

The Government refers to the observations made by the Committee of Experts and states that in its opinion there is no discrepancy between the national legislation and the Convention.

The Terms and Conditions of Employment of Workers in the Service of the Federal Authorities prohibit not the establishment but the registration of more than one public servants' organisation for any one department. This rule strengthens the trade union movement and limits the possibility of disputes.

Workers in positions of trust may not join unions, because their interests are identical with those of the employer.

It is provided in section 55 (4) of the Terms and Conditions of Employment that "unions may form federations, and in such a case they shall continue to form part of the Federation of Trade Unions of Government Service Workers. This is the only federation that shall be recognised by the State".

The observations made by the Committee with regard to the legislation of certain federated states have been forwarded to those states for appropriate action.

NETHERLANDS

For the Government's reply to the observations of the Committee of Experts see the *Report of the Committee* (1961), p. 752.

NIGER

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

Ordinance No. 59-101 of 4 July 1959 empowers the Prime Minister of the Republic of Niger to dissolve by decree "any political party, trade union or association the activities of which are seriously detrimental to public order and contrary to the principles of democracy, the Community and the Republic".

Decree No. 59-102 of 4 July 1959 provides for the dissolution of the Niger branch of the General Union of Workers of Africa South of the Sahara, firstly because the General Union had transferred its registered office to a foreign country, and secondly because the activities of this federation outside the trade union field were directed against the institutions of the French Community and of the Republic of Niger. The Government recalls that the Labour Code of 15 December 1952 states that "trade unions shall have as their sole object the study and defence of economic, industrial, commercial and agricultural interests". This provision is reproduced in the constitutions of the unions. The Government issued the dissolution order referred to because that basic principle had been violated.

The consequences of the dissolution were as follows: The General Union of Workers of Africa South of the Sahara has become the National Union of the Workers of Niger. This trade union federation simply succeeded the General Union and inherited its membership, its assets and most of its leaders. The Government states that if it so wishes the National Union of the Workers of Niger may join an international or African workers' organisation.

PAKISTAN

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

The proposed amendments to the Government notification of 1947 with a view to allowing public servants to establish and join freely organisations of their own choosing are still under consideration by the Government. A decision in this matter is expected to be taken shortly.

PHILIPPINES

In reply to an observation by the Committee of Experts the report gives the following information.

The Bill relating to the elimination of the affidavit required from officers of trade unions in regard to their political opinions was submitted to Congress for a first reading but was not passed on for second reading. After the 1961 session of the Fourth Philippine Congress the Bill was considered to have lapsed and will have to be introduced again for the consideration of the forthcoming Fifth Philippine Congress.

Although, with due deference to the contrary opinion of the Committee, it is believed that the existing Act No. 875 does not violate Articles 3 and 4 of the Convention, a similar Bill to that mentioned above will be submitted to the forthcoming Congress. It is believed that the affidavit requirement of the Act is not necessary for the due organisation and existence of a trade union. Under the Act a trade union can be duly organised and exist without the necessity of complying with the affidavit requirement, which is only for purposes of registration.

The cancellation of a union permit does not dissolve the union or suspend its existence. Hence trade unions are not liable to be dissolved or suspended under the Act by any administrative authority for failure to comply with the affidavit requirement.

POLAND

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

The Associations Act, 1932, is still in force and has not been amended since 1949, although it is planned to amend it shortly.

“Creative” associations bring together persons who are employed on the basis of a labour agreement, i.e. workers, as well as non-workers. Those members of such organisations who are workers also join the unions for their trades.

The members of co-operatives are generally also the workers of those co-operatives. A co-operative is simultaneously an employer and an association of producers or participants. The rights and interests of members are represented by organs of the co-operative and by organs of the associations of co-operatives who are chosen by the members.

An appendix to the report contains the constitutions and rules of several organisations of the kind described above, as well as the provisions that apply to co-operatives.

SENEGAL

Act of 15 June 1961 to promulgate a Labour Code (*Journal officiel*, 3 July 1961).

In reply to the requests of the Committee of Experts the Government refers in its report to the information it has supplied to the Committee on Freedom of Association of the Governing Body of the International Labour Office. It also supplies information on the legislation relating to meetings.

U.S.S.R.

For the Government's reply to the Committee's observations see *Report of the Committee* (1961), pp. 753-756.

UNITED ARAB REPUBLIC

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

The remarks made by the Committee of Experts were duly reported to the Higher Labour Consultative Council which is responsible for preparing and amending labour Bills before promulgation. Trade unionists, employers and government representatives on the Council will have full opportunity to discuss the Committee's remarks.

Any new development in this respect will be immediately reported to the International Labour Office.

YUGOSLAVIA (First Report)

Constitution of 21 January 1946 (*Službeni List (Sl.L.)*, 1946, No. 10).

Constitutional Law of 13 January 1953 (*Sl.L.*, 1953, No. 3).

Act of 12 December 1957 respecting employment relationships (*Sl.L.*, 1957, No. 3) (*L.S.* 1957—

Yug. 2) as amended by the Ukase of 28 June 1958 (*L.S.* 1958—Yug. 1).

Business Association and Co-operation (Economic) Act (*Sl.L.*, 1960, No. 28).

Article 2 of the Convention. The 1946 Constitution guarantees the right of wage earners and salaried employees to form associations, come together and hold public meetings and demonstrations. The Constitutional Law of 1953 guarantees the working people's right of association with a view to the advancement of the joint democratic, political, economic or other interests.

Trade union organisations may be formed without prior or subsequent authorisation. Membership of a trade union is voluntary; any persons in employment may join without further formalities and leave of their own accord. There are no laws or regulations that can restrict the constitution of organisations of public servants.

The chambers and other economic associations, which act as employers' organisations, are absolutely free and perform their duties independently. Undertakings must compulsorily be members of economic chambers; the sole purpose of such compulsory membership is to ensure that any undertaking will play an active part in the work of one of the economic chambers so that each may cover the whole of the economic field within its competence. Besides their compulsory membership of the appropriate economic chamber, undertakings in a particular branch of the economy may join the economic chambers of any other branch if they consider this to be in their interests. Under section 4 of the Business Association and Co-operation (Economic) Act, the chambers may not impose on their members any decisions of such a nature as to infringe the principle of workers' management.

Agricultural co-operatives may federate with a view to working together towards the development of the co-operative movement in agriculture.

Within the Federal Chamber of Industry, the Federal Chamber of Construction and the Federal Chamber of Transport there are councils for the various branches of the economy or sectors of production. These councils are fully autonomous with regard to the settlement of problems peculiar to their branches or sectors of production; they have their own constitutions and administrative rules, their own management and their own resources; they act in full independence of the organs of the government administration.

With a view to gradually liberalising the organisational forms of association in economic life, the principle of the free association of economic undertakings in one or more branches through the business associations has been laid down in the new Business Association and Co-operation (Economic) Act. Such business associations are formed voluntarily by a certain number of undertakings which aim at economic co-operation, that is to say to carry out specified economic activities jointly. The establishment of such associations and the rules governing their activities are subject to approval by the Communal Economic Council.

In addition to the economic chambers set up by law there are economic chambers formed on a voluntary basis by decision of the undertakings concerned, namely the district chambers of agriculture and forestry, commerce and the hotels industry and the local chambers of handicrafts.

Article 3. The unions operate in accordance with constitutions and rules which they have drafted in full freedom. Constitutions and rules are not subject to approval by the public authorities. Each member is entitled to vote and to be elected to a position of leadership. The elections, which are by secret ballot, are not subject to any kind of approval by the public authorities. By the terms of their rules the trade

unions organise their administration, formulate their programmes and act, in general, without any restriction. The trade union press is free. Trade union meetings are held freely and in the absence of representatives of the authorities. The constitutions and rules of economic associations are approved by the representative bodies of the geographical area they cover—the producers' councils of the National Assembly or of the people's committee of the territorial political unit.

The public authorities refrain from any interference which might restrict these rights or prevent their lawful exercise.

Article 4. The trade unions may not be dissolved or suspended by administrative authority. The economic chambers of the Federation or the individual republics may be dissolved or suspended only by an Act of the Federation or the republic. Business associations cease to exist by virtue of a decision taken by their members or by enforceable order of court.

Article 5. The trade unions have the right to establish federations and confederations and to join international organisations. Business associations are entitled to associate with one another. The economic chambers are entitled to join international federations or confederations of employers.

Article 6. The guarantees provided for by national legislation with regard to the constitution and dissolution of trade unions or of business associations apply also to their federations or confederations.

Article 7. The basic trade union organisations, federations and confederations acquire legal personality as soon as they come into operation.

The economic chambers acquire legal personality as soon as their constitutions and rules have been approved by the competent representative bodies. Business associations acquire legal personality by registering with the appropriate departmental court. This registration is carried out on the basis of the contract and the rules of the business association, as approved by the economic council of the people's committee of the commune.

The acquisition of legal personality is compulsory.

Article 8. There is no law or statutory provision that impairs the guarantees laid down in the Convention.

Article 9. The provisions of the Convention are not applicable to members of the police and the armed forces, except with regard to their civilian staff, who belong to the unions.

* * *

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

Dahomey, Senegal, Yugoslavia.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	24. 9. 1956	Japan	20. 10. 1953
Australia	24. 12. 1949	Luxembourg	3. 3. 1958
Belgium	16. 3. 1953	Netherlands	7. 3. 1950
Brazil	25. 4. 1957	New Zealand	3. 12. 1949
Bulgaria ¹	29. 12. 1949	Nigeria	16. 6. 1961
Canada	24. 8. 1950	Norway	4. 7. 1949
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Sierra Leone ³	13. 6. 1961
Cyprus ²	23. 9. 1960	Spain	30. 5. 1960
Czechoslovakia	12. 6. 1950	Sweden	25. 11. 1949
Dominican Republic	22. 9. 1953	Switzerland	19. 1. 1952
France	15. 10. 1952	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	22. 6. 1954	Tanganyika ³	30. 1. 1962
Ghana	4. 4. 1961	Turkey	14. 7. 1950
Greece	16. 6. 1955	United Arab Republic	3. 7. 1954
Guatemala	13. 2. 1952	United Kingdom	10. 8. 1949
India	24. 6. 1959	Yugoslavia	23. 7. 1958
Iraq	22. 6. 1951		
Israel	21. 8. 1959		
Italy	22. 10. 1952		

¹ Has denounced this Convention.

² See footnote 2 to Convention No. 15.

³ See footnote 4 to Convention No. 15.

ARGENTINA

As the reorganisation of the Employment Service is not yet completed, the Government is as yet unable to supply the information requested by the Committee of Experts.

AUSTRALIA

Articles 4 and 5 of the Convention. During the period under review the Minister and Department of Labour and National Service continued to consult with the principal representatives of employers' and workers' organisations in relation to problems connected with the administration of the Commonwealth Employment Service on which the views of representatives of employers and workers could be helpful or should be obtained. In 1962 the Minister and the Department of Labour and National Service propose to renew their efforts to re-establish a fully representative high-level national advisory committee of delegates of employers and workers.

BELGIUM

Article 6 of the Convention. The functions of the National Employment Office, the new title of the National Placement and Unemployment Office, in combating unemployment have been increased by several royal orders.

Article 7. An advisory committee for sea fishing has been set up.

Article 9. The situation of employees of public bodies, particularly those controlled by the Minister of Employment and Labour, was fixed by a royal order dated 14 February 1961. This situation therefore applies to the National Employment Office, for which it had not, however, come into force by 30 June 1961.

CYPRUS

In reply to a direct request made by the Committee of Experts the Government indicates that it has not yet laid down statutorily the precise functions and aims of the Employment Service pending the arrival of the International Labour Office expert who is advising on its reorganisation.

CZECHOSLOVAKIA

The manpower departments of the National District Committees remain the executive organs of those Committees and retain responsibility for placement of persons seeking employment.

The activities of the National District Committees with regard to placement and recruitment are under the authority of the State Planning Office.

Undertakings co-operate with the executive organs of the National Committees through subcommittees of the Committees, two-thirds of the members being elected by the Committees from among their own members and one-third from among workers of proven value in factories, agricultural co-operatives, cultural organisations or elsewhere.

DOMINICAN REPUBLIC

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1960), pp. 626-627.

FRANCE

Order of 21 April 1961.

The above-mentioned order modifies the organisation and powers of the General Labour and Manpower Directorate, in order to improve the knowledge and study of economic and social factors in labour problems and to introduce new methods in the departments responsible for these questions. These departments have been re-grouped in two subdirectorates: the one regulates employment and immigration questions and the other is concerned with vocational guidance and training. The purpose is to guarantee close co-ordination of these two aspects of manpower policy.

GREECE

Article 6, paragraph (b) (iv), of the Convention. The Employment Service checks vacancies notified by employers in other European countries and arranges for Greek workers to be sent following signature of an approved contract of employment. With countries having a large number of vacancies, the Government has concluded agreements concerning the employment of Greek workers.

Article 9. It is intended to stabilise the temporary personnel at present employed in the Employment Service, following a careful examination of their performance.

GUATEMALA

The Government proposes to extend the Employment Service, which at present includes only one office in the capital, to other regions, and has for this purpose requested the technical assistance of the International Labour Organisation.

INDIA (First Report)

The Employment Exchanges (Compulsory Notification of Vacancies) Act, No. 31, 1959 (*The Gazette of India, Extraordinary*, 3 Sep. 1959).

The Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960 (*ibid.*, 18 Mar. 1960).

The above-mentioned Act, which requires certain categories of establishments to notify vacancies to employment offices and render the prescribed returns, gives statutory recognition to the existence of the employment offices and their functions.

Article 1, paragraph 1, of the Convention. A free public employment service has been in existence since July 1945 and has now been made a permanent organisation.

Paragraph 2. The Employment Service has taken steps in co-operation with other public and private bodies concerned to develop various employment and manpower programmes with a view to ensuring the best possible organisation of the employment market.

Article 2. The Service consists of a network of employment offices spread throughout the country. The state governments are responsible for the day-to-day administration of the employment offices located within the respective states, while the central Government is responsible for matters regarding policy and procedure. The Directorate-General of Employment and Training in the Ministry of Labour and Employment, which is the department of the central Government concerned, has the following functions:

- (a) to establish in collaboration with state governments national policies, standards and procedures;
- (b) to co-ordinate the work of the Service in the states;
- (c) to plan and formulate programmes for expansion and development of the Service in consultation with state governments, and to examine local programmes and procedures;
- (d) to conduct training programmes for employment officers and develop staff training material for use by the Service in the states;
- (e) to provide central machinery for adjusting surpluses and shortages of workers in the different states;
- (f) to collect and disseminate information concerning employment and unemployment and prescribe uniform reporting procedure;
- (g) to plan, develop and carry out a continuous programme of employer and worker relations directed to employers' and workers' organisations at the national level and to employers who maintain establishments in several states;
- (h) to arrange for co-ordination and consultation with the Ministries of the Government of India whose activities affect the employment situation in the country;
- (i) to set up a central employment advisory committee composed of the representatives of employers' and workers' organisations and other interested parties;
- (j) to carry out at the national level a public relations and information programme, produce information material and provide the Employment Service in the states with technical assistance in the operation of public relations and information programmes.

The expenditure on the Employment Service is shared between the central and state governments in the ratio of 60:40.

Article 3, paragraph 1. The number of employment offices was increased under the Second Five-Year Plan from 135 in March 1956 to 307 in March 1961. In the Third Five-Year Plan period, beginning in 1961-62, it is proposed to provide employment offices in more areas until each administrative district in the country has at least one employment office. Decisions as to the location of employment offices are made by the state governments in consultation with the central Government.

Paragraph 2. Necessary machinery exists for review and revision of the location, upgrading, etc., of employment offices in the Working Group of the Employment Service, which considers all such questions and makes recommendations to the central Government.

Article 4, paragraph 1. Tripartite Employment Advisory Committees, which include equal numbers of representatives of employers' and workers' organisations, have been or are being formed at the national, state and local levels to advise on the working of the employment offices and to consider ways and means of promoting employment opportunities. The Committees are competent to discuss all questions relating to Employment Service policy, employment and unemployment.

Paragraph 2. At the national level a Central Committee on Employment has been constituted with the Minister of Labour and Employment as Chairman. In addition, there are state Committees on Employment, with the respective state Labour Ministers as chairmen, to consider problems relating to the Employment Service and the promotion of employment opportunities within each state. At the local level District Committees on Employment have been or are being set up to advise on local problems.

Paragraph 3. The employers' and workers' representatives on these Committees are appointed in equal numbers on the recommendation of the appropriate employers' and workers' organisations.

Article 5. The referral policy of the Employment Service has been laid down in the National Employment Service Manual, which contains instructions to employment officers regarding all matters connected with the work of the employment offices. In developing this policy, the views of the Employment Advisory Committees referred to under Article 4 were taken into consideration as far as possible. The policy is also reviewed by the Government when considered necessary or when so required by the recommendations of the tripartite Advisory Committees.

Article 6, paragraph (a). The Employment Service registers applicants for employment and classifies them in accordance with their occupational qualifications. For this purpose a national classification of occupations has been prepared and is used at employment offices. The registrants are submitted to employers by trained employment officers against notified vacancies in accordance with specifications laid down. In selected employment offices, vocational guidance sections have been established under trained officers for the use of employment seekers. Necessary machinery has also been provided to ensure that persons registered in one employment office for whom local vacancies are not available can be considered for suitable employment in other employment office areas.

Paragraph (b). At the national headquarters of the Employment Service a unit has been established with a view to arranging re-employment of persons rendered surplus in establishments under the central Government, the various national projects and major works in the private sector. This unit arranges as far as possible for the transfer of men from one project to another when the former is nearing completion, and seeks to ensure the continuity of employment of workers in other ways. The Service also seeks to ensure occupational mobility through its vocational guidance programmes.

Paragraph (c). A programme for the collection of employment market information through the employment offices has been initiated. Under this programme, information regarding the current employment position, shortages of personnel, etc., is obtained on a quarterly basis in respect of a number of local office areas (148 at the end of March 1961). The data so collected are analysed and local employment market reports prepared. These reports are made available to public authorities, employers' and workers' organisations and the general public. It is proposed to extend this system of quarterly reports to other employment office areas during

the Third Five-Year Plan period. In addition to area reports, all-India and state reports in respect of employment in the public sector are prepared.

Paragraph (d). There is no unemployment insurance scheme in operation. The Employment Service, however, co-operates at the appropriate levels in the consideration of questions of unemployment relief.

Paragraph (e). The Employment Service is working in close co-operation with the Planning Commission, the Directorate of Manpower and other departments and agencies in regard to employment and manpower planning. Apart from these activities, the Service is carrying out a programme of occupational research and analysis and studies regarding educational and technical training requirements of a selected number of occupations which are important to the national economy. It is also preparing a series of guides to careers and handbooks on training facilities available in the country. These activities are directed towards assisting in the proper training and utilisation of the country's manpower.

Article 7, paragraph (a). In the bigger employment offices employing more than one officer, the work is divided into sections on an occupational basis, such as technical categories, clerical categories, unskilled categories, etc. In some larger cities such as Bombay, Calcutta and Delhi, the registration and placement functions have been divided on a more or less functional basis among the various offices existing in the city; thus, one office deals with clerical and related applicants, another with the unskilled, and so on. Separate offices for particular industries have not so far been developed.

Paragraph (b). There are two special employment offices for the physically handicapped, one at Bombay and the other at Delhi. More are being established. There are also a number of special employment offices established near coal mines to cater for the needs of colliery workers. Similarly, special employment offices have been set up near river valley projects to assist in placement. In addition, employment information and guidance bureaux have so far been established in five universities in order to provide occupational information and guidance to students and to render assistance in placement. Such bureaux are proposed for other universities.

Article 8. Vocational guidance sections designed to provide occupational information, guidance and employment assistance specially to young persons were set up at 76 employment offices in the country during the Second Five-Year Plan period. One hundred more such sections are proposed during the Third Five-Year Plan period. The vocational guidance programme is being developed nationally in co-operation with the educational authorities, and employment officers and staff are being equipped for this work through a continuing programme of instruction and training.

Article 9, paragraph 1. The status of Employment Service officers and staff is the same as that of other government officials. They are also governed by service conditions similar to those for other government servants. Their employment, continuity of service, prospects, etc., are independent of changes in government.

Paragraph 2. The staff of the Employment Service within a state are officials of the state government, while the staff at the national headquarters are officials of the central Government. At the state level, officers of the Employment Service having gazetted status are recruited in accordance with the regulations of the state government concerned. Similarly, at the central level, gazetted officers are recruited through the Union Public Service Commission, while the rest are recruited in accordance with the central Government's regulations in regard to the particular category of staff. In all cases, selection of staff is through open competition.

Paragraph 4. Responsibility for training gazetted officers of the Service lies with the central Government. For this purpose a Staff Training Unit has been established at the national headquarters. The Unit organises initial training courses for officers

after they have been appointed to the Service, and also refresher courses where necessary and practicable. The training of clerical staff at the employment offices is the responsibility of the state Directors of Employment.

Article 10. The co-operation of employers' and workers' organisations in making full voluntary use of the Employment Service facilities is continuously sought through personal contacts and discussions in the Employment Advisory Committees. Prominent personalities in public life and employers' and workers' representatives are invited to visit the employment offices and see for themselves their method of work.

Under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, notification of certain types of vacancies to employment offices by establishments employing 25 or more persons has been made compulsory. The employers, however, are not required to fill their vacancies through the employment offices. In the public sector, executive instructions provide that all vacancies other than those filled by the Union Public Service Commission shall be notified to the employment offices and that those submitted by the employment offices should be considered for appointment. Under the central Government, recruitment can be made from the open market only when employment office nominees are not found suitable.

Article 11. There are practically no private employment agencies with which the public Employment Service has to deal. It is the policy of the Government of India not to encourage private employment agencies.

Article 12. No area in the country has been exempted from the application of the Convention.

IRAQ

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

Article 3, paragraph 1, of the Convention. Although only one office is functioning, the establishment of other offices is under active consideration, and recommendations to this end made by the I.L.O. expert working with the Employment Service have been accepted in principle; financial provision is to be made in the next budget.

Article 4. In view of the impending revision of the sections of the Labour Code of 1958 concerning the Employment Service, no action has so far been taken to form the Employment Council or the local employment committees referred to in sections 87, 90, 91 and 92 of that Code.

Article 5. The policy in regard to referral of workers has been in accordance with Part IV of the Employment Service Recommendation, 1948 (No. 83); it will be reviewed by the advisory committee when this is formed.

Article 6, paragraph (a). Applicants are registered by a procedure recommended by the I.L.O. expert; this takes the applicant's qualifications and desires into account. The Service has not yet introduced arrangements for giving vocational guidance or advice on vocational training, but this has been recognised as a function of the Service, and attempts will be made to give advice where appropriate.

Paragraph (c). Officials of the Service are being trained in the collection and analysis of information on the employment market; when this training is completed a programme will be instituted, though it will be some time before it can yield results.

Articles 7 and 8. The importance of these measures is appreciated, but they can be introduced only when a network of offices working to a reasonable standard has been developed.

ISRAEL (First Report)

The Employment Service Law, 1959 (*Sefer Ha-Chukkim*, 23 Jan. 1959, No. 270, p. 32) (L.S. 1959—Isr. 1).

Articles 1 and 2 of the Convention. The Employment Service is a statutory body subject to the control of the State Comptroller and to the supervision of the Minister of Labour.

Article 3. The whole country is covered by a network of employment offices with branch offices and sections as required by the employment market. The number of employment offices is at present 48, but there is a tendency to reduce the number by converting some small offices into branches of larger units so as to secure greater flexibility in placement. Review of the network is possible.

Article 4. The supreme authority of the Service is the Employment Service Board, on which workers and employers are represented in equal numbers after consultation with the representative organisations. In addition, there is at each employment office a public council consisting of employers' and workers' representatives; the councils attached to the main offices have equal representation of employers and workers, but in new development areas where there are not yet enough employers to be represented it is not always possible to follow this rule.

Article 6. Effective recruitment and placement are secured by the provision in the above-mentioned law making it compulsory (in almost all occupations) to engage workers through the Service, and by imposing a duty on employers to notify vacancies. An employment counselling department has been established and, when appropriate, employment counsellors interview applicants for employment. Transfer from one office area to another is the responsibility of the central management, and in appropriate cases transport facilities and expenses are taken care of by the Ministry of Labour. The Service co-operates with the Vocational Training Department of the Ministry of Labour and collects data on the employment situation.

Article 7. There are, *inter alia*, special sections, departments or offices for the following branches of activity: agriculture, industry, building, clerical services, domestic help, seamen and professional employees.

Article 8. Section 25 of the Law provides that a section or branch for juvenile workers shall be in a separate place; 61 special offices for young workers have been established with all the necessary facilities. Vocational guidance is given, and registrations for vocational training are taken.

Article 9. The staff of the Service is subject to the same conditions of employment as the civil service; it is consequently independent of changes in government and is assured stability of employment. Recruitment and selection are on the same lines as for the civil service, that is, the lower grades are recruited through the Employment Service, the higher grades through selection by special committees as a result of open competition. A member of the central management is specially entrusted with the training of staff, and special training courses are held.

Article 10. It is hoped to encourage the voluntary use of the Service in those occupations for which use is not compulsory by having the employers represented on the Board, by placement appeal committees, and by publicising the fact that those registered as skilled workers have the necessary skills.

Article 11. There are no private employment agencies not conducted with a view to profit.

Article 12. No areas are excluded from the application of the Convention.

ITALY

Act No. 5 of 10 February 1961.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee* (1960), p. 627.

Act No. 5 of 10 February 1961, a copy of which is attached to the report, repealed previous legislation which imposed restrictions in the case of workers wishing to transfer their residence to major urban centres and of agricultural workers wishing to enter another sector of productive activity. Such restrictions had for a considerable period ceased to be operative. The new Act also facilitates the mobility of workers intending to take up employment in a nearby municipality without changing their residence.

JAPAN

Measures have been taken to promote the geographic mobility of workers and the employment of handicapped persons.

LUXEMBOURG (First Report)

Grand-Ducal Order of 30 June 1945 to set up a National Labour Office (*Mémorial*, 12 July 1945, p. 375).

Act of 22 April 1949 modifying and supplementing certain provisions of the Grand-Ducal Order of 30 June 1945 setting up a National Labour Office (*ibid.*, 7 May 1949, p. 379).

Act of 10 February 1958 approving the Employment Service Convention, 1948 (No. 88), adopted at the 31st Session of the International Labour Conference (*ibid.*, 27 Feb. 1958, p. 203).

Article 1 of the Convention. In accordance with the Grand-Ducal Order of 30 June 1945, the National Labour Office discharges the functions of a free employment service. It comes under the immediate authority of the Minister of Labour, and its purpose is to serve as an intermediary between the supply and the demand for employment; to keep a constant check on fluctuation in the employment market; to provide a vocational training and apprenticeship placement service, in close co-operation with the institutions and authorities dealing with such problems; to assist the occupational associations concerned in carrying out the legal provisions with regard to apprenticeship; to exercise general and permanent supervision of unemployed persons, and to decide in the first instance with regard to applications for unemployment benefit; to take all necessary action and to provide assistance with a view to a national employment and manpower policy. The organisation of the employment service is characterised by centralisation of the manpower, unemployment and occupational guidance offices. The employment service acts in conjunction with other public and private authorities in seeking the most satisfactory organisation of the employment market.

Article 2. The National Labour Office serves as a national employment directorate.

Article 3. The National Labour Office has its headquarters at Luxembourg. Regional offices and vocational guidance centres have been set up at Esch-sur-Alzette and Diekirch; there is a sub-agency at Wiltz. In other places auxiliary offices are open once a week or as otherwise required. Owing to the small territorial extent of the Grand-Duchy of Luxembourg, the three offices and the sub-agency mentioned above are sufficient to cater for each of the geographical regions and are conveniently situated for both employers and workers.

Articles 4 and 5. The Director of the National Labour Office is assisted by an administrative committee composed on a tripartite basis, which co-operates in the organisation and satisfactory running of the Office's services, takes all necessary action and submits proposals to combat unemployment and to apply a national employment and manpower policy, and gives final judgment regarding all claims for unemployment benefit. The Joint Administrative Committee of the National Labour Office is composed of three government delegates, three employers' representatives, three workers' representatives and one official or employee of the National Labour Office.

Article 6. A central authority supervises the activities of the various placement offices, records fluctuations in the employment market and organises efforts to balance the supply and demand of labour between different parts of the country.

Owing to the small extent of the Grand Duchy and to its industrial structure, no major problems of geographical or occupational mobility have occurred in recent years.

However, the Labour Department has the necessary budgetary credits to promote the accelerated vocational training of workers in economic branches where there is a shortage of labour, and the vocational retraining of physically handicapped or unemployed workers and persons affected by industrial reconversion.

Bilateral and multilateral agreements exist to regulate any problems arising through manpower exchange or admission of trainees.

The National Labour Office keeps a close check on fluctuations in the employment market and submits studies and reports to the Joint Administrative Committee and the Government.

No actual unemployment insurance scheme has been introduced in the Grand Duchy of Luxembourg so far. However, there are regulations that guarantee compensation for persons who are either completely or partially unemployed for reasons beyond their control, with organised provision of work for unemployed persons and special measures to prevent or combat unemployment. The authority responsible for applying the laws and regulations in force is the unemployment department of the National Labour Office.

The National Labour Office takes all necessary action and provides assistance with a view to establishing a national employment and manpower policy.

Article 7. Placement offices are organised so as to deal with offers of and requests for employment according to workers' sex and occupation, the occupational groups being classified by general category. Special officials are responsible for examining questions concerning recruitment of foreign workers and placement of agricultural workers.

The department for the placement and vocational retraining of physically handicapped workers functions in the premises of the National Labour Office and receives assistance from the Office's staff under the chairmanship of the Director of the Office.

Article 8. Young persons wishing to learn an occupation are advised and placed by vocational guidance centres attached to the National Labour Office.

Article 9. The staff of the employment service is composed of government officials. Subordinate posts are occupied by public employees. All such persons have employment regulations and working conditions by virtue of which they are independent of any change in government and of any undue outside influence, so that they enjoy stability of employment. Government officials and public employees cannot be dismissed except on the following grounds: serious offence against discipline, incompetence or grave misconduct, following examination of the case as laid down in law; abolition of the post by decree of the Chamber of Deputies; owing to marriage of a female employee; when the age limit is reached.

The Joint Administrative Committee of the National Labour Office is normally consulted with regard to the engagement or promotion of officials of the employment service, and the abilities of candidates are fully considered. Officials and employees of the Office are generally recruited in the light of their training.

Article 10. Although existing legislation with regard to placement requires employers and workers to pass through the national employment service, the National Labour Office has taken the necessary action to promote full use of its facilities on a voluntary basis. Placement officials maintain regular contacts with undertakings and with employers' and workers' organisations. Notices inserted in the press help to establish contact between the Office and the public.

Article 11. Private placement offices as such no longer exist in the Grand Duchy. An organisation for the protection of girls continues to co-operate in the placement of domestic servants, but its activities are limited. It works under section 29 of the Grand-Ducal Order of 30 June 1945, which stipulates that the conditions governing applications for employment and engagement shall apply similarly to private employment bureaux.

Article 12. The provisions of the Convention apply throughout the territory of the Grand Duchy of Luxembourg.

NIGERIA (First Report)

All labour offices in the Districts now operate as employment offices in addition to their other duties. These offices are situated as follows: Eastern Region: Abakaliki, Aba Calabar, Onitsha and Port Harcourt; Western Region: Abeskuta, Akure, Benin and Warri; Northern Region: Ilorin, Kano and Kaduna.

NORWAY

Act of 2 June 1960 concerning certain amendments to the Act of 27 June 1947 respecting measures to promote employment.

Article 2 of the Convention. The employment and vocational guidance services are now to be organised by the State. The take-over of selected provincial employment services and offices started on 1 July 1961.

Article 6, paragraph (e). A labour and employment promotion committee is to be established in each employment service district.

Article 7, paragraph (b). During the period under review there has been a considerable extension of the rehabilitation work of the Employment Service. The number of officials engaged in this work has more than doubled.

Article 8. Advice on the choice of a career was introduced in connection with the 1960 experimental plan for nine years' compulsory schooling. In autumn 1960 an experiment was made in co-ordinating vocational guidance activities between the Employment Service and the staff of certain schools.

PHILIPPINES

The employment office in Manila remains the only local office where placement activities are carried out. Little progress has been made towards specialisation by occupations and by industries as stipulated in Article 7 of the Convention, or towards special arrangements for juveniles within the framework of the employment and vocational guidance services, as stipulated in Article 8.

SIERRA LEONE

The Employers and Employed Ordinance (*Laws of Sierra Leone*, 1960 Edition, Vol. IV, Cap. 212).

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

Article 3 of the Convention. The main limiting factor to the extension of the service is the present stage of industrial development; as and when the need for new employment offices in other parts of the country arises, appropriate action will be taken.

Articles 4 and 5. Owing to other heavy commitments on the Labour Department, the setting-up of advisory committees has been delayed. This matter will be kept in view for action as soon as circumstances permit.

SWEDEN

Existing family allowances to stimulate geographical mobility have been increased.

SWITZERLAND

The provisions regarding fees for placement of musicians, orchestras and variety artistes for lucrative purposes adopted for the application of the second set of regulations of 6 November 1959 under the Federal Employment Service Act came into force on 1 December 1959.

Article 7 of the Convention. Since the entry into force of the Federal Invalidity Insurance Act of 19 June 1959 and the regulations for the application of that Act, dated 17 January 1961, the vocational readjustment and guidance of disabled persons have been the responsibility of the invalidity insurance authorities in all cases exceeding a certain degree of disability. The necessary co-operation is guaranteed between these authorities and the Public Employment Service.

TANGANYIKA

In reply to a direct request by the Committee of Experts, the Government indicates that the network of employment offices will be extended to other areas as and when this is justified, having regard to the need for such offices and the priority which expenditure thereon receives in the centrally planned development of the country.

TURKEY

Article 6, paragraph (b) (iv), of the Convention. Workers are placed in employment in the Federal Republic of Germany under an agreement with that country. The possibility of placing workers in Austria, Cyprus, Norway and Switzerland is being examined.

Paragraph (c). Arrangements have been made for local employment offices to report on the employment situation. The Employment Service has conducted a special employment survey of the Aegean region.

Article 7. Efforts are being made to introduce specialisation by occupations and industries, and to provide a special placement service for disabled persons.

Article 9, paragraph 4. Courses on manpower problems have been given to 105 Employment Service staff, and 14 have been sent abroad for further training.

UNITED ARAB REPUBLIC

The advisory committees provided for under section 15 of the Labour Code have not yet started their functions.

UNITED KINGDOM

Local Employment Act, dated 22 March 1960 (8 and 9 Eliz. 2, Cap. 18).

Article 6, paragraph (b) (ii), of the Convention. Because of the complexities of the existing legislation relating to the distribution of industry, and to enable the Government to deal quickly and flexibly with changes in the employment situation, it was decided to introduce fresh legislation on the subject, and the above Act came into force on 1 April 1960. Under it, the Board of Trade was authorised to designate

as development districts places in which high unemployment existed or was to be expected and in either case was likely to persist. The Board was enabled to encourage, by various means, the provision of new employment in these districts or in areas to which people living in them could travel daily to work. The list of development districts is revised periodically, and the Employment Service is consulted before changes are made. The Service has power to give financial help to experienced workers to assist them to transfer as "key" workers from a parent factory to an establishment being set up or extended by their employers in such a development district.

The arrangements to provide financial assistance to enable young persons under 18 without chances of training or progressive employment in their home areas to move to other areas where these are available have been widened; previously such measures were restricted to apprenticeship or traineeship for skilled industrial occupations and traditional crafts and trades, but in March 1961 they were extended to jobs where the employer undertakes to provide organised practical training for at least four months and those which offer stable employment with an acknowledged avenue of advancement to more responsible work.

Paragraph (b) (iv). Existing arrangements to facilitate the movement of workers from abroad have been extended to other countries. Women workers have been recruited from Spain on an experimental basis, and arrangements for the clearing of individual vacancies and applications for employment were extended to include Austria, Denmark, Greece, Norway, Spain, Sweden and Switzerland.

* * *

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

Canada, Cyprus, Dominican Republic, France, Greece, Israel, Italy, Sierra Leone.

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

Brazil, Federal Republic of Germany, Netherlands, New Zealand.

89. Night Work (Women) Convention (Revised), 1948

This Convention came into force on 27 February 1951

Countries	Ratification registered on	Countries	Ratification registered on
Austria	5. 10. 1950	Luxembourg	3. 3. 1958
Belgium	1. 4. 1952	Netherlands	22. 10. 1954
Brazil	25. 4. 1957	New Zealand	10. 11. 1950
Congo (Leopoldville) ¹	20. 9. 1960	Pakistan	14. 2. 1951
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Rumania	28. 5. 1957
Czechoslovakia	12. 6. 1950	Republic of South Africa	2. 3. 1950
Dominican Republic	22. 9. 1953	Spain	24. 6. 1958
France	21. 9. 1953	Switzerland	6. 5. 1950
Ghana	2. 7. 1959	Syrian Arab Republic	1. 12. 1949
Greece	27. 4. 1959	Tunisia	15. 5. 1957
Guatemala	13. 2. 1952	United Arab Republic	26. 7. 1960
India	27. 2. 1950	Uruguay	18. 3. 1954
Ireland	14. 1. 1952	Yugoslavia	20. 6. 1956
Italy	22. 10. 1952		
Kuwait	21. 9. 1961		

¹ See footnote 6 to Convention No. 4.

AUSTRIA

The Austrian Congress of Chambers of Workers comments that the provisions relating to night work for women at present in force in the country do not entirely conform to the principles laid down in the Convention. It states that the most recent penal jurisprudence in no way contributes towards an improvement in this state of affairs—far to the contrary. It therefore demands that the necessary amendments be made to the national legislation as soon as possible, and that this should be done in the appropriate manner as part of the long-needed over-all revision of the provisions relating to hours of work.

Divergencies existing between the viewpoints of the central services and employers' and workers' representatives have prevented the submission to Parliament of a new Bill concerning hours of work.

CZECHOSLOVAKIA

Act No. 65 of 27 June 1961 concerning occupational safety and health (*Sbírka Zákonů*, 7 July 1961, No. 28, Text 65).

Decree No. 83 of the Central Trade Union Council, 1961.

In reply to a direct request made by the Committee of Experts in 1960 the Government indicates the particular industries, periods and areas in respect of which the prohibition of night work has been suspended.

Under the statutory provisions and regulations laid down in 1961 in respect of occupational safety and health, the ban on night work may be lifted in specified undertakings only with the consent of the competent trade union organisation, which is responsible for ensuring compliance with the requirements in regard to the night work of women as prescribed by the general provisions.

GHANA (First Report)

Labour Ordinance, 1948 (*The Laws of the Gold Coast*, 1951 Edition, Vol. III, Cap. 89).

Article 1 of the Convention. The term "industrial undertaking" defined in section 75 (a) to (d) of the Labour Ordinance covers not only the types of industries

dealt with by the Convention but also undertakings engaged in the transport of passengers or goods (excluding transport by hand) unless such undertakings are regarded as parts of the operation of an agricultural or commercial undertaking.

The definitions of "agricultural undertaking" and "commercial undertaking" are defined in section 75 of the ordinance.

Article 2. Section 75 of the ordinance defines night work as work done within a period of 11 consecutive hours including the interval between 10 p.m. and 5 a.m.

Article 3. Section 76 (1) prohibits the night work of women in any industrial undertaking.

The Commissioner of Labour is entrusted with the application of the ordinance, and application is supervised and enforced by periodical inspection carried out by Labour Officers and Labour Inspectors.

GREECE (First Report)

Act of 24 January 1912 respecting the employment of women and minors.

Royal Decree of 14 August 1913 concerning the application of the Act respecting the employment of women and minors.

Act No. 3239/55 of 18 May 1955 (*Ephemeris tes Kyberneseos*, Part I, No. 125, 20 May 1955).

Act No. 3294/59, 1959, respecting the ratification of International Convention No. 89.

Article 1 of the Convention. The provisions of the national legislation apply to industry, including mines and extraction works of all kinds, building and transport undertakings, as well as handicrafts and commerce.

Articles 2 and 3. In the undertakings covered by the national legislation it is not permitted to make women work between 9 p.m. and 5 a.m.

The rest period at night must last for at least 11 consecutive hours.

Articles 4, 6 and 7. In regard to persons over 16 years of age, the legislation provides for exceptions to be made to the provisions prohibiting night work in the event of an accident or of an unforeseen interruption of work, for a period of eight days or of four weeks, on the authorisation of the police or of the prefect respectively. Furthermore, undertakings where night work is necessary to preserve raw materials or finished products from possible loss may be exempted from the application of the above-mentioned Act of 1912.

In seasonal industries and at exceptionally busy periods the normal daily working hours may be increased in the case of women up to 12 hours a day, except on Saturdays, for eight days in a year on the authorisation of the police authorities or for a period of four weeks on the authorisation of the competent prefect. In the same way the night rest period may be reduced to ten hours, beginning at 10 p.m.

Article 5. Application of the provisions prohibiting night work for women may be suspended by decision of the Minister of Labour, after consultation with the employers' and workers' organisations, when in cases of serious emergency the national interest demands it.

Article 8. The provisions prohibiting night work for women do not apply to women holding responsible positions of a managerial or technical character, or to women employed in health and welfare services who are not ordinarily engaged in manual work.

The application of the relevant national legislation is supervised by the Labour Inspectorate.

GUATEMALA

Decree No. 1486 of 5 May 1961 (*El Guatemalteco*, 16 June 1961, No. 14, p. 145).

The Labour Code was amended on 5 May 1961. Section 116 of it defines the night period as being the 12 hours between 6 p.m. and 6 a.m.

NETHERLANDS

In reply to the observations made by the Committee of Experts in 1960 concerning the application of Article 4 (a) of the Convention, the Government has arranged for the Director-General of Labour to send to the district labour inspection superintendents a circular requesting them to interpret the provisions of section 83 (7) of the Labour Act in the light of Article 4 of the Convention.

NEW ZEALAND

In reply to a direct request by the Committee of Experts in 1960, the Government explains that the employment of women in the building and construction industry as well as in the coal mines, metalliferous mines and quarries is confined to clerical work; a few women are employed as office charwomen.

Statistics for April 1961 of hours actually worked in the building and construction industry showed that overtime was worked by men only.

Only the charwomen have hours of work outside the normal eight-hour day, which ends at 4.35 p.m. or 5 p.m., but their work is limited to three hours daily and is finished by 8 p.m.

The Government indicates that night work for women does not exist in the sectors of industry referred to by the Committee and that it is not considering any legislative action to deal with a situation which is non-existent.

PHILIPPINES

See under Convention No. 90.

REPUBLIC OF SOUTH AFRICA

Factories, Machinery and Building Work Amendment Act, No. 31, 1960 (*Statutes*, 1960, p. 251).

Section 22 of the above Act has the effect of permitting the Minister of Labour to grant exemptions from the provisions of section 19 (1) (e) of the principal Act (work by women prohibited between 6 p.m. and 6 a.m.) in any special circumstances which necessitate the employment of women after 6 p.m. The Government states that in granting these exemptions the Minister imposes conditions which are fully in accord with the provisions of Article 2 of the Convention, and that it is the policy of the Minister not to grant exemptions permitting women to be employed after 10 p.m.

Section 22 of the principal Act is amended by section 11 of the above-mentioned Act to include the Native Building Workers Act, 1951, and the Native Labour (Settlement of Disputes) Act, 1953, with the other specified Acts under which the Minister may, by notice in the Government Gazette, declare the provisions relating to hours of work laid down under those Acts to be not less favourable than the provisions of the Factories, Machinery and Building Work Act (section 22 exempts employees governed by such measures from the application of, *inter alia*, section 19 (1) (e)).

SPAIN

In reply to the request made by the Committee of Experts in 1961, the Government confirms that the Legislative Decree of 15 August 1927 applies to public undertakings and extractive industries, and states that its provisions also cover agricultural workers.

TUNISIA

See under Convention No. 4.

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

Austria, Belgium, Brazil, Congo (Leopoldville), Czechoslovakia, France, Ghana, Greece, Guatemala, India, Ireland, Italy, Netherlands, New Zealand, Philippines, Switzerland, Tunisia, United Arab Republic.

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

Dominican Republic, Pakistan.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948

This Convention came into force on 12 June 1951

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	24. 9. 1956	Italy	22. 10. 1952
Byelorussia	6. 11. 1956	Luxembourg	3. 3. 1958
Ceylon	18. 5. 1959	Mexico	20. 6. 1956
Costa Rica	2. 6. 1960	Netherlands	22. 10. 1954
Cuba	29. 4. 1952	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Pakistan	14. 2. 1951
Dominican Republic	12. 8. 1957	Philippines	29. 12. 1953
Ghana	4. 4. 1961	Tunisia	26. 4. 1961
Greece	30. 3. 1962	Ukraine	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Haiti	12. 4. 1957	Uruguay	18. 3. 1954
India	27. 2. 1950	Yugoslavia	20. 2. 1957
Israel	23. 12. 1953		

CEYLON (First Report)

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

Employment of Young Persons at Night in Industrial Undertakings Regulations, 1957 (*Government Gazette*, No. 11,302, 25 Apr. 1958, Part I, Section 1, p. 966).

Regulations relating to the line of division separating industry from agriculture, commerce and other non-industrial occupations (*ibid.*, No. 11,302, 25 Apr. 1958).

Article 1 of the Convention. The term "industrial undertaking" defined in section 34 (1) of the above-mentioned Act corresponds to that defined in the Convention.

The line of division which separates industry from agriculture, commerce and other non-industrial occupations is defined by regulations made under the Act.

The Employment of Young Persons at Night in Industrial Undertakings Regulations, 1957, exempt from the application of the provisions of Part I of the Act relating to young persons the employment of such persons in family undertakings on scheduled occupations not deemed to be harmful, prejudicial or dangerous to them.

Article 2. Section 34 (1) of the Act, defines "night", with reference to the employment of persons under the age of 18 years, to be at least 12 consecutive hours which shall end not later than 6 a.m. and which—(a) in the case of persons under the age of 16 years, shall include the eight consecutive hours between 10 p.m. and 6 a.m.; (b) in the case of persons having attained 16 years of age, shall, subject to the provisions of paragraph (c), include at least seven consecutive hours falling between 10 p.m. and 6 a.m.; and (c) in the case of persons having attained 16 years of age who are undergoing vocational training or apprenticeship in the baking industry shall, if work during the night in that industry is prohibited for all workers, include the seven consecutive hours falling between 9 p.m. and 4 a.m. instead of the period of at least seven consecutive hours falling between 10 p.m. and 6 a.m., if the Minister so directs. As paragraph (b) prescribes an interval, for all industries, of at least seven consecutive hours falling between 10 p.m. and 6 a.m., the interval cannot begin later than 11 p.m.

Article 3. The employing at night of young persons under 18 years of age has been totally prohibited in public or private industrial undertakings by section 2 (1) of the Act.

Section 3 (3) of the Act empowers the Minister, after consulting the employers' and workers' organisations, to permit by order published in the Gazette employment during the night of persons between 16 and 18 years of age for purposes of apprenticeship or vocational training in industrial undertakings required to carry on continuously which are specified in the order.

No use has so far been made of the exception provided for under Article 3, paragraph 2, in spite of the permissive provision in the law.

Section 4 (1) of the Act provides that if a person who has attained the age of 16 years but is under the age of 18 years is employed during the night for purposes of apprenticeship or vocational training in an industrial undertaking, by virtue of the authorisation given by section 3 (3), his employer shall grant him a rest period of at least 13 consecutive hours between the two working periods.

Penalties for any contravention of the provisions made under section 2 (1) and section 4 (1) of the Act are prescribed in section 2 (2) and section 4 (2) respectively.

Night work in the baking industry is not prohibited, but if it were to be so provision has been made in the definition of "night" in section 34 (1) of the Act in line with Article 3, paragraph 4, of the Convention.

Article 4. Use has not been made of the exception permitted by paragraph 1 of this Article, although section 3 (6) of the Act empowers the Minister to permit, by order published in the Gazette, when he considers it expedient to do so, the employment of young persons in any industrial undertakings during that part of the night which falls between 7 p.m. and 11 p.m., on condition that no young person so employed shall be required or permitted to work in such undertaking at any time during the 11 hours immediately following 11 p.m.

Under section 3 (4) of the Act, in the event of an emergency in an industrial undertaking which could not have been controlled or foreseen, which is not of a periodical character and which interferes with the normal working of that undertaking, young persons between 16 and 18 years of age may be employed in that undertaking during the night if the emergency is reported, within seven days of its occurrence, to the Commissioner of Labour.

Article 5. Under section 3 (5) of the Act, the Minister may suspend, after consulting the employers' and workers' organisations, if any, the prohibition of the employment of persons between 16 and 18 years of age during the night in any industrial undertaking, when in case of serious emergency the public interest demands it. The Government adds that the prohibition of night work has not been suspended in pursuance of Article 5 during the year under report.

Article 6, paragraph (a). Section 6 (1) of the Act requires the employer of persons under the age of 18 years in a public or private industrial undertaking to exhibit in a conspicuous place within the premises of that undertaking the provisions relating to persons under 18 years of age, together with a translation of those provisions in Sinhalese and Tamil. Penalty is prescribed in the Act for any contravention of this provision.

Paragraph (b). The employer, as defined in section 34 (1) of the Act, is the person responsible for compliance with the provisions of the Employment of Women, Young Persons and Children Act, 1956, and the Regulations which give effect to the provisions of the Convention.

Paragraph (c). Provisions for this are made in sections 2 (2), 4 (2), 5 (2) and 6 (2) of the Act.

Paragraph (d). Periodical inspections are carried out by labour officers.

Paragraph (e). Section 5 (1) of the Act requires the employer in a public or private industrial undertaking to keep a register of the names, dates of birth and hours of work of all persons under 18 years of age employed by him.

The Act is administered by the Labour Department. The "authorised officer", as defined in section 34 of the Act, includes the Commissioner of Labour, his deputies and assistants and every officer of the Department appointed by the Commissioner. Ceylon has maintained an inspection service for a number of years, which is operated largely on the basis of the principles enunciated in Convention No. 81. Periodical inspections are carried out by labour officers who are authorised officers, in order to ensure that the provisions of the Act are complied with. The practice of employing young persons during the night is unknown in Ceylon and is therefore not a matter of concern.

CZECHOSLOVAKIA

For the Government's reply to the observations made by the Committee of Experts in 1961 see *Report of the Committee* (1961), p. 757.

DOMINICAN REPUBLIC

In reply to the request made by the Committee of Experts in 1960, the Government states that, although section 224 of the Labour Code is not in conformity with the Convention, it has not found it necessary to adopt measures to adjust the situation, since in practice a young person is rarely called upon to work beyond the limits prescribed in the Convention. In the exceptional cases in which this occurs, care is taken to impress upon the employer the need to give the young persons concerned the greatest possible protection during hours of work at night.

GUATEMALA

See under Convention No. 79.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Article 1 of the Convention. Establishments employing labour are divided into three categories—industrial, commercial and agricultural. Children who have passed their twelfth birthday may be employed on light work, on condition—(a) that the work is non-industrial; (b) that it is not harmful to them; (c) that it does not hinder them from attending school and benefiting from their studies; (d) that it does not occupy them for more than two hours per day, and that the total hours spent at work and at school in a day do not exceed seven; (e) that they do not work on Sundays or public holidays, or at night (see definition below).

Article 2. The term "night" signifies a period of at least 12 consecutive hours, including the interval between 6 p.m. and 6 a.m.

Article 3. Young apprentices under 18 years of age may not work at night.

LUXEMBOURG

Following the direct request by the Committee of Experts in 1961 the Government has amended the Bill on the protection of young persons so as to bring it into line with the Convention. This Bill provides for a general ban on night work for young persons under 18 years of age. The term "night" is defined as a period of 12 consecutive hours which must include the interval between 10 p.m. and 6 a.m.

NETHERLANDS

In reply to the observation made by the Committee of Experts in 1960 concerning the application of Article 4, paragraph 2, of the Convention, the Government has arranged for the General Director of Labour to send to the district labour inspection superintendents a circular requesting them to interpret the provisions of section 83 (7) of the Act in the light of Article 4 of the Convention.

PHILIPPINES

Republic Act No. 2714 of 18 June 1960.

For the Government's reply to the observation made by the Committee of Experts in 1960 see *Report of the Committee* (1960), p. 627.

The Government now states that the Bill (S.B. 282) containing the proposed amendments to Republic Act No. 679, as amended by Republic Act No. 1131, otherwise known as the Woman and Child Labor Law, to bring it into conformity with Article 2 of the Convention, was approved by the Senate during the Fourth Session of the Fourth Congress, held from January to May 1961. At the time of the adjournment, the Bill was pending in the Committee on Labor and Industrial Relations in the House of Representatives where it was sent for approval, and Congress adjourned without the House having taken action on the Bill. It will be reintroduced simultaneously in both Houses when Congress reconvenes for the First Session of the Fifth Congress, in order to expedite early approval of the measure.

Republic Act No. 2714, creating the Bureau of Women and Minors and approved on 18 June 1960, entrusts to the Bureau the administration and enforcement of Republic Act No. 679, as amended, and the Rules and Regulations implementing the said Act.

The Department of Labor has been receiving queries and observations from both employers' and workers' representatives regarding the application of Conventions Nos. 89 and 90.

* * *

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

Argentina, Ceylon, Czechoslovakia, Haiti, India, Israel, Italy, Luxembourg, Mexico, Netherlands, Norway, Philippines, U.S.S.R., Yugoslavia.

The report from *Pakistan* reproduces the information previously supplied.

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	8. 6. 1954	Netherlands	17. 6. 1958
Costa Rica	2. 6. 1960	Norway	29. 6. 1950
Cuba	29. 4. 1952	Poland	13. 4. 1954
Denmark	30. 9. 1950	Portugal	29. 7. 1952
Finland	22. 12. 1951	Sweden	18. 7. 1950
France	26. 10. 1951	United Kingdom	6. 8. 1953
Ireland	21. 7. 1952		

NETHERLANDS

In reply to a direct request made by the Committee of Experts in 1960 the report supplies the following information.

Article 3, paragraph 2 (a), of the Convention. The legislation concerning accommodation of crews is published in the Official Bulletin, and therefore all persons concerned are informed.

Article 5, paragraphs (a) and (b). Section 409, paragraphs 2 and 5, of the Commercial Code lays down that the Chief of the Navigation Inspectorate issues a certificate if he is satisfied that the crew accommodation of a ship is in conformity with the regulations.

Article 6, paragraph 10. Section 49, paragraph 14, of the Ships' Crews Order lays down that the walls and ceilings of crew quarters must be easy to clean. Supervision by the Navigation Inspectorate and the master, prescribed respectively by section 68, paragraph 1, and section 66 of the Ships' Crews Order, guarantees that the crew accommodation is maintained clean and in good order. According to section 407, paragraph 3, of the Commercial Code, the accommodation certificate can be withdrawn when the accommodation is not in conformity with the regulations.

Article 13, paragraph 2 (d). Section 58, paragraph 2, of the Ships' Crews Order lays down that water closets must be provided to officers in the vicinity of their cabins. As the radio operator is considered as an officer, this paragraph applies also to him.

Paragraph 8. This provision is contained in section 53, paragraph 5, of the Ships' Crews Order.

Article 14, paragraph 7. According to section 73, paragraph 2, of the Decree concerning ships (Royal Decree of 31 December 1952), as amended by Royal Decrees of 10 January 1956 and 20 December 1958, a medicine chest and a manual of instructions for its use must be provided aboard every ship which does not carry a doctor.

Article 18, paragraph 4. No provision exists to apply this paragraph. Netherlands legislation is therefore more favourable than the Convention.

POLAND

Ordinance No. 10 dated 11 April 1952 of the Minister of Navigation concerning the approval of plans for the construction of ships, both sea-going and for inland navigation, as regards crew accommodation and occupational safety.

Regulations of the Social Commission for the Safety and Protection of Workers on Board Ship, approved by the Ministry of Navigation.

Article 1 of the Convention. In conformity with paragraph 2 (3) of the above-mentioned ordinance the provisions of the Convention apply also to vessels of

between 200 and 500 tons and to fishing vessels. Exceptions as provided for in paragraph 5 of the Article are made only if the crew will benefit thereby and if they are not in contradiction with the requirements of the Polish Shipping Register. The provisions on this subject are contained in paragraph 6 (3) of the above-mentioned regulations.

Article 2. The national terminology conforms to that given in this Article.

Article 3. Supervision of the application of the Convention is effected by the Ministry of Navigation, through the Social Commission for the Safety and Protection of Workers on Board Ship. This Commission, which consists, *inter alia*, of representatives of both shipowners and seamen, is called upon to give its views on plans for ships and to supervise their construction or reconstruction so as to ensure that the occupational health, safety and hygiene requirements are complied with. The Commission also gives its views on plans for engines and machinery in ships. Paragraph 4 of the ordinance lays down that the Commission should conform to the national regulations or, where there are none, to the requirements of international Conventions, and this Convention in particular. Inspection of crew accommodation on ships in service is carried out by representatives of the shipowner, the seamen's trade union and the medical health officer of the port.

Articles 4 and 5. Effect is given to these Articles by paragraph 2 (1) of the ordinance and paragraphs 9, 10 and 13 of the regulations.

Articles 6 to 8. In accordance with paragraph 4 of the ordinance and paragraph 6 (2) of the regulations the above-mentioned Commission is guided in its work by the provisions of the Convention. The minimum temperature allowed in the different parts of the crew quarters is fixed by national regulations.

Articles 9 to 15. The application of the provisions of these Articles is ensured in the same way as stated above. As prescribed in Article 13 of the Convention, the amount of fresh water which should be supplied per member of the crew is fixed by national regulations.

Article 16. In accordance with national requirements the area of sleeping rooms occupied by more than four persons may not be less than 2.22 square metres per person. All matters relating to the welfare of crews are discussed with the seafarers' and dockers' trade union.

Article 18. The need for alterations to crew accommodation to bring it into line with the requirements of the Convention is met with only in the case of old ships purchased abroad. Such alterations are made at times when the ships are undergoing major repairs.

PORTUGAL

In reply to a direct request made in 1961 concerning the application of Article 2, Article 3, paragraph 2, and Part III of the Convention, the Government states in its report that definitions similar to those of Article 2 are contained in Portuguese legislation. Adequate penalties for violation of the provisions of the Convention will be laid down in the regulations to be issued shortly. The provisions of Part III will be included in the regulations, whose drafting is nearly completed.

TANGANYIKA

There are difficulties in implementing the Convention deriving mainly from the fact that no sea-going ships engaged in the transport of cargo or passengers are registered. The number and types of such vessels do not at present justify the enactment of legislation on this subject, and there would be difficulties in establishing the administrative machinery required to implement the Convention.

Many of the requirements of the Convention are observed. A number of technical difficulties remain, however, to be resolved. The provision of suitable buildings and of additional staff is another problem which may take time to resolve. Moreover, the local resources are so limited that it would be impossible to set up the necessary administrative machinery. Local shipping is confined mainly to fishing, river, estuary and coastal craft, usually family owned and operated.

Should the position change, the possibility of applying the Convention more fully will be examined.

UNITED KINGDOM

The Merchant Shipping (Crew Accommodation) (Isle of Man) Regulations, 1960, No. 1967.
The Merchant Shipping (Crew Accommodation) (Amendment) Regulations, 1961, No. 393.

The former of the regulations mentioned above extend the application of the legislation concerning crew accommodation to the Isle of Man and to ships registered there.

The latter regulations provide that hospitals of ships regularly engaged on voyages to areas within the Persian Gulf shall be provided with air conditioning.

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The report from *Sweden* 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:

Brazil, Denmark, Finland, France, Ireland, Norway.

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Austria	10. 11. 1951	Netherlands	20. 5. 1952
Belgium	13. 10. 1952	Nigeria ^a	17. 10. 1960
Bulgaria	7. 11. 1955	Philippines	29. 12. 1953
Congo (Leopoldville) ¹	30. 9. 1960	Sierra Leone	15. 6. 1961
Costa Rica	2. 6. 1960	Somalia (ex British Somaliland) ⁴	18. 11. 1960
Cuba	29. 4. 1952	Syrian Arab Republic	7. 6. 1957
Cyprus ^a	23. 9. 1960	Tanganyika ^a	30. 1. 1962
Denmark	15. 8. 1955	Turkey	29. 3. 1961
Finland	22. 12. 1951	United Arab Republic	26. 7. 1960
France	20. 9. 1951	United Kingdom	30. 6. 1950
Ghana	4. 4. 1961	Uruguay	18. 3. 1954
Guatemala	13. 2. 1952		
Israel	30. 3. 1953		
Italy	22. 10. 1952		
Morocco	20. 9. 1956		

¹ See footnote 6 to Convention No. 4.

^a See footnote 2 to Convention No. 15.

³ See footnote 4 to Convention No. 15.

⁴ See footnote 5 to Convention No. 64.

AUSTRIA

Differences of opinion as regards the labour clauses to be inserted in public contracts still exist between the Federal Ministry for Commerce and Reconstruction and the bodies representing employers' interests, as well as between the Federal Ministry of Social Affairs and the bodies representing workers' interests. Negotiations for settling questions still in abeyance were to begin before the end of 1961, and the Government hopes that it will be possible to report agreement to the 46th (1962) Session of the Conference.

The Austrian Congress of Chambers of Workers has recorded its belief that the negotiations for the application of the Convention have, owing to the rigid attitude of the employers' representatives, thus far produced no concrete results. It calls for an early commencement or resumption of negotiations, in which all concerned should participate.

BELGIUM

Ministerial Order of 22 July 1961 modifying the annex to the Royal Order of 5 October 1955 governing labour, supply and transport contracts concluded on behalf of the State (*Moniteur belge*, 29 July 1961, No. 180, p. 6066).

Article 2 of the Convention. In order to follow the recommendation by the Committee of Experts concerning this Article, the standing committee to formulate specifications for state contracts adopted the following text (section 35*bis*), to be incorporated in a royal order which it is hoped to have adopted during the first quarter of 1962: "1. The general bases of remuneration and the general employment conditions fixed by collective agreements concluded by the competent national joint committees [and in particular by the national joint committee for the building industry and the national joint committee for the engineering construction industry] shall apply to persons employed at worksites, provided that the undertaking is a party to such agreements or that a royal order has given them force of law. 2. The employer is required to pay the wages, wage supplements and allowances at the legally provided

rates, that is to say on the basis of laws or collective agreements concluded by national or regional joint committees so empowered to which the employer is a party or which have force of law under royal order."

FINLAND

Decree of 29 June 1961 concerning public construction carried out by contractors (*Suomen Asetus-kokoelma—Finlands Författningssamling*, No. 385/61).

Decision of 29 June 1961 of the Ministry of Communications and Public Works on the application of the Decree concerning public construction carried out by contractors (*ibid.*, No. 386/61).

Paragraph 33 of the above-mentioned decision requires that government contracts for public construction contain a clause providing that the contractor shall ensure to the workers concerned wages and other conditions of labour not less favourable than those established by collective agreement for work of the same character in the trade or industry concerned or, in the absence of a collective agreement, not less favourable than the general level observed in the trade or industry concerned, by employers whose general circumstances are similar.

The state committee charged with drafting regulations on the acquisition of goods by the State has received a proposal from the Ministry of Social Affairs to the effect that labour clauses similar to that referred to above be incorporated in contracts for the procurement of goods. It was hoped that the Committee would finish its work before the end of 1961.

GUATEMALA

Following the observations made by the Committee of Experts in 1959 a committee of officials of the Ministry of Labour and Social Security was set up to draft regulations concerning labour clauses in public contracts. When the draft text in question had been drawn up, it was forwarded to the Ministry of Finance and Public Credit and the Ministry of Communications and Public Works for their observations. The draft was submitted for final examination by the Technical Council of the Ministry of Labour and Social Security, and it was expected that it would be forwarded during October 1961 to the President of the Republic for his approval. This proposed legislation is in conformity with the Convention and guarantees adequate protection to the workers concerned.

MOROCCO

Article 2, paragraph 1, of the Convention. In reply to a request by the Committee of Experts the Government forwards the text of sections 8, 12 and 13 of the general clauses and conditions for contractors undertaking work on behalf of a public authority. Section 8 provides, *inter alia*, that the contractor shall assume the sole responsibility for the consequences of any accident which may occur in the execution of the work in question. Section 12 provides that the wages paid must be not less than those contained in the schedule of minimum wages which the contractor must append to his tender and that workers must be paid "in conformity with the requirements of the dahirs and regulations". Section 13 provides for first aid and medical services on sites and for the payment of indemnities in respect of occupational accidents and diseases.

Article 4, paragraph (a) (iii). It is proposed to amend clause 4 of section 2 of the Dahir of 18 June 1936 so as to render compulsory the posting at workplaces of notices concerning minimum wages.

PHILIPPINES

The terms of labour clauses to be included in public contracts are still being considered by the Government.

SIERRA LEONE

Article 2, paragraph 3, of the Convention. It has not been considered necessary to consult employers' and workers' organisations specifically with regard to the terms of the labour clauses in public contracts, since the clauses in question do require contractors to pay rates of wages and to observe hours and conditions of labour not less favourable than those established by the Joint Industrial Councils or by the Wages Boards. Such rates, hours and conditions are statutorily binding in respect of workers covered by the Wages Boards Ordinance, and now apply to the large majority of workers.

Article 4, paragraph (a) (iii). Employers of workers engaged in mining, printing, maritime or agricultural work in the execution of public contracts are required to post in their premises and premises under their control notices showing the terms and conditions of service of their workers, these notices to be posted in such a way as to bring them to the attention of workers.

* * *

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

France, Italy, Morocco, Philippines, United Kingdom.

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

Cyprus, Netherlands, Nigeria, Tanganyika, United Arab Republic.

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	7. 1. 1957	Mauritania ¹	20. 6. 1961
Argentina	24. 9. 1956	Mexico	27. 9. 1955
Austria	10. 11. 1951	Netherlands	20. 5. 1952
Brazil	25. 4. 1957	Niger ¹	27. 2. 1961
Bulgaria	7. 11. 1955	Nigeria ⁴	17. 10. 1960
Byelorussia	4. 8. 1961	Norway	29. 6. 1950
Cameroun ¹	7. 6. 1960	Philippines	29. 12. 1953
Central African Republic ¹	27. 10. 1960	Poland	25. 10. 1954
Chad ¹	10. 11. 1960	Senegal ³	4. 11. 1960
Congo (Brazzaville) ¹	10. 11. 1960	Sierra Leone	15. 6. 1961
Costa Rica	2. 6. 1960	Somalia ⁵ (ex-British Somaliland)	18. 11. 1960
Cuba	29. 4. 1952	Spain	24. 6. 1958
Cyprus ²	23. 9. 1960	Syrian Arab Republic	7. 6. 1957
Dahomey ¹	12. 12. 1960	Tanganyika ⁴	30. 1. 1962
Ecuador	6. 7. 1954	Togo ¹	7. 6. 1960
France	15. 10. 1952	Tunisia	28. 5. 1958
Gabon ¹	14. 10. 1960	Turkey	29. 3. 1961
Greece	16. 6. 1955	Ukraine	4. 8. 1961
Guatemala	13. 2. 1952	U.S.S.R.	4. 5. 1961
Guinea ¹	21. 1. 1959	United Arab Republic	26. 7. 1960
Honduras	20. 6. 1960	United Kingdom	24. 9. 1951
Hungary	8. 6. 1956	Upper Volta ¹	21. 11. 1960
Iraq	12. 5. 1960	Uruguay	18. 3. 1954
Israel	12. 1. 1959		
Italy	22. 10. 1952		
Ivory Coast ¹	21. 11. 1960		
Malagasy Republic ¹	1. 11. 1960		
Malaya	17. 11. 1961		
Mali ³	22. 9. 1960		

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. 64.

AFGHANISTAN (First Report)

Article 2 of the Convention. Section 7 of a Bill which is at present in second reading defines the several categories of persons subject to the labour legislation. It is intended to exclude agricultural workers.

Article 3. Section 23 of the Bill will be modified to prohibit any payment in kind (with one exception), or by vouchers, unless these can immediately be converted into cash.

Article 4. The Bill authorises partial payment of wages in kind in regions where this is customary, unless the worker demands his wages in money.

Article 5. Wages shall be paid directly to the worker or his representatives.

Article 7. "Co-operatives" exist where the employer places staple products and commodities at the disposal of employees at a low price.

Article 8. The Bill authorises the deduction of one-fifth of the wages to meet social security contributions and taxes.

Article 10. Section 32 of the Bill authorises the attachment of one-third of the wages and section 34 authorises the assignment of one-fifth.

Article 11. The Bill stipulates that wages and social security contributions shall have precedence. These are paid in full before any ordinary creditor may claim payment. Wages are ranked after medical and funeral expenses in the privileged debts. Privileged debts are paid proportionately to the available balance.

Article 12. Section 23 of the Bill provides that wages must be paid at regular intervals unless the workers fall under other provisions (e.g. migrants, seasonal workers). In the event of termination of contract, compensation will be fixed at one month's salary for each year of service.

Article 13. Section 26 of the Bill provides that wages shall be paid at the office of the undertaking, if workers are employed there, or at the workplaces when these are not more than three kilometres away. The worker may, however, agree to a different method of payment, or collective agreements may provide otherwise. Wages shall not be paid in cafés, taverns, inns or any other places of entertainment, except to the workers employed there.

Articles 14 and 15. Section 39 of the Bill stipulates that the employer must give full information in the mother tongue of the workers as well as in the vernacular about the persons interested in the implementation of the Convention (employers, workers, inspectors, professional organisations, Public Prosecutor's Office, etc.).

ARGENTINA

In reply to the direct request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 5 of the Convention. Section 731 of the Argentine Civil Code provides that wages shall be paid to the worker concerned, or to his legal representative when he cannot properly administer his goods.

Article 6. The spirit of law No. 11278 is in full conformity with the principle laid down in this Article. Section 4 formulates this principle, stipulating that "in no case may the amount of a wage be diminished by reducing, withholding or compensating in another form any sum which is due, nor may the payment of such wage be deferred".

Article 7. Sections 1 and 4 of Decree No. 16312/44 provide for the deduction from the worker's wages of the purchase price of goods bought in the employer's establishment.

Article 8. Sections 2 and 3 of Decree No. 16312/44 set out the only permissible deductions from wages. The maximum amount of deductions must not exceed 40 per cent. of the wages.

BRAZIL

Article 2 of the Convention. All categories of workers, whether manual or not, in public employment or in the employment of autonomous administrative bodies, are excluded from the application of the Convention.

Article 4. The Government considers that the allowances in kind referred to in section 458 of the Legislative Decree to approve the consolidation of labour laws cover board and lodging, clothing and transport necessary for the workers to live from day to day and cannot possibly include part payment of wages in the form of liquor of high alcoholic content or of noxious drugs. In any case it is not necessary to adopt any legislative measures in this connection, since the provisions of the Convention itself have acquired the force of law.

Article 7. The observations made in this connection are answered by the provisions of article 141, paragraph 2, of the Constitution, which provides that "no one may be obliged to do anything or refrain from doing anything except by virtue of the law".

Article 15, paragraph (d). All claims regarding breaches of the law relating to the Convention are heard by the labour courts, which keep their own records, and there has therefore been no need to implement this paragraph.

CHAD

Article 1 of the Convention. The provisions of the 1952 Labour Code cover all wages and all workers.

Article 3. Wages must be paid in legal currency, and no other form of payment may be made except subject to the agreement of the worker.

Article 6. The use of wages, free of any limitation, is guaranteed by various provisions of the Code which are applied in this connection.

CYPRUS

In reply to a direct request made by the Committee of Experts in 1961 the Government states in its report that although the introduction of specific legislation to ensure the application of Articles 3, 4, 6, 8 to 10, 13 and 15 (*c*) and (*d*) is continually under consideration, the need for other important legislation compatible with the urgent needs of the newly formed Republic will probably delay for some time yet the enactment of legislation relating to this Convention.

Referring to Article 8, the report indicates that deductions from wages may also be made under the Government Employees Provident Fund Law and the Government Regular Employees Provident Fund Rules, 1960.

GREECE

Article 4 of the Convention. Consideration is being given to harmonising existing legislation with this provision of the Convention.

ISRAEL (First Report)

Protection of Wages Law, 1958 (*Sefer Ha-Chukkim (S.H.)*, No. 247, 20 Mar. 1958). Companies Ordinance, 1929 (*Laws of Palestine*, Vol. I, p. 313), as amended in 1939 (*The Palestine Gazette*, No. 902, 5 July 1939, supplement) and in 1953 (*S.H.*, 5 June 1953). Bankruptcy Ordinance, 1936 (*The Palestine Gazette*, No. 566, 24 Jan. 1936, supplement 1), as amended in 1953 (*S.H.*, 1953).

Article 1 of the Convention. "Wage" is defined in section 1 of the Protection of Wages Law.

Article 2. The Convention does not apply to employees whose wages include a share in profits or depend upon turnover, or whose wages exceed those of the highest-paid civil servant.

Article 3. Section 2 of the law gives effect to this Article.

Article 4. This Article is covered by section 3. Only food and drinks (excluding alcoholic beverages) for consumption on the spot and the provision of a dwelling are allowed. The use of noxious drugs is generally prohibited by law. Compliance with paragraph 2 (*b*) is ensured by works committees and trade unions.

Articles 5 and 6. The application of these Articles is provided for by sections 6 and 4 (*a*) respectively.

Article 7. Section 4 (*b*) applies. Application is supervised by the Labour Inspectorate, and canteens are always supervised by the works committee.

Article 8. Section 25 as amended by the Employment Service Law, 1959, lays down the only deductions which may be made from wages. Workers are informed of the provisions of labour laws through pamphlets and trade union meetings.

Article 9. All deductions not enumerated in section 25 are prohibited.

Article 10. Section 8 prescribes the amount of wages which may not be attached or made subject to any other charge. This prohibition does not apply to any attachment or charge intended for the payment of maintenance.

Article 11. The Companies Ordinance (section 220 A) and the Bankruptcy Ordinance (section 33) relate to the matters dealt with in Article 11. The privileged debt for wages is in respect of six months' service and up to prescribed amounts; all priority debts rank equally.

Article 12. The times for the payment of wages are laid down in detail in sections 9 to 12 of the Law according to the period of service basis or other circumstances of wage payments.

Article 13. Section 15 contains provisions which agree with this Article.

Article 14. Workers in occupations which are required by law to be filled through the Employment Service are informed of the amount of their wages by the Service. Workers generally, 85 per cent. of whom are organised, are well informed of their rights through their unions.

Article 15. There is an information service regarding workers' rights at each Ministry of Labour office, and labour laws are published in the monthly journal of the Ministry. Penalties for non-payment of wages by the employer are provided for in sections 17 and 19. Records of wages are kept in the registers which employers keep for income tax and social insurance purposes.

MALAGASY REPUBLIC

Deductions from wages may only be made subject to the agreement of the worker, by decision of a court of law or as provided for under collective agreements.

The rate of deduction is decided by decree, subject to the recommendation of the National Labour Council.

PHILIPPINES

Article 7, paragraph 2, of the Convention. The Government states that the Rules and Regulations Implementing the Minimum Wage Law have included (by way of control) the goods or services furnished to employees by company stores or commissaries; the value of such goods or services must be reasonable, and they must be given at cost without profit, as provided for in the said law.

SIERRA LEONE

Article 15, paragraph (d), of the Convention. In reply to a request by the Committee of Experts concerning the keeping of records the Government states that no measures are at present contemplated to cover workers other than those provided for under the Wages Board Ordinance, but adds that this question will be kept in view.

SPAIN

In reply to a direct request made in 1961 by the Committee of Experts the Government supplies the following information.

Article 2 of the Convention. In the national legislation, public employees are excluded from the application of general social legislation, as they are governed by special regulations.

Article 4, paragraph 1. Section 54 of the Labour Law prescribes the payment of wages in legal tender. The rare rulings on payment of wages in kind never refer to partial payment in the form of liquor of high alcoholic content or of noxious drugs.

Paragraph 2. In agriculture, the value of allowances in kind may not exceed 25 per cent. and in the catering trade 450 pesetas per month.

Article 5. The worker is required to sign a receipt for his wages.

Article 8. When the worker receives his wages all deductions are marked on his pay receipt. The labour inspectorate also ensures control of this system.

TANGANYIKA

Article 2 of the Convention. The categories of persons exempted from the scope of various provisions of the Employment Ordinance, including the provisions concerning protection of wages, are now specified in a new Employment Ordinance (Exemption) Order issued in 1961 to replace the earlier Order of 1958. The terms of this new order limit the exemptions to the specified classes of persons in their capacity of employees only.

Article 4. The request made by the Committee of Experts that the regulation of certain benefits in kind, particularly of housing and rations, should be brought within the provisions of the ordinance, has been noted and will be kept in mind when substantial amending legislation becomes necessary.

Article 13, paragraph 2. The suggestion made by the Committee of Experts in 1960 that the prohibition contained in section 66 (1) of the Employment Ordinance be extended to cover payment of wages in taverns and similar establishments has been given effect to by section 16 of the Employment (Amendment) Ordinance, 1960.

TUNISIA (First Report)

The protective provisions of the Convention do not apply to domestic staff; these are protected, however, by the Code of Obligations and Contracts and by the Act of 4 November 1958 setting up the Probiviral Council. On the other hand, the Decree of 25 February 1954 gives agricultural workers the same kind of protection as that enjoyed by industrial workers.

The wages of agricultural workers are guaranteed under section 3 of the Decree of 25 February 1954, which stipulates that wages must be paid directly to the employee and that he must sign a pay sheet.

Private employment agencies have been abolished; any deduction from a worker's wages in connection with his employment is deemed to be an offence.

Wages in agriculture must be paid at regular intervals. The intervals and the place where the wages are to be paid are prescribed by the statutory provisions.

The pay slip must contain such information as is necessary for the agricultural workers to be fully informed as to their rights and financial obligations towards their employers. The legislation in force includes measures guaranteeing that the wages of agricultural workers shall be paid.

UKRAINE

Constitution.

Labour Code (L.S. 1936—Russ. 1).

Civil Procedure Code, 1929.

Order of the Central Administrative Committee and the Council of People's Commissaries of the Ukrainian S.S.R. of 24 July 1930.

Article 2 of the Convention. The Convention is not applied to members of collective farms, who themselves participate in the distribution of the income of the respective farms in accordance with the statutes of the agricultural organisation.

Article 3. Wages are generally paid in cash and are never paid in the form of promissory notes, vouchers or coupons.

Workers such as artists or painters are sometimes paid by cheque.

Article 4. Payment in kind is permitted under section 66 of the Labour Code. Conditions are governed by the employment agreement.

Article 5. Wages are paid either directly to the worker or to a person designated by him.

Article 6. Any limitation on the freedom of the worker to dispose of his wages is completely prohibited.

Article 10. Attachment of wages is categorically prohibited in the Civil Procedure Code (section 105). Section 346 of the Civil Procedure Code lays down strict regulations regarding attachment, and workers are guaranteed not less than 50 per cent. of the wages.

Article 11. Sections 310 to 313 of the Civil Procedure Code state that wages claims against any person have priority for complete coverage before any other claims.

Article 12. Section 65 of the Labour Code provides in case of permanent employment that payment be made periodically but in no case at an interval of more than two weeks. Temporary or seasonal labourers are paid at termination of their employment, if it lasts less than two weeks.

Article 13. Section 67 of the Labour Code provides that wages must be paid at the workplace outside working hours. In practice wages are paid during working hours.

Article 14. Legislation guarantees that every worker is fully informed regarding the wages he will receive, alterations in wage rates, deductions from wages, etc. Workers may not be transferred to other work without their agreement. All workers on piece rates are issued with payment books in which all items of payment and all deductions from wages are recorded.

UNITED KINGDOM

Wages Council Act, 1959.

Payment of Wages Act, 1960.

Wages Arrestment Limitation (Amendment) (Scotland) Act, 1960.

The Wages Council Act, 1959, consolidates existing legislative provisions concerning industrial wages councils in Great Britain. The legislation in Northern Ireland is unchanged.

Article 3, paragraph 2, of the Convention. Under the Payment of Wages Act, 1960, a worker to whom the Truck Acts, 1931-40, apply may request that his wages be paid by postal or money order or into his bank account. The Act also provides for the payment of wages by cheque as from such date as may be fixed by the Minister of Labour.

Article 8. Section 9 of the Truck Act, 1896, states that the Secretary of State may by order grant exemption from the provisions of the Act "if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business".

Two such orders have been made exempting persons engaged in all branches of cotton weaving and in iron ore mines and limestone quarries in certain districts of the country. The exemption order granted in respect of those engaged in cotton weaving was influenced by the fact that during the passage of the Act through Parliament section 9 was inserted on the representations of persons engaged in cotton weaving, and in particular of the Northern Counties Amalgamated Association of Weavers, to which the great majority of such workers belonged. As regards persons engaged in iron ore mines and limestone quarries, the grounds for granting an exemption order were stated in an official minute by the Factories Inspectors, which said, *inter alia*, that certain modes of contracting in respect of tools, materials and fines had long been established, which were not felt to cause hardship, and the alteration of which would cause friction; that there was no grievance, real or fancied, which

required to be remedied by action under the Truck Acts. The principal grounds for granting the exemption orders were, therefore, that the employers and workers concerned had reached satisfactory agreements through voluntary negotiation. Any deductions from the wages of workers concerned are therefore fixed by collective agreement and as such permitted.

Article 10, paragraph 1. The 1960 amendment of the Wages Arrestment Limitation (Scotland) Act has increased from 35 shillings to £4 the amount of wages which are exempted from arrestment.

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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:

Cyprus, France, Hungary, Italy, Ivory Coast, Niger, Norway, Philippines, Tunisia.

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

Austria, Cameroun, Congo (Brazzaville), Dahomey, Ecuador, Guatemala, Guinea, Mexico, Netherlands, Nigeria, Poland, Senegal, United Arab Republic, Upper Volta.

96. Fee-Charging Employment Agencies Convention (Revised), 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Belgium ¹	4. 7. 1958	Ivory Coast ¹	22. 5. 1961
Bolivia ¹	19. 7. 1954	Japan ²	11. 6. 1956
Brazil ¹	21. 6. 1957	Luxembourg ¹	15. 12. 1958
Ceylon ²	1. 5. 1958	Netherlands ¹	20. 5. 1952
Costa Rica ¹	2. 6. 1960	Norway ¹	29. 6. 1950
Cuba ¹	3. 2. 1953	Pakistan ¹	26. 5. 1952
Finland ¹	22. 12. 1951	Poland ¹	25. 10. 1954
France ¹	10. 3. 1953	Sweden ¹	18. 7. 1950
Federal Republic of Germany ¹	8. 9. 1954	Syrian Arab Republic ¹	7. 6. 1957
Gabon ¹	13. 6. 1961	Turkey ²	23. 1. 1952
Guatemala ¹	3. 1. 1953	United Arab Republic ¹	26. 7. 1960
Israel ²	19. 6. 1961		
Italy ¹	9. 1. 1953		

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

BELGIUM

In reply to the questions put by the Committee of Experts the Government has supplied the following information.

Article 4 of the Convention. There is a special National Advisory Committee for Agriculture attached to the National Employment Office, on which the most representative employers' and workers' organisations concerned have seats; it deals, *inter alia*, with placement in the agricultural sector.

Article 5. Approved fee-charging employment agencies now number 15.

There are no special employers' and workers' organisations for household and domestic staff.

The placement of workers abroad is governed by the provisions of the Royal Order of 10 April 1954 and the Ministerial Order of 23 April 1955.

Article 7. The operation of approved non-fee-charging employment agencies is governed by sections 31 to 39 of the Order of 26 May 1945 setting up the National Employment Office and the Order of 15 June 1945 respecting the giving of approval to free private employment agencies and the granting of subsidies thereto, as amended by the Ministerial Order of 1 April 1954. There are at present 23 such agencies. They have been required to undertake to place free of charge all workers who apply to them, to take action on every offer of employment, even if the conditions of placement are such that it does not qualify for the granting of a subsidy, not to install their premises in certain places without giving certain guarantees, and not to make placement subject to the making of certain purchases or the incurring of certain expenditure. The Ministry of Employment and Labour and the National Employment Office keep a permanent check on whether fees are being charged and on every aspect of the administrative management of these agencies.

Article 8. During the period under consideration two judgments were given in the criminal courts concerning matters relating to the application of the Convention.

BRAZIL

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

Articles 3 and 4 of the Convention. Yes.

Article 5. No.

Articles 6 and 7. Yes. The single paragraph of section 513 of the Legislative Decree approving the consolidation of the labour laws authorises trade unions to set up and maintain employment exchanges. Such exchanges may not receive any fee for the services they render. Section 564 of the above-mentioned legislative decree prohibits trade unions from engaging in any activity for purposes of gain, whether directly or indirectly.

Article 8. The penalties prescribed in the event of infringement of section 564 of the legislative decree are listed in sections 553, 554 and 555 of the legislative decree.

CEYLON

In reply to the direct request made in 1961 by the Committee of Experts, the Government has given the following information.

Article 10, paragraph (c), of the Convention. No other scales of fees (other than those for registration) have been approved or fixed by the competent authority.

Article 11. There are no non-fee-charging employment agencies in Ceylon other than the employment offices run by the Government.

Article 12. The question therefore does not arise.

Article 14. The Commissioner of Labour has issued a departmental circular to all his assistants and labour officers regarding the administration of the Fee-Charging Employment Agencies Act. These officials exercise close supervision over the activities of the agencies by inspection.

FINLAND

Placement Act of 2 June 1959 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.—F.F.)*, 1959, No. 246) (*L.S.* 1959—Fin. 1).

Decree of 2 June 1959 to apply the Placement Act (*S.A.—F.F.*, 1959, No. 247).

Decree of 16 September 1960 concerning the administration of manpower affairs (*S.A.—F.F.*, 1960, No. 382).

The above-mentioned Act and Decree of 1959 entered into force on 1 January 1961, superseding the former Employment Exchanges Act of 23 July 1936 (*L.S.* 1936—Fin. 2) and the decree concerning its execution.

The new legislation repeats the provisions contained in the earlier legislation relating to matters dealt with in this Convention.

Article 6 of the Convention. During the period under review, no authorisations were given under the new Act to fee-charging employment agencies not conducted with a view to profit. Twelve authorisations under the old Act are still in force.

Article 8. Penalties for infringement of the Act have been made more rigorous.

FEDERAL REPUBLIC OF GERMANY

Tenth Ordinance applying the Placement and Unemployment Insurance (Fee-Charging Employment Agencies) Act of 23 March 1960 (*Bundesgesetzblatt*, Part I, No. 16, p. 189).

Regulations of 16 December 1959 respecting employment and the placement of apprentices under the auspices of the Federal Institution of Placement and Unemployment Insurance.

Article 1, paragraph (b), of the Convention. The above-mentioned ordinance states that placement offices licensed by the Federal Institution of Placement and Unemployment Insurance may charge, in respect of certain categories of persons, higher fees than are necessary to cover the expenses of placement. The ordinance furthermore contains provisions governing the charging of fees, their level, the date when they are payable and the persons who are to pay them.

The above-mentioned Regulations of 16 December 1959 fix the conditions of granting and withdrawal of licences for agencies and persons engaged in placement for work or apprenticeship purposes, whether such activity is conducted with a view to profit or not; the conditions of operation of the licence; and the manner in which the business is to be run under the supervision of the Federal Institution.

Article 3, paragraph 1. It has not been possible to fix a definite date for the abolition of fee-charging employment agencies for the categories of persons designated in Article 5. Although the Institution has created and extended placement offices for performers (musicians and actors), only experience will show whether these new official facilities will be able to ensure the satisfactory placement of the categories of persons enumerated in Article 5. It is nevertheless envisaged to do away with the former method of placement at the earliest possible date, or alternatively to grant no further licences.

Article 5, paragraph 1. The Tenth Ordinance authorises fee-charging placement for instrumentalists or singers giving concerts or other recitals, variety artistes, stage and screen actors, performers with dance bands and other entertainers. Before granting any licence for the fee-charging placement of these categories of persons, the Federal Institution must consult the employers' associations and trade unions concerned.

Paragraph 2 (b). The licence is granted for one year. With a view to saving administrative work, it is held to be valid for a further year without the need for a further application, provided the Federal Institution does not give notice of termination of the licence at least six months before the end of the year. Every year, however, the Federal Institution ascertains in due time from the employers' and workers' organisations concerned that there are no objections to the automatic renewal of the licence.

Article 6, paragraph (a). Fee-charging agencies not conducted with a view to profit, which may charge fees only to cover the expenses incurred, receive written notification regarding their applications to carry on their activities.

Paragraph (b). An ordinance respecting the charging of fees by employment agencies not conducted with a view to profit is in preparation.

Paragraph (c). Licensed employment agencies wishing to place or recruit workers abroad must possess a special licence, which is granted only if the applicant gives satisfactory evidence of experience as regards the country and category of persons concerned.

GUATEMALA

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

The Technical Council of the Ministry of Labour and Social Welfare is at present considering regulations on agricultural work and the raising of livestock, in which provision will be made for the supervision of recruiting agents.

Furthermore, the Ministry hopes that with the help of the technical assistance it has requested from the I.L.O. in connection with the employment service and the setting up of regional employment offices, the divergencies between Article 1 of the Convention and Guatemalan legislation may be eliminated.

There is no point in prescribing penalties for persons who set up private employment agencies, since as soon as such an agency is opened it is immediately closed.

JAPAN

In reply to the direct request made by the Committee of Experts in 1959 and repeated in 1960 the Government provides the text of the Cabinet Order prescribing

matters, etc., to be dealt with by prefects from among matters provided for in the Employment Security Law.

LUXEMBOURG (First Report)

Law of 2 May 1913 (*Mémorial*, 29 Aug. 1913).

Grand-Ducal Order of 21 August 1913 (*ibid.*, 29 Aug. 1913).

Grand-Ducal Order of 30 June 1945 (*ibid.*, 12 July 1945).

Law of 10 February 1958 (*ibid.*, 27 Feb. 1958).

Article 1 of the Convention. The Law of 2 May 1913 respecting the regulation of employment agencies does not distinguish between employment agencies conducted with a view to profit and those not conducted with a view to profit.

Article 2. Luxembourg has indicated its acceptance of Part II of the Convention.

Article 3. There are no longer private employment agencies, with the exception of an organisation concerned with placement of girls in domestic occupations, the services of which are free. By Decree of 30 June 1945 a National Labour Office was established.

Article 4. Application of this Article has not been necessary.

Article 5. No use has been made of this permissive Article.

Article 6. The Law of 2 May 1913 and the order for its application provide that functioning of fee-charging employment agencies is subject to authorisation by the Government. Recruitment of workers abroad is an exclusive function of the National Labour Office under section 10 of the Grand-Ducal Order of 30 June 1945.

Article 7. Employment agencies, without distinction, are obligated to report applications for employment and vacancies offered to the National Labour Office under section 29 of the Grand-Ducal Order of 30 June 1945; they are subject to inspection under section 10 of the Order of 21 August 1913, and section 17 of the Order of 30 June 1945.

Article 8. Penalties, including withdrawal of licences, are provided for violations of the provisions governing the private employment agencies.

Article 9. See under Article 5.

Article 15. The provisions of the Convention are wholly applicable throughout the territory of Luxembourg.

NETHERLANDS

Article 6, paragraph (c), of the Convention. With regard to the request made to the Government by the Committee of Experts in 1961 the report states that under the law the (non-public) placement of workers not conducted with a view to profit, whether gratuitous or on payment of a fee to cover expenses, is prohibited except with ministerial authorisation. The report goes on to state that in the case of placement not conducted with a view to profit where a fee is charged to cover expenses only, ministerial authorisation is always subject to the condition that the holder of the concession allows his activities to be supervised by the Minister of Social Affairs.

* * *

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

Belgium, Finland, Federal Republic of Germany, Guatemala, Japan, Netherlands, Sweden.

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

France, Italy, Norway, Pakistan, Poland, Turkey.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	27. 7. 1953	Norway	17. 2. 1955
Cuba	29. 4. 1952	United Kingdom ^a	22. 1. 1951
Cyprus ^{1 2}	23. 9. 1960	Upper Volta	9. 6. 1961
France ³	29. 3. 1954	Uruguay	18. 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		

¹ See footnote 2 to Convention No. 15.

² Has excluded the provisions of Annexes I, 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.

^a Has excluded the provisions of Annexes I and III.

BELGIUM

The coming into effect on 1 March 1961 of the Organisation for European Economic Co-operation's recommendation on a clearing system for vacancies and applications for employment has brought into being a system of collaboration among member countries in regard to international clearing of supply and demand.

The coming into effect on 1 November 1960 of the Labour Treaty concluded on 7 June 1956 with Luxembourg and the Netherlands removed the formalities and restrictions on the employment in Belgium of workers of the two countries referred to; at the same time, clearing of supply and demand for employment between the three countries has been facilitated.

The General Convention on Social Security concluded with Greece on 1 April 1958 was put into effect on 10 August 1960.

Finally, in pursuance of Article 56 of the Treaty of the European Coal and Steel Community, the High Authority adopted a decision on 29 March 1961 in regard to reclassification of miners who had become victims of the closing of undertakings in Belgium.

Moreover, in the course of 1960-61 important social legislation was passed, applying without distinction to national and foreign workers. The legislation mainly concerns guaranteed weekly wages, the reclassification of unemployed persons, occupational training of adults, etc.

FRANCE

For the Government's reply to the observation made by the Committee of Experts in 1961 see *Report of the Committee* (1961), p. 758.

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Italy	13. 5. 1958
Argentina	24. 9. 1956	Ivory Coast	5. 5. 1961
Austria	10. 11. 1951	Japan	20. 10. 1953
Belgium	10. 12. 1953	Luxembourg	3. 3. 1958
Brazil	18. 11. 1952	Malaya	5. 6. 1961
Bulgaria	8. 6. 1959	Morocco	20. 5. 1957
Byelorussia	6. 11. 1956	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria ¹	17. 10. 1960
Costa Rica	2. 6. 1960	Norway	17. 2. 1955
Cuba	29. 4. 1952	Pakistan	26. 5. 1952
Denmark	15. 8. 1955	Philippines	29. 12. 1953
Dominican Republic	22. 9. 1953	Poland	25. 2. 1957
Ecuador	28. 5. 1959	Rumania	26. 11. 1958
Finland	22. 12. 1951	Senegal	28. 7. 1961
France	26. 10. 1951	Sierra Leone ¹	13. 6. 1961
Gabon	29. 5. 1961	Sudan	18. 6. 1957
Federal Republic of Germany	8. 6. 1956	Sweden	18. 7. 1950
Ghana	2. 7. 1959	Syrian Arab Republic	7. 6. 1957
Greece	30. 3. 1962	Tanganyika ¹	30. 1. 1962
Guatemala	13. 2. 1952	Tunisia	15. 5. 1957
Guinea	26. 3. 1959	Turkey	23. 1. 1952
Haiti	12. 4. 1957	Ukraine	14. 9. 1956
Honduras	27. 6. 1956	U.S.S.R.	10. 8. 1956
Hungary	6. 6. 1957	United Arab Republic	3. 7. 1954
Iceland	15. 7. 1952	United Kingdom	30. 6. 1950
Indonesia	15. 7. 1957	Uruguay	18. 3. 1954
Ireland	4. 6. 1955	Yugoslavia	23. 7. 1958
Israel	28. 1. 1957		

¹ See footnote 4 to Convention No. 15.

BRAZIL

In reply to the request made by the Committee of Experts in 1961 the Government states that every independent quasi-official institution is subject to its own legislation, but that all such legislation requires conditions for employees to be identical to those governing public officials. Reference is made to section 422 of the regulations approved by Decree No. 48959-A dated 19 September 1960, and to section 252, paragraph II, of Act No. 1711 dated 28 October 1952, under which the conditions for officials of the State are extended to officials of autonomous administrative authorities.

ECUADOR (First Report)

Constitution of 31 December 1946.

Labour Code (*Registro Oficial (R.O.)*, 5 Feb. 1955, No. 734) (*L.S.* 1954—Ec. 1).

Legislative Decree of 7 November 1955 (*R.O.*, 24 Dec. 1955, No. 1003).

The approval of the Convention by Congress and its ratification by the Executive give it the force of national law under sections 53 (15) and 71 of the Constitution.

Section 185 (g) of the Constitution guarantees the right of organisation to employers and workers with a view to social progress, and adds that no person may be compelled to join an association and that civil servants, as such, are prohibited from forming trade unions.

Section 39 of the Labour Code, referring to the obligations of employers, includes under paragraph 9 the obligation "to respect the rights of employees' associations".

Section 118 of the Labour Code stipulates that an employer may not dismiss an employee who is a member of the managing committee of the works council or any other organisation of employees, and that if he does so he must pay the employee compensation equal to one year's wages, without prejudice to his continuing to be a member of the managing committee until the expiry of the period for which he was elected; and section 40 (*f*) of the Labour Code forbids an employer to "compel an employee by any means whatever to withdraw from the association of which he is a member or to vote for a specified candidate".

Section 1 of the Legislative Decree of 7 November 1955 lays down that except in the cases covered by section 107 of the Labour Code (dismissal for justified reasons), an employer may not give notice to or dismiss any of his employees as from such time as the latter notify the appropriate labour inspector that they have held a general assembly for the purpose of founding a trade union, works council or any other organisation of workers, until such time as the first managing committee of the said organisation is appointed; section 4 provides that any employer infringing the provisions of the legislative decree must pay compensation to the dismissed worker equivalent to one year's wages or salary.

Section 39 (10) of the Labour Code obliges employers to allow employees to absent themselves from work in order to perform duties for which they are deputed by the association to which they belong, on condition that the association gives due notice to the employer, and lays down that employees so deputed shall be entitled to leave of absence for such time as is necessary and shall return to their former posts retaining all rights under their contracts, although they shall not be entitled to wages for the time lost.

The labour authorities must encourage and promote the formation of associations of employees, in particular trade unions (section 364 of the Labour Code).

Collective agreements are entitled to special protection under section 185 (*h*) of the Constitution.

GHANA (First Report)

For legislation see under Convention No. 84.

The declared policy of the Government is to encourage the growth of responsible trade unions. The Industrial Relations Act responds to Ghana's special needs, supplementing the Trade Unions Ordinance and making further provision as to trade unions, collective bargaining, conciliation, etc.

Discrimination against workers because of union membership constitutes an unfair labour practice. Section 31 (1) (*a*) of the Industrial Relations Act, as amended, provides that if a person continues to employ any person who is not a member of a trade union and belongs to a class of employees specified in a collective bargaining certificate under Part II of the Act and who would share in the benefit of a collective agreement in accordance with section 17 of the Act, he shall be guilty of an unfair labour practice. Section 31 (1) (*b*) makes it an unfair labour practice to discriminate against any person, as respects the employment or conditions of employment which he offers, because that person is a member or officer of a trade union. Section 31 (2) makes it an unfair labour practice to seek by intimidation, by dismissal, by threat of dismissal, or by any kind of threat, by imposition of a penalty, or by giving or offering to give a wage increase or any other means, to induce an employee to refrain from becoming or continuing to be a member or officer of a trade union.

With regard to Article 2 of the Convention, section 34 of the Industrial Relations Act makes it an unfair labour practice for any employee engaged in a trade or industry

to carry out any activity intended to cause a serious interference with the business of his employer. Section 35 defines two further types of unfair labour practice: paragraph 1 provides that no officer of a trade union or other person shall attempt to persuade or induce an employee not covered by a collective agreement to become a member or officer of a trade union while the employee is on the premises of his employer, without the consent of the employer; under paragraph 2 no officer of a trade union or other person shall confer with an employee on trade union matters while the employee is on the premises of his employer during normal working hours, without the consent of the employer. Section 32 makes it an unfair labour practice for an employer to take part in the formation of a trade union or, with the intention of influencing a trade union, to make any contribution, in money or money's worth, to the trade union. Section 33 provides that, with the consent of the employer, a full-time trade union official may confer on the employer's premises with the employer or employees on matters affecting the members of the trade union.

Effect is given to Article 3 of the Convention by sections 3, 4 and 5 of the Trade Unions Ordinance.

Part II of the Industrial Relations Act gives effect to Article 4.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Articles 1 and 2 of the Convention. Under section 264 of the Labour Code "no person may be compelled to belong to a trade union or not to do so. Any clause or agreement to the contrary shall be deemed to be *ipso jure* null and void". Under section 289 a fine may be imposed on any employer "who, with the object of preventing an employee from joining a trade union, founding an industrial association or exercising his rights as a member of a trade union, dismisses him or suspends him from employment, down-grades him or reduces his wages".

Article 3. Section 260 of the Code provides that "the right of workers to associate in the defence of their legitimate interests shall be guaranteed and protected by the State under the law".

Article 4. Collective labour agreements are governed by the Labour Code.

RUMANIA (First Report)

Constitution.
Labour Code.

All workers enjoy the right of organisation and collective bargaining. The right of trade union organisation is laid down in article 86 of the Constitution. There neither exists nor can exist any anti-trade-union discrimination in employment.

The trade unions contribute to the solution of all questions relating to the economic, social and cultural interests of the workers, in drafting social legislation, and in the management of social insurance schemes. They further organise and supervise conditions of work.

The right to conclude collective agreements is granted to the trade unions under sections 3 to 11 of the Labour Code. Collective contracts are concluded between trade union committees and managements of undertakings (section 3). The draft collective contract is prepared by the representatives of the trade unions and the management. It is then submitted for discussion by the general assembly of the workers, which may propose amendments. The draft is then signed by the parties. The trade union authorities and the management of the undertaking exercise joint supervision of collective contracts (section 11).

YUGOSLAVIA (First Report)

Act concerning general administrative proceedings, dated 5 December 1956 (*Službeni List*, 1956, No. 52).

Act concerning administrative hearings, dated 31 March 1952 (*ibid.*, 1952, No. 23).

Instruction of 16 September 1958 concerning the provisions of collective agreements and the activities of special arbitration councils (*ibid.*, 1958, No. 38).

See also under Convention No. 87 for legislation.

Article 1 of the Convention. Freedom of association is one of the fundamental principles guaranteed by the Constitution and the Constitutional Act. The latter establishes the principle that all citizens have the right to work, which is also guaranteed by the Labour Relations Act (section 6).

In accordance with these constitutional standards, trade union activities are not subject to any outside restraint. No discrimination may be exercised with regard to labour or occupation owing to a person's membership or non-membership of a trade union. The Labour Relations Act authorises trade unions to ensure that the rights of workers are safeguarded. Section 11, in particular, guarantees the right of trade unions to defend and protect the rights of workers under the labour relationship.

The Act concerning administrative hearings provides that trade unions may bring administrative proceedings if they consider that an administrative act has had an adverse effect on the collective interests of the workers or their immediate interests (section 12, paragraph 1). The Act concerning general administrative proceedings empowers the trade union to participate in proceedings as a party (section 50, paragraph 3 and section 51). The trade union may also appear before a court in administrative proceedings as legal representative of its members in matters affecting their rights and individual interests which it is required to protect (section 51).

The Constitution, the Labour Relations Act and other legislative texts guarantee the principle of equal rights for persons in a labour relationship. Workers enjoy all rights conferred by the labour relationship, irrespective of sex, age, religion, political opinion, race or national or social origin.

Article 2. The establishment of trade unions and economic associations, their organisation, their programmes and their administration are governed by articles of association which they draft in complete independence. No such organisation is subject to interference by any other. They have their own resources, based mainly on members' contributions.

Article 3. Since the Constitution and the Constitutional Act guarantee freedom of association there is no need for special authorities to safeguard it.

Article 4. The system of economic democracy, including workers' management of undertakings, special bodies representing the workers (producers' councils) at all levels from the local authorities to the National Federal Assembly, and social administration in other sectors (social security, etc.), provides effective protection for the interests of the working class. Thanks to this system, which is a part of the mechanism of active participation in production and distribution, the workers decide in the most direct manner all questions relating to their economic position, to production and to distribution of the major portion of the income of their respective undertakings. They also settle in complete independence all essential questions relating to labour relationships in the undertaking. Collective bargaining is therefore not on the same pattern as in countries having a different economic system and consists basically of negotiations among the workers and within the undertaking, with a view, in particular, to reconciling common interests with individual interests.

Collective bargaining in the normal sense is fully applied in regulations governing conditions of work and rights and obligations under the labour relationship between workers and private employers. In the private sector collective bargaining is compulsory under the Labour Regulations Act.

Under the law collective contracts may not contain any provisions restricting the rights of workers or establishing conditions less favourable than those guaranteed by law. In the case of disagreement between the trade union and the economic authority, or if any dispute occurs during execution of the collective contract, a tripartite arbitration council decides all disputed questions (section 385 of the Labour Relations Act).

Article 5. The provisions of the Convention do not apply to the police or to the armed forces.

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

Countries	Ratification registered on	Countries	Ratification registered on
Austria	29. 10. 1953	Morocco	14. 10. 1960
Brazil	25. 4. 1957	Netherlands	11. 6. 1954
Ceylon	5. 4. 1954	New Zealand	1. 7. 1952
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	13. 1. 1954	Philippines	29. 12. 1953
France	29. 3. 1954	Sierra Leone ¹	13. 6. 1961
Federal Republic of Germany	25. 2. 1954	Tunisia	12. 1. 1959
Gabon	13. 6. 1961	United Kingdom	9. 6. 1953
Guatemala	4. 8. 1961	Uruguay	18. 3. 1954
Ivory Coast	5. 5. 1961		
Mexico	23. 8. 1952		

¹ See footnote 4 to Convention No. 15.

TUNISIA (First Report)

Decree of 30 April 1956 laying down the general remuneration and employment conditions of agricultural workers (*Journal officiel*, 1 May 1956).

Order of the Minister of Agriculture and the Minister of Social Affairs dated 30 April 1956 respecting the remuneration of agricultural workers (*ibid.*, 1 May 1956).

Decree of 14 March 1957 concerning the position of certain agricultural undertakings in regard to the labour legislation (*ibid.*, 15 Mar. 1957).

Order of the Minister of Agriculture and the Minister of Social Affairs dated 22 July 1957 respecting wage fixing in certain branches of agricultural activity (*ibid.*, 9 Aug. 1957).

Article 1 of the Convention. Minimum wage fixing in agriculture is done in two ways. A local wages board on which, in addition to the representatives of the Administration, the employers and the workers are represented in equal numbers, prepares draft wages rules which are then promulgated by order of the Secretary of State to the Presidency. The latter may not make any alteration to them except on the recommendation, stating the reasons, of the Central Wages Board, on which, in addition to the representatives of the Government, the employers and the workers are represented in equal numbers.

The wages of the remaining agricultural workers are fixed by joint order of the Secretaries of State for Agriculture and for Public Health and Social Affairs. The advice of the representative workers' and employers' organisations is sought beforehand.

Article 3. Section 11 of the Decree of 30 April 1956 stipulates that any employer paying wages below the statutory rate shall be liable to a fine equal to 10 per cent. of the amount by which the wages are deficient, without prejudice to any civil proceedings brought by the employees concerned.

Article 4. The minimum wage rates are published in the Official Bulletin in the form of orders. The Labour Inspectorate is responsible for supervising the enforcement of these wage-fixing orders. Any employer paying insufficient wages is liable to a fine. The worker is entitled to bring legal proceedings to recover the wages owing to him.

Article 5. All agricultural workers are covered by the minimum wage-fixing machinery described above.

* * *

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

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Honduras	9. 8. 1956
Argentina	24. 9. 1956	Hungary	8. 6. 1956
Austria	29. 10. 1953	Iceland	17. 2. 1958
Belgium	23. 5. 1952	India	25. 9. 1958
Brazil	25. 4. 1957	Indonesia	11. 8. 1958
Bulgaria	7. 11. 1955	Italy	8. 6. 1956
Byelorussia	21. 8. 1956	Ivory Coast	5. 5. 1961
China	1. 5. 1958	Mexico	23. 8. 1952
Costa Rica	2. 6. 1960	Norway	24. 9. 1959
Cuba	13. 1. 1954	Panama	3. 6. 1958
Czechoslovakia	30. 10. 1957	Peru	1. 2. 1960
Denmark	22. 6. 1960	Philippines	29. 12. 1953
Dominican Republic	22. 9. 1953	Poland	25. 10. 1954
Ecuador	11. 3. 1957	Rumania	28. 5. 1957
France	10. 3. 1953	Syrian Arab Republic	7. 6. 1957
Gabon	13. 6. 1961	Ukraine	10. 8. 1956
Federal Republic of Germany	8. 6. 1956	U.S.S.R.	30. 4. 1956
Guatemala	2. 8. 1961	United Arab Republic	26. 7. 1960
Haiti	4. 3. 1958	Yugoslavia	21. 5. 1952

ALBANIA (First Report)

The principle of equal remuneration is applied by means of article 17 of the Constitution. According to section 96 of the Labour Code, wage rates are fixed by the Government, the remuneration being calculated in accordance with the quantity and quality of work. The application of the provisions of the Labour Code is supervised by the Commission for State Control and by the trade unions.

BELGIUM

The National Labour Council, in reviewing the work of the joint occupational commissions, has noted that the reports submitted did not give a full picture of the progress made in 1959 in the application of the Convention, and deplored the insufficient attention paid to it by some joint occupational commissions. Thereupon the Minister of Employment and Labour—(1) again urged the joint occupational commissions to attempt to achieve progress in the application of the Convention; (2) asked for a report on the evolution in the level of women's earnings since 1952, or at least since 1956, with a detailed description of the situation at 31 December 1960; (3) asked the joint occupational commissions which have not yet done so to make a list of job specifications, which would give a clear picture of the present situation; (4) stressed that wage programmes should take account of the tasks to be accomplished in application of the Convention.

HAITI

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Section 377 of the Labour Code states that for work of equal value a woman shall receive the same wage as that payable to a male worker.

NORWAY (First Report)

The Government states that it will be left to the employers' and workers' organisations to decide the pace at which the principle of equal remuneration is to be established; the Council for Equal Remuneration will provide information and advisory facilities. The Norwegian Employers' Confederation and the Norwegian Trade Union Federation have signed an agreement which presupposes that the principle of equal pay will be established by the end of 1967 and which states that wages shall be fixed by agreement on the basis of assessment of the type of work. The work of finding a basis for an objective job evaluation has just begun. According to the Employers' Confederation, the wage agreements made during the first half of 1961 have resulted in some reduction in the difference between the wage rates for men and women.

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

Countries	Ratification registered on	Countries	Ratification registered on
Austria	14. 6. 1954	New Zealand	24. 7. 1953
Belgium	20. 3. 1954	Norway	30. 9. 1954
Brazil	25. 4. 1957	Peru	1. 2. 1960
Cuba	7. 9. 1954	Poland	8. 10. 1956
France	29. 3. 1954	Sierra Leone	15. 6. 1961
Gabon	13. 6. 1961	Sweden	12. 8. 1953
Federal Republic of Germany	5. 1. 1955	Syrian Arab Republic	26. 7. 1960
Guatemala	4. 8. 1961	Tanganyika ¹	30. 1. 1962
Hungary	8. 6. 1956	United Arab Republic	9. 4. 1956
Israel	14. 7. 1953	United Kingdom	25. 6. 1956
Italy	8. 6. 1956	Uruguay	18. 3. 1954
Morocco	14. 10. 1960	Yugoslavia	30. 4. 1955
Netherlands	27. 11. 1958		

¹ See footnote 4 to Convention No. 15.

FEDERAL REPUBLIC OF GERMANY

Young Workers' Protection Act, dated 9 August 1960 (*Bundesgesetzblatt*, 13 Aug. 1960).

Under section 19 of the above-mentioned Act the legal minimum period of annual holidays to which workers aged under 18 are entitled is 24 working days.

In reply to a direct request by the Committee of Experts with regard to Article 10 of the Convention concerning methods of inspection, the Government states that it has re-examined the question and does not feel that any new measures are required to give effect to the provisions of that Article. The methods of control described in the preceding reports are considered to be satisfactory.

ITALY

Minimum Wages and Conditions of Work Act No. 741 of 14 July 1959 (*L.S.* 1959—It. 3).

In implementation of the above-mentioned Act the Government has issued a number of decrees giving the force of law to a great many collective agreements at the provincial, inter-provincial and regional levels.

POLAND

Collective agreement for workers employed in undertakings subject to or controlled by the Ministry of Agriculture, dated 8 August 1960 (*Ministerstwo Rolnictwa* (Warsaw), 1960).

Article 5, paragraph (d), of the Convention. Under the above-mentioned collective agreement workers are entitled to annual paid holidays amounting to 12 working days after one year's work, 15 working days after three years and 30 days after ten years. Seasonal workers are entitled to a number of days of paid holiday proportionate to the number of months actually worked.

Article 7. Remuneration for the holiday period of permanent workers is calculated on the basis of average wages received during the last 12 months worked. For

seasonal workers it is calculated on the basis of the period of work giving entitlement to holidays.

Article 8. Under Article 71, paragraph 1, of the collective agreement of 8 August 1960, the worker is not entitled to give up his holidays or to receive a cash equivalent in lieu thereof.

Article 9. Under Article 71, paragraph 2, of the collective agreement of 8 August 1960, compensation in cash cannot be paid unless the worker is prevented from taking his holidays owing to termination of his employment contract.

SIERRA LEONE (First Report)

The Wages Boards Ordinance (*Laws of Sierra Leone*, 1960 edition, Vol. IV, Cap. 220).

The Wages Boards (Agricultural Workers) (Establishment) Order in Council (Public Notice No. 59 of 1958).

Agricultural Undertakings—Direction by the Commissioner of Labour (Public Notice No. 35 of 1961) (*Gazette, Extraordinary*, No. 14, 6 Mar. 1961).

The Wages Boards (Application to Agricultural Workers) Order in Council, 1958 (Public Notice No. 58 of 1958).

The Wages Boards (Agricultural Workers) Rules (Public Notice No. 60 of 1958).

The Wages Boards (Application to Agricultural Workers) (Amendment) Order, 1961 (Public Notice No. 71 of 1961).

The Wages (Application) Order in Council, 1946 to 1958 (Amendment) Order, 1961 (Public Notice No. 172 of 1961) (*Gazette*, No. 60, 7 Sep. 1961).

Article 1 of the Convention. Holidays with pay for agricultural workers are granted by Public Notice No. 35 of 1961.

Article 2. Holidays with pay in agriculture are fixed by the Agricultural Workers' Wages Board, consisting of equal numbers of workers' and employers' representatives and three independent members.

Article 3. The minimum duration of the annual holiday is nine working days after 12 months' continuous service with the same employer.

Article 4. All categories of workers are covered except those working in agricultural undertakings employing less than 25 workers and in registered co-operative societies, local authorities and peasant farms.

Article 5. Young agricultural workers do not enjoy more favourable treatment with respect to paid holidays. The holiday of all workers is increased to 12 working days after three years' continuous service with the same employer and to 14 working days after five years' continuous service with the same employer.

The holiday granted does not include public holidays, rest days and sick leave.

Article 6. Under paragraph 10 of Public Notice No. 35 of 1961 holidays with pay are allowed in one period during the year or may be accumulated over a period of two years, by agreement between employers and workers or their representatives.

Article 7. Public Notice No. 35 of 1961 makes provision for the prescribed number of days "with full pay". There is no provision for payment in kind in respect of holidays with pay.

Article 8. The conditions laid down in Public Notice No. 35 of 1961 are minimum conditions. The application of less favourable terms is therefore illegal and constitutes a punishable offence under the Wages Boards Ordinance.

Article 9. Provided he has completed six months' continuous service with the same employer a worker dismissed for a reason other than his own misconduct before he has taken a holiday due to him may appeal to the Labour Department if his employer refuses to grant him his leave entitlement.

Article 10. The application of the relevant provisions of the Convention is entrusted to the Labour Department.

TANGANYIKA

Employment (Amendment) Ordinance No. 10 of 11 May 1960 (*L.S.* 1960—Tan. 1).

Article 1 of the Convention. Section 7 of the Employment (Amendment) Ordinance, 1960, amends the principal ordinance to include a new section which regulates holidays with pay for all categories of workers covered by the principal ordinance.

UNITED KINGDOM

During the period under review the Scottish Agricultural Wages Board revised the provisions in its Wages Board Orders relating to holidays with pay, so that whole-time and part-time agricultural workers under a contract of service receive one day's holiday with pay for each five weeks of continuous employment or engagement up to a minimum of 11 days in a year. In England and Wales a regular part-time worker is now defined as a worker employed by one employer for not less than 23 hours a week, exclusive of overtime, and for not less than 12 consecutive weeks in a holiday year.

In response to a direct request of the Committee of Experts the report indicates that the Agricultural Wages Board for Northern Ireland has enacted a wages order fixing minimum rates of wages and holiday remuneration for female workers employed in agriculture in Northern Ireland. The report states that the Agricultural Wages Boards for England, Wales and Scotland permit the cash value of lodging to be reckoned as payment of holiday remuneration, unless the worker puts his accommodation at the disposal of his employer during his holiday.

* * *

The report from *Hungary* 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:

Austria, Belgium, Brazil, France, Israel, Netherlands, New Zealand, Norway, Sweden, United Arab Republic, Yugoslavia.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Ratification registered on
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
Mexico ⁷	12. 10. 1961
Norway ⁸	30. 9. 1954
Peru ⁹	23. 8. 1961
Sweden ¹⁰	12. 8. 1953
United Kingdom ¹¹	27. 4. 1954
Yugoslavia ¹²	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, III, V, VI and VIII to X.

⁸ Has accepted the provisions of Parts II to VII.

⁹ Has accepted the provisions of Parts II, III, V, VIII and X.

¹⁰ Has accepted the provisions of Parts IV, VI and VII.

¹¹ Has accepted the provisions of Parts II to V, VII and X.

¹² Has accepted the provisions of Parts II to VI, VIII and X.

BELGIUM (First Report)¹

PART II. MEDICAL CARE

Article 9 of the Convention. Paragraph (a) is applied. Sickness and invalidity insurance is compulsory and provides medical care for workers under a contract of hire and thereby subject to social security. Its scope also covers involuntarily unemployed persons, pensioners, widows, disabled persons protected by the wage earners' scheme and dependants of insured persons with family responsibilities and called up for military duty.

The number of insured workers represents 85 per cent. of the total workforce.

Dependent persons eligible for medical care are children receiving family allowances and other persons belonging to the worker's household and designated under regulations.

Article 12. No limit has been fixed for the duration of medical benefit. This benefit is refused to insured persons or members of their household not actually resident on Belgian territory (without prejudice to any exceptions authorised by the Minister of Social Welfare, multilateral and bilateral agreements and European social security regulations). Such benefit is also refused to insured persons or members of their households in certain specific cases when injury is intentional or is due to certain specified circumstances.

PART III. SICKNESS BENEFIT

Article 15. Paragraph (a) is applied. Sickness benefit is payable to workers under contract of hire and subject to social security. The number of workers covered amounts to 87 per cent. of the total workforce.

Article 16. Sickness benefit is equivalent to 60 per cent. of gross remuneration. It is fixed according to the category of remuneration.

Article 18. Sickness benefit is suspended in the same cases as those set out under Article 12.

¹ For legislation and other information referred to or reproduced in the Government's report see: International Labour Conference, 45th Session, Geneva, 1961: Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1961), pp. 7-11.

PART IV. UNEMPLOYMENT BENEFIT

Article 21. Paragraph (a) is applied. All wage earners subject to social security are covered by the unemployment benefit scheme. Workers not subject to social security include permanent state, provincial or municipal officials and domestic servants engaged in the private service of an employer. The total of persons protected represents 77.7 per cent. of the total workforce.

Article 22. In calculating unemployment benefit, the provisions of Article 66 of the Convention are applied. The ordinary labourer mentioned in Article 66, paragraph 4, has been chosen for the building industry among men aged over 21, since this is the most representative industry as regards labourers' wages. The labourer selected also belongs to the highest class. The basic time chosen is the eight-hour day. The model wage amounts to 28.20 francs per hour, or 225.60 francs for an eight-hour working day.

For a married man (first-category district), the benefit amounts to 108.65 francs, plus 44.10 francs for a child aged over ten and for a child aged from six to ten. The proportion of the model wage (plus family allowance) amounts to 56.4 per cent.

The benefit rate is fixed with general coverage by royal order. The rate varies together with wage levels as the retail price index fluctuates.

Article 24. Benefit is suspended in various cases in connection with Article 69 of the Convention.

PART V. OLD-AGE BENEFIT

Article 27. Paragraph (a) is applied. The workers protected are manual workers, salaried employees, miners and merchant seamen. The proportion of workers protected as compared to the total workforce amounts to 86.2 per cent. (91 per cent. with unemployed persons included).

Article 28. Article 65 is applied. Under the manual workers' insurance scheme, in accordance with the rules for the calculation of old-age pensions based on agreed annual remuneration, the annual pension for a married worker whose wife has given up all remunerated activity amounts to a minimum of 63,539 francs and a maximum of 67,725 francs, depending on the worker's level of qualification. The benefit rate is higher than the minimum laid down by the Convention, being equivalent to 75 per cent. of remuneration. In the salaried employees' insurance scheme, the rules for calculation of old-age pensions are the same as under the manual workers' scheme. The retirement pension under the miners' insurance scheme is calculated according to the number of years of service of that worker in undertakings covered by the scheme. Entitlement to pension is acquired at the rate of one-thirtieth for each year. The rate is fixed, in respect of each year of service subsequent to 1 January 1958, at 60 per cent. of pensionable remuneration, whether the beneficiary is married or not, and at 75 per cent. of pensionable remuneration for a beneficiary whose wife does not receive a retirement pension.

PART VIII. MATERNITY BENEFIT

Article 48. Paragraph (a) is applied. Persons protected are women under a contract of hire and thereby subject to social security, as well as the household members of male workers subject to social security, the number of women covered being equivalent to 68 per cent. of the workforce.

Article 50. Confinement benefit is calculated in the same manner as sickness benefit (see under Article 16).

Article 51. Insured women are entitled to confinement benefit, subject to an uninterrupted period of insurance of at least ten months at the time of the birth. For

provision of benefit in kind, the requirement is to have been employed for a period of three months (for persons aged under 25) or six months (for persons aged over 25), subject to a minimum of 60 and 120 days, respectively, worked during that period.

Article 52. Periodical payment is granted for six weeks before and six weeks after the birth. Maternity benefit is not granted to insured persons residing outside the national territory (apart from the exceptions provided for under multilateral and bilateral social security agreements).

PART IX. INVALIDITY BENEFIT

Article 54. The degree of invalidity prescribed by national legislation is the reduction of earning capacity to not more than one-third of what a person in the same conditions and with the same qualifications can earn in the group of occupations in which the person's occupational activity was performed before the beginning of sickness or in any other occupation which might have been performed on the basis of the vocational training received.

Article 55. See under Part III. The number of workers protected represents 86 per cent. of the total workforce.

Article 56. Invalidity benefit is equivalent to 60 per cent. of gross remuneration, during the first six months of invalidity. From the seventh month onwards, insured persons who are not regularly employed are granted in respect of each working day an invalidity benefit equivalent to 60 per cent. of gross remuneration, subject to a maximum of 112 or 134 francs per day. This benefit is reduced to 40 per cent. of the gross remuneration in the case of insured persons with no dependants, subject to a maximum of 80 or 96 francs per day. For regularly employed persons benefit is uniformly fixed at the above maximum rates from the seventh month onwards. Average daily remuneration calculated on a uniform basis may not exceed 189 or 220.50 francs.

Invalidity benefit granted from the seventh month of invalidity onwards is increased or decreased in accordance with fluctuations in the retail price index.

Article 57. Invalidity benefit is payable to insured persons reaching the end of the primary incapacity period.

Article 58. Invalidity benefit ceases—(1) from the first day of the month following the 65th birthday in the case of a man or the 60th birthday in the case of a woman; (2) for insured persons who have reached that age and qualifying for an old-age or superannuation pension or any other benefit payable in place of such a pension, the qualifying dates for underground miners being 55 and for other miners 60.

Invalidity benefit is not payable in the same circumstances as those mentioned in connection with Article 12 concerning medical care. Nor is such benefit payable in respect of days of incapacity for work which—(1) fall in an annual holiday period, when incapacity begins at the beginning of that period; (2) provide entitlement to payment of partial remuneration or of benefit as provided for under the Act of 20 July 1960 establishing a guaranteed weekly wage, that is to say during the first seven days of a period of incapacity lasting not less than 14 days, in the case of workers employed for six months by a given undertaking. In the case of hospitalisation and entitlement to further forms of benefit, invalidity benefit is reduced on the same pattern as sickness benefit.

PART X. SURVIVORS' BENEFIT

Article 61. Paragraph (a) is applied. See under Article 27.

Article 62. For calculation of benefit levels, Article 65 is applied. The sum payable to the typical beneficiary represents, according to the case, 54 or 56 per cent. of the reference wage calculated in accordance with Article 65.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Equality of treatment is complete for all branches of social security, except for that dealing with retirement pensions under the workers' insurance scheme.

The provisions under which special rules are laid down for non-nationals under legislation concerning retirement pensions are covered by the Royal Order of 19 December 1955 concerning retirement and survivors' pensions for manual workers. Benefit is reduced by 20 per cent. when the beneficiary is a foreign national, without prejudice to the provisions of international social security agreements applying in Belgium. This reduction is justified by the considerable contribution made by the State in financing the retirement pension scheme. The effects of discrimination against non-nationals have completely disappeared in the case of nationals of a ratifying country, when that country is at the same time a contracting party to the European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors, dated 11 December 1953. As regard the other ratifying countries, equality of treatment is achieved, where appropriate, by a bilateral social security agreement (Yugoslavia has such an agreement with Belgium).

PART XIII. COMMON PROVISIONS

Article 70. With regard to sickness and invalidity insurance, all insured persons are entitled to appeal against refusal to grant benefit or in the case of contested claims, either before the competent courts or before special courts of settlement composed of representatives of the employers and the workers under the chairmanship of an independent authority. Decisions are taken by a simple majority.

Regarding unemployment benefit, unemployed persons are entitled to appeal if their right to unemployment benefit or extent of such right is contested. The bodies competent to deal with appeals in the first instance are commissions of claims and, in the event of appeals from the decisions of these commissions, the Appeals Commission.

In the case of employment injury benefit, the Justice of the Peace of the canton in which the employment injury occurred is competent to hear cases concerning claims by workers or their dependants and any disputes occurring in this connection. The magistrate gives final judgment in cases involving sums of up to 2,000 francs. With regard to undertakings belonging to approved joint insurance funds, the statutes of such funds may stipulate that judgment of contested cases shall be the responsibility of an arbitration committee. In the case of occupational diseases, appeals against decisions by the welfare fund are brought before the Justice of the Peace of the canton in which the person concerned is resident.

Disputes between family allowance equalisation funds and persons to whom such allowances are due come before probiviral councils.

Article 71. With regard to medical care, sickness benefit, maternity benefit and invalidity benefit, the National Sickness and Invalidity Insurance Fund receives the following resources in order to finance the cost of benefits and their distribution: (1) the portion of employers' and workers' contributions granted to them by the National Social Security Office and the National Miners' Pension Fund; (2) the subsidies granted by the State.

The unemployment insurance scheme is allocated special contributions, payable by employers and workers, and a state subsidy.

The resources of the old-age and survivors' benefit scheme are the following: an annual subsidy paid to the National Pension Fund by the State and equal contributions by workers and employers, in addition to which there are the benefits received on behalf of beneficiaries under the General Savings and Retirement Fund. Under the salaried employees' insurance scheme, expenditure is covered by a state subsidy

by contributions of salaried employees subject to social security, by the total of pensions received on behalf of beneficiaries under the insurance authority with which such pensions are constituted and by the total paid to the National Salaried Employees' Pension Fund by the insurance authorities. Under the miners' insurance scheme resources are drawn from contributions by workers and employers, as well as from state contributions.

Parts of the Convention	Resources used for protection of workers, their wives and children	Insurance contribution payable by protected workers
	<i>in Belgian francs.</i>	
Part II	6,271,500,000	} 3,450,755,119
Part III	1,721,454,315	
Part VIII	119,725,266	
Part IX	1,720,289,918	
Part X	67,735,312	

Article 72. Application of the sickness and invalidity insurance regulations 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 supervises all benefits paid to insured persons and the operation of the national unions and of the Auxiliary Sickness and Invalidity Insurance Fund. It is composed of representatives of the employers, the workers and the State. The recognised mutual benefit societies, the federations of such mutual benefit societies, the national unions of federations and the Auxiliary Sickness and Invalidity Insurance Fund come under the supervision of the Ministry of Social Welfare.

The Ministry of Social Welfare deals with claims for old-age and survivors' benefit, through officials specially designated. Such benefit is paid by the National Retirement and Survivors' Benefit Funds and by the National Salaried Employees' Pension Fund. Application of the special retirement pension scheme for miners is the responsibility of the National Miners' Pension Fund, administered by a board on which the employers and the workers are represented.

The National Placement and Unemployment Office is responsible for application of the legal provisions governing the scheme. The administrative committee is composed of an equal number of representatives of the workers and the employers.

Article 77. Paragraph 2 has been applied with regard to unemployment benefit.

DENMARK

Sickness Insurance Act, No. 239, 10 June 1960 (*L.S.* 1960—Den. 3).

Employment Service and Unemployment Insurance (Amendment) Act, No. 159, 13 April 1960.

Act respecting invalidity and national pensions, No. 238, 10 June 1960 (*L.S.* 1960—Den. 2).

PART II. MEDICAL CARE

The Sickness Insurance Act abolishes previous health and age conditions for admission to public health insurance, and does away with restrictions on duration of benefits. It replaces the provisions of the National Insurance Act relating to sickness insurance and continuation funds. It also provides for payment of daily cash sickness benefits, increases the rates of such benefits and amends provisions relating to other benefits.

PART IV. UNEMPLOYMENT BENEFIT

The Employment Service and Unemployment Insurance (Amendment) Act provides for increases of maximum rates of daily cash benefits and children's and rent allowances. Rent allowance is now payable to non-breadwinners of less than 15 years' membership and in respect of each day of registered unemployment. Among other amendments, unemployment insurance funds may no longer extend the qualifying period beyond six days.

PART V. OLD-AGE BENEFIT

The Act respecting invalidity and national pensions replaces the provisions of the National Insurance Act relating to invalidity and old-age pensions. It abolishes the previous condition of membership of the public sickness insurance scheme and forfeiture in cases of immoral life or receipt of public assistance.

Among other provisions, the minimum ages for income-related old-age pensions are now 67 for men and 62 for single women and certain categories of married women.

PART IX. INVALIDITY BENEFIT

The Act respecting invalidity and national pensions abolishes the various disqualifications for invalidity insurance provided for in the National Insurance Act; invalidity insurance is now available to all citizens between 15 and 67 resident in Denmark. Certain disabled persons gainfully employed may now receive benefits.

ITALY

PART V. OLD-AGE BENEFIT

Act No. 3 of 8 January 1959 re-evaluating pensions paid before 1 January 1952 in favour of employees of private gas companies (*Gazzetta Ufficiale*, 26 Jan. 1959, No. 20).

Act No. 5 of 3 January 1960 reducing the age limit making workers in mines, in quarries and on peat farms eligible for pensions (*ibid.*, 2 Feb. 1960, No. 27).

Act No. 4 of 25 January amending and amplifying the provisions of Presidential Decree No. 656 of 5 June 1952 regarding retirement pensions for employees of local offices of the posts and telegraphs, officials, post-masters and postmen (*ibid.*, 28 Jan. 1960, No. 22).

Presidential Decree of 28 January 1960 increasing pensions under the Welfare Fund for Employees of Direct Tax Collection Offices (*ibid.*, 31 Mar. 1960, No. 79).

PART VII. FAMILY BENEFIT

Act No. 1085 of 10 December 1959 increasing the amount of family allowances to agricultural workers (*ibid.*, 22 Dec. 1959, No. 309).

Act No. 1226 of 18 October 1960 increasing the amount of family allowances in the credit sector (*ibid.*, 2 Nov. 1960, No. 269).

Act No. 1542 of 7 December 1960 increasing family allowances in the insurance sector (*ibid.*, 24 Dec. 1960, No. 314).

Act No. 1575 of 6 December 1960 increasing the amount of family allowances to workers occupied in the preparation of leaf tobacco in general stores of special concession agents (*ibid.*, 31 Dec. 1960, No. 320).

PART VIII. MATERNITY BENEFIT

Decision of the Governing Board of the National Sickness Insurance Institute, dated 25 July 1958, approved by the Ministry of Labour and Social Welfare on 24 November 1958.

PART V. OLD-AGE BENEFIT

Article 27 of the Convention. Paragraph (a) applies. Insurance covers all wage earners who have reached the age of 14, irrespective of the economic sector to

which they belong. The number of protected persons is 90 per cent. of all wage earners. (If paragraph (b) had been applied, the number of protected persons in relation to the total population would have been 35 per cent.)

Article 28. It is intended to apply Article 66. The average wage for an ordinary adult male labourer in the engineering industry is 436,150 liras per annum, plus 38,100 liras in respect of family allowances for a wife. The annual pension of the standard beneficiary of male sex after 30 years' contribution is 388,740 liras, which represents 60.88 per cent. of the total remuneration of the ordinary labourer.

The average wage of women in 1959 was 375,700 liras per annum; the annual pension of the standard beneficiary of female sex after 30 years' contribution is 215,632 liras, representing 57.39 per cent. of the standard wage.

In reply to the direct request made by the Committee of Experts, the Government states that it will notify the provisions made to adapt pensions to the cost of living and refers to Act No. 3 of 8 January 1959 and to Presidential Decree of 28 January 1960.

PART VII. FAMILY BENEFIT

Article 40. In reply to the direct request made by the Committee, the Government gives the following information.

The payment of family allowances to national government, public service and local government employees is governed by special regulations which vary according to each public authority. The conditions for granting family allowances are the same for all civil servants.

These allowances are granted for—(a) a wife if she is not gainfully employed; (b) an invalid husband; (c) children up to their twenty-first birthday, or without age limit if they are invalid and have no personal income exceeding 11,000 liras per month; (d) a father and mother, if they have reached the age of 70, and before this age if they are invalids, and in all cases provided that they have no personal income exceeding 11,000 liras per month.

Allowances are paid on condition that the dependants are in the care of the worker regarded as the head of the family, live with him and carry on no lucrative activity.

Similar provisions apply to workers in any other public bodies, such as local government and the public services, who receive more favourable treatment than national government employees.

Article 41. Paragraph (a) applies.

In reply to the direct request made by the Committee of Experts the Government states that the number of protected persons cannot be accurately determined, as certain categories of workers receive family allowances direct from the employer; moreover, the statistics for the general category (National Social Welfare Institute) supply only the number of workers per year which, by its very nature, is lower than the actual number of protected persons. Under the general category the number of workers per year is 5,881,000; under the other categories (national government, local government and the public services) the figure is 1,458,000. In view of the total number of wage earners on 20 January 1959, that is to say 13,510,000, the percentage required under the Convention is considerably exceeded.

Article 42. The report supplies a total of the amount of allowances, which varies according to the economic sector to which the head of the family belongs.

In reply to the request made by the Committee of Experts the Government states that family allowances paid to civil servants consist of a monthly sum which varies according to the number of dependants and the number of inhabitants in the place where the head of the family exercises his occupation. The report furnishes an extract of the amounts of allowances paid in different cases.

Article 43. In reply to the direct request by the Committee of Experts the Government states that no period of probation is required for the granting of family allowances to officials in public services.

Article 44. The total amount of family allowances paid in 1958 for children of workers in the general category (National Social Welfare Institute (I.N.P.S.)) is estimated at 278,000 million liras. The number of child beneficiaries in 1958 was 6,558,280. The annual wage of the ordinary labourer (see Article 28) is 436,150 liras. The percentage represented by the total value of benefits granted, in relation to the standard wage multiplied by the total number of children of protected persons, is 9.72.

In reply to the direct request by the Committee of Experts, the Government states that it is not possible to furnish similar information regarding categories of workers outside the general category. Nevertheless, family benefits paid directly by employers (especially to civil servants) are not normally less than those paid in respect of the general category.

Article 45. In reply to the request of the Committee of Experts, the Government states the following.

The right to family allowances is forfeited with the cessation of the conditions required for the grant of such benefits, that is to say: (a) when activity in the service of a public institution ceases; (b) when the beneficiary dies; (c) when the beneficiary ceases to live with his family; (d) when the age limit is exceeded; (e) when disability no longer exists; (f) when the income limit prescribed by law is exceeded.

Further, family allowances are not paid: (a) when the beneficiary resides abroad, in the absence of an international Convention or a guarantee of reciprocity; (b) when the beneficiary is a hospital in-patient, unless the sum which he pays for his board and lodging is not less than that of the benefit; (c) when the head of the family contracts tuberculosis or is unemployed, in which cases he receives an increase in sickness or unemployment allowance pro rata to the number of dependants.

PART VIII. MATERNITY BENEFIT

Article 48. Paragraph (a) applies. The right to maternity benefits is enjoyed by all female wage earners and by the wives of male wage earners.

In reply to the request of the Committee of Experts the Government states that the number of wage earners belonging to the categories in which women workers are eligible for maternity benefits is estimated at 11,743,405; as the total number of wage earners was 13,510,000 on 20 January 1959 the percentage of protected persons is 86.9.

Article 49. In reply to the request of the Committee of Experts the Government states that the maximum period for medical benefits in case of sickness, that is to say 180 days, does not include the period during which medical benefits are granted in respect of maternity, which are of unlimited duration.

In the case of hospital in-patient treatment the maximum period has been increased to 180 days for all persons protected by sickness insurance, including also the wives of protected wage earners (decision of the Governing Board of the National Sickness Insurance Institute (I.N.A.M.) approved by the Ministry of Labour and Social Welfare on 24 November 1958).

1. General category (I.N.A.M.). Benefits are granted either free through doctors, clinics or hospitals of the Institute (or approved by the Institute) or by the refunding of expenses incurred within the limit of the rates fixed by the Institute. Only in the case of some medical specialities, which are sold at different prices by chemists although their therapeutic value is the same, does the Institute refund only the approved price (lowest price), so that any difference is borne by the insured person. In all other cases pharmaceutical treatment is entirely free.

2. Category of national government officers (E.N.P.A.S.). Benefits are granted either through the refund system on the basis of a rate fixed by the insurance institute, or by direct provision of general medical treatment, specialist treatment or hospital in-patient treatment. The cost of medicines which the insured person has to obtain directly is refunded on the basis of the legal purchase price, subject to deduction of a decreasing percentage: 9 per cent. on the first 10,000 liras, 7 per cent. on the following 10,000 liras and 4 per cent. on the balance (section 6 of Act No. 841 of 30 October 1953).
3. Category of local government officers (I.N.A.D.E.L.). Benefits are granted either by refund based on the rate fixed by the insurance institute or by direct and free provision in the establishments of the institute or approved by it. Medicines are supplied on presentation of a medical prescription (Legislative Decree No. 27 of 5 January 1948 as amended by Act No. 259 of 14 April 1957).
4. Category of employees of public corporations (E.N.P.D.E.P.). Benefits are granted in most cases on the basis of a special rate; for medicines, the refund equals 100 per cent. of the cost, except in the case of specialities which may be replaced by medicinal preparations, when only 50 per cent. is refunded. Hospital treatment is supplied free in institutions approved by the insurance institute. The principle of direct grants applies also to itinerant treatment.

The cost of benefits is covered by employers' contributions.

No special measures have been taken to encourage women to make use of medical services.

Article 50. The amount of the standard wage for a woman working in industry was estimated at 31,308 liras a month for 1959. The amount of maternity benefits in kind for the woman wage earner considered equals 80 per cent. of her wages (25,046 liras a month).

Article 51. In reply to the request by the Committee of Experts the Government states that there is no waiting period. It suffices that pregnancy should have commenced at a date when the employment relationship effectively existed, that is to say when the name of the worker appeared on the pay-roll which the employer transmitted to the insurance institute or on the list of agricultural workers (section 32 of Regulations applying Act No. 860 of 26 August 1950).

Article 52. In reply to the request made by the Committee of Experts the Government states the following.

Maternity benefits are not granted—(a) if the worker emigrates (section 5 of Act No. 860 of 26 August 1950); (b) if maternity allowances include any other benefit due on account of sickness (section 17 of the Act); (c) if the worker, despite the fact that she is ill, is paid her wages or receives from another source benefits exceeding in amount that of the sickness allowance (Article 12 of the National Collective Agreement of 3 January 1939); (d) when the person concerned deliberately prolongs her absence or pretends to be ill or receives from the insurance institution benefits to which she is not entitled (Article 32 of the Agreement); (e) when the circumstances of the offence are established (Article 32 of the Agreement); (f) in the case of sickness caused or aggravated by fraudulent means (Article 32); (g) when the person concerned refuses to submit to visits of inspection or to examinations arranged by the insurance institute or does not carry out the treatment prescribed or modifies or falsifies medical certificates, etc. (Article 32).

PART XIII. COMMON PROVISIONS

Article 71. In 1958 the amount of funds provided for the payment of sickness, old-age and survivors' benefits in respect of all wage earners was 725,318 million liras, while the approximate amount of contributions paid by workers in the same period

was 154,767 million liras, which represents 21 per cent. of the former figure. It is not yet possible to supply the figures of old-age benefits only, as under the Italian system insurance in respect of sickness, old age and death forms a financially indivisible whole.

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

It is true that maternity allowances (in kind) to female workers who are not eligible for such benefits under sickness insurance schemes, that is to say all women workers in the employee category, with the exception of those employed in the commercial sector, are paid directly to them by the employer and from his own funds. It would not appear that this situation can be changed unless and until a general reform of the Italian social insurance system is undertaken.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

Countries	Ratification registered on	Countries	Ratification registered on
Cuba	15. 8. 1957	Portugal	12. 4. 1960
Dominican Republic	10. 2. 1958	El Salvador	18. 11. 1958
Iran	13. 4. 1959	Syrian Arab Republic	7. 6. 1957
New Zealand	28. 6. 1956	United Arab Republic	18. 12. 1958
Niger	23. 3. 1962		

CUBA (First Report)

In Cuba there is no indigenous population as referred to by the Convention.

Legislation does not establish any penalties for workers failing to fulfil labour agreements or contracts.

IRAN (First Report)

There is no indigenous population in Iran in the sense of the Convention.

In accordance with the Constitutional Act all citizens are equal before the law.

The Civil Code lays down no penalties for failure to fulfil employment agreements. The Labour Act makes no distinction between workers.

* * *

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

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

Dominican Republic, United Arab Republic.

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	18. 1. 1960	Kuwait	21. 9. 1961
Australia	7. 6. 1960	Libya	13. 6. 1961
Austria	5. 3. 1958	Malaya	13. 10. 1958
Belgium	23. 1. 1961	Mexico	1. 6. 1959
Canada	14. 7. 1959	Netherlands	18. 2. 1959
Chad	8. 6. 1961	Niger	23. 3. 1962
China	31. 3. 1959	Nigeria ²	17. 10. 1960
Costa Rica	4. 5. 1959	Norway	14. 4. 1958
Cuba	2. 6. 1958	Pakistan	15. 2. 1960
Cyprus ¹	23. 9. 1960	Peru	6. 12. 1960
Dahomey	22. 5. 1961	Philippines	17. 11. 1960
Denmark	17. 1. 1958	Poland	30. 7. 1958
Dominican Republic	23. 6. 1958	Portugal	23. 11. 1959
Ecuador	5. 2. 1962	El Salvador	18. 11. 1958
Finland	27. 5. 1960	Senegal	28. 7. 1961
Gabon	29. 5. 1961	Sierra Leone ²	13. 6. 1961
Federal Republic of Germany	22. 6. 1959	Somalia { ex-British Somaliland ³	18. 11. 1960
Ghana	15. 12. 1958	{ ex-Trust Territory	8. 12. 1961
Greece	30. 3. 1962	Sweden	2. 6. 1958
Guatemala	9. 12. 1959	Switzerland	18. 7. 1958
Guinea	11. 7. 1961	Syrian Arab Republic	23. 10. 1958
Haiti	4. 3. 1958	Tanganyika ²	30. 1. 1962
Honduras	4. 8. 1958	Tunisia	12. 1. 1959
Iceland	29. 11. 1960	Turkey	29. 3. 1961
Iran	13. 4. 1959	United Arab Republic	23. 10. 1958
Iraq	15. 6. 1959	United Kingdom	30. 12. 1957
Ireland	11. 6. 1958		
Israel	10. 4. 1958		
Ivory Coast	5. 5. 1961		
Jordan	31. 3. 1958		

¹ See footnote 2 to Convention No. 15.

² See footnote 4 to Convention No. 15.

³ See footnote 5 to Convention No. 64.

ARGENTINA (First Report)

Forced labour as referred to in the Convention does not exist in Argentina. The Constitution fully guarantees the principles of freedom of labour.

Article 14 of the Constitution provides, *inter alia*, that all members of the national population shall enjoy the right to work and to carry on any legitimate industry. Article 14bis provides that labour in its various forms shall enjoy the protection of the laws, which will ensure for the worker adequate and fair conditions of work, limited working hours, a free and democratic trade union organisation, etc. The trade unions are guaranteed the right to make collective labour agreements, to resort to conciliation and arbitration and the right to strike.

Moreover, article 28 of the Constitution provides that the principles, guarantees and rights acknowledged in preceding articles may not be altered by the laws which regulate their exercise, so that forced labour could not be introduced without violating the fundamental law of the nation.

AUSTRALIA (First Report)

Exaction of forced labour is not *eo nomine* a crime under Commonwealth or state law, but no law authorises it, and it is covered by the ordinary criminal law relating particularly to assault and false imprisonment. In cases of deprivation of personal liberty the remedy of *habeas corpus* is available at the instance of the person detained or of another.

Article 1 of the Convention. Forced labour may not be used contrary to any of the provisions of this Article.

Convicted prisoners are normally required to work under the supervision of prison authorities.

Article 2. No special measures have been necessary.

AUSTRIA

Vagrancy Act (*Reichsgesetzblatt*, 1885, No. 89).

Labour Institutions Act, 1951 (*Bundesgesetzblatt*, 1951, No. 211).

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

The simple expression of views ideologically opposed to the established political, social or economic system is not punishable under section 305 of the Penal Code. To come under section 305, in fact, it is not sufficient for a person simply to have expressed an opinion evidencing opposition of this kind; he must have gone so far as to denigrate or attempt to upset the institution of marriage or the family, or the accepted principles of law with regard to propriety. This is why no criminal proceedings have been taken under section 305 of the Penal Code, either before or after the ratification of the Convention, in respect of acts of this kind. As regards legislation, it may be pointed out that in the work of preparing a new Penal Code, which is already at an advanced stage, no provision has been made corresponding to section 305 of the present Penal Code.

The offence referred to in section 305 is punishable by from one to six months' "arrest"; if, however, the offence takes the form of the publication of printed matter the punishment may be changed, depending on the threat constituted by the offence and the size of the public the material in question was designed to reach, into a sentence of "close arrest" of up to one year.

According to the accepted idea in Austria sentences of open and close arrest have nothing to do with forced or compulsory labour; rather are they ordinary penalties of deprivation of freedom prescribed, broadly speaking, in the Penal Code for those acts for which a sentence may be imposed by a court of law but which, in view of their relative lack of seriousness, are looked upon not as "crimes" but as "offences" or "infringements". The fundamental difference between the two penalties in question, according to sections 244 and 245 of the Penal Code, lies in the fact that an individual sentenced to open arrest is allowed to choose his occupation, whereas a person sentenced to close arrest has to do the work assigned to him.

The provisions of section 253 (b) of the Penal Code—under which the sentence of arrest may be made heavier and the offender put on "hard labour"—ceased to have effect long ago under common law, and no provision of this kind will be contained in the new Penal Code.

An exhaustive list of the acts which may cause the persons found guilty of them to be sent to a labour institution may be found in section 1 of the 1951 Labour Institutions Act. The offence referred to in section 305 of the Penal Code is not included among the acts for which such a punishment may be imposed.

In so far as the sentences served may give a rough idea of the application of the Vagrancy Act in practice, it would appear that the cases which have come before the courts have been concerned essentially with infringements of sections 1 (vagrancy), 2 (begging) and 5 (prostitution, etc.), of the enactment in question. Convictions for infringement of sections 3 or 4 (which deal with persons who refuse to work), or section 6 (which concerns persons who have evaded police supervision), are very rare. Detailed information on the subject is supplied by the Government.

The labour institutions in Austria serve two purposes: they must accept—(a) individuals found guilty of minor offences, who refuse to work and who must be sent to a labour institution to become accustomed to doing regular work; (b) repeated offenders with a bad record showing a regular tendency towards crime. As a corrective and precautionary measure, a sentence to detention in a labour institution may be imposed by a court only at the same time as a sentence to deprivation of freedom for more than six months; furthermore, the sentence may not be carried out until the offender has served his sentence of deprivation of freedom.

Persons detained in labour institutions are required during their detention to perform the work allotted to them (section 15 of the 1951 Labour Institutions Act). They do work of all kinds. They do “domestic work” in the establishment (cleaning, cooking, laundry, gardening) and the most varied types of handicrafts and agricultural work (agriculture and forestry), for which they are paid. The product of their work goes to the State.

CANADA (First Report)

Criminal Code.

In 1959 both Houses of Parliament adopted a motion approving the Convention. At that time the Minister of Labour stated in the House of Commons that there were no systems of forced labour in Canada and that to the best of his knowledge there was no legislation in effect which was inconsistent with or in contravention of the provisions of the Convention; the opinion of the Minister of Justice was that in these circumstances no legislation was required to implement the provisions of the Convention.

In 1960 Parliament passed the Canadian Bill of Rights, a copy of which is attached to the Government's report which provides, *inter alia*, for the right of the individual to liberty and security of the person.

Article 1 of the Convention. No use is made of any form of forced or compulsory labour in the cases specified under paragraphs (a) to (e) of this Article.

Article 2. As indicated above, no measures were required to abolish forced or compulsory labour, since no forced or compulsory labour within the terms of the Convention may be imposed in Canada.

The question as to what penal provisions and sanctions would be applicable in the case of illegal exaction of forced or compulsory labour in any form is a theoretical one in Canada. However, as there is no legislation authorising the exaction of forced labour, it is probable that any person, either public official or private individual, who sought to impose forced labour upon another would in so doing commit acts which would constitute breaches under the provisions of the Criminal Code dealing with intimidation (section 366), kidnapping (section 233) or assault (section 230).

Since there is no system of forced labour in Canada there are no “competent services” regulating such systems and hence no reports and no statistics.

No observations have been received from organisations of employers or workers regarding the practical application of the provisions prescribed by the Convention.

CHAD (First Report)

No recourse is had to any of the forms of forced or compulsory labour referred to in Article 1 of the Convention, as such work has been prohibited for many years. Article 5 of the Constitution guarantees the rights and liberties of the subject and in particular states: "Freedom to work is guaranteed under the provisions of social legislation."

CHINA (First Report)

Constitution of 1 January 1947.

Penal Code.

Draft Labour Code.

Article 1 of the Convention. Under the Constitution "all citizens, irrespective of sex, religion, race, class or party affiliation, shall be equal before the law" (article 7); "all people shall have freedom of speech, teaching, writing and publication" (article 11). They shall also have freedom of assembly and of association (article 14).

There is no legislation under which labour may be mobilised or used for economic development or as a means of labour discipline or a punishment for having participated in strikes.

Section 11 of the Draft Labour Code stipulates that "employers shall not compel workers to work against their own will by means of force, coercion and other measures detrimental to their physical and mental freedom".

The terms "converted labour service", mentioned in section 42 of the Penal Code, and "compulsory labour", referred to in section 90 of the same Code, are compulsory in nature. The former applies to offenders who are unable to pay fines, the latter to those who repeatedly break the law or whose frequent offences are due to their idleness or their dissolute way of life.

Article 2. Section 296 of the Penal Code lays down that "anyone who causes a person to be enslaved or puts him in a similar situation without regard for his personal liberty shall be punishable by imprisonment lasting from one to seven years. Anyone who attempts to do so shall be likewise punishable".

Further, section 97 of the Draft Labour Code stipulates that "anyone who violates section 11 of this Code shall be punishable by imprisonment of from one to five years".

See also under International Labour Conference, 46th Session, Geneva, 1962: Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1962), pp. 4-6, for summary of the report on Convention No. 29 submitted by the Chinese Government.

COSTA RICA (First Report)

See under Convention No. 29.

The Government adds that since there is no forced labour on the national territory, it is not possible to use it for any of the purposes listed under Article 1 (a), (b), (c), (d) and (e) of the Convention. It draws attention in particular to sections 28 and 29 of the Constitution, which guarantee the right to express opinions freely; section 33, which guarantees the equality of all men in the eyes of the law and freedom of worship; and section 76, in virtue of which aliens have the same individual and social rights and obligations as Costa Ricans, apart from the exceptions prescribed by the Constitution and by law, none of which provides for the exaction of forced or compulsory labour from aliens.

FINLAND (First Report)

Constitution of 1919.

Penal Code of 1889.

Vagrancy Act of 17 January 1936 (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1936, No. 57).

Drunkenness Act of 17 January 1936 (*ibid.*, 1936, No. 60).

Maintenance of Children (Special Circumstances) Act of 20 August 1948 (*ibid.*, 1948, No. 614).

Compulsory Military Service Act of 15 September 1950 (*ibid.*, 1950, No. 452).

Public Assistance Act of 17 February 1956 (*ibid.*, 1956, No. 116).

Protection of Population Act of 31 October 1958 (*ibid.*, 1958, No. 438).

Accomplishment of Non-Combatant Military Service Act of 15 May 1959 (*ibid.*, 1959, No. 219).

Article 1 of the Convention. Under articles 6 and 7 of the Constitution every Finnish citizen is protected by law in regard to his life, honour, individual liberty and ownership rights. Similarly every Finnish citizen is free to leave the country or to remain in it, to elect his domicile of his own free will and to move freely from one place to another. Certain restrictions may be imposed on these rights in the event of war or rebellion, or in case of emergency.

The Government declares that Finnish legislation does not provide for recourse to forced labour within the meaning of the Convention.

On the other hand, compulsion to work may be applied in the following cases:

- (a) In prisons.
- (b) In connection with compulsory military service: under the Accomplishment of Non-Combatant Military Service Act of 1959 any conscientious objector who refuses to perform his military service may be compelled to serve in national defence, the civil service, or university hospitals or clinics; if he refuses to perform such tasks, he may be placed in a work institution under the supervision of the Minister of Social Affairs.
- (c) By virtue of the Protection of Population Act: every Finnish citizen between 16 and 65 years of age may be called upon to perform certain necessary work to protect the population in the event of war or threat of war, and in other similar cases.
- (d) In the case of socially maladjusted persons or persons who have neglected their social obligations. Under the terms of the Vagrancy Act any person deemed to be a vagrant may be placed in a work institution or be subjected to forced labour if the normal methods of supervision prove ineffective in his case or if it is evident that the person concerned constitutes a danger to public security, morality or order. Responsibility for this decision rests with the administrative tribunal of the district in which the person resides. Moreover, under the terms of the Public Assistance Act any needy person who appears unsuitable for placing in a charitable institution, or any person who through negligence, idleness, indifference or a similar reason, fails to provide for his own upkeep and for that of his wife and infant children, may be placed in a work institution in order by his work to provide some return for the public assistance benefit which he may have enjoyed. The same applies to persons who fail in their obligations in regard to legitimate or illegitimate children in pursuance of the Maintenance of Children (Special Circumstances) Act of 1948. Responsibility for a decision on such matters also rests with the competent administrative tribunal. Finally, the Drunkenness Act provides for recourse to compulsory labour for alcoholic addicts who constitute a danger to public safety and order or who have not responded to treatment in a specialised public institution.
- (e) As a disciplinary measure, in certain cases, for persons who are placed in a charitable institution or a work institution under the Acts mentioned above.

The administrative tribunal referred to above is composed of three members under the chairmanship of the governor of the district of the person concerned. Appeal against the decisions of this tribunal may be lodged with the Supreme Administrative Court.

Article 2. The Penal Code provides penalties for the illegal exaction of forced labour. Under sections 9 and 12 of Chapter XXV any person who, intentionally and without being legally empowered to do so, deprives an individual of his liberty or compels him by violence or threat of violence to commit, undergo or neglect to perform any act, shall be subject to a penalty of up to six years' solitary confinement or up to one year's imprisonment according to circumstances. The Government adds that under section 2 of Chapter XL of the Code any judge or high official who has deliberately imposed a wrongful sentence shall be suspended or relieved of his duties and declared unfit to occupy public office. In particularly serious cases he shall be liable to imprisonment.

The Government declares that the application of the legislation referred to above is not the responsibility of a particular authority, but that it is the Legal Adviser of the Council of State who is responsible under the Constitution for ensuring that the competent authorities observe the laws.

FEDERAL REPUBLIC OF GERMANY (First Report)

Basic Law of the Federal Republic of Germany of 23 May 1949 (*Bundesgesetzblatt (BGBl.)*, Part I, p. 1) (*L.S.* 1949—*Ger. F.R.I.*), as subsequently amended.

Penal Code, as published on 25 August 1953 (*BGBl.*, Part I, p. 1083) and subsequently amended. Act of 29 June 1956 concerning judicial procedure in cases involving deprivation of liberty (*BGBl.*, Part I, p. 599), as subsequently amended.

Federal Social Assistance Act of 30 June 1961 (*BGBl.*, Part I, p. 815).

Compulsory Military Service Act, as published on 14 January 1961 (*BGBl.*, Part I, p. 29) and subsequently amended.

Substitute Civilian Service Act of 13 January 1960 (*BGBl.*, Part I, p. 10), as subsequently amended.

In the Federal Republic of Germany no person shall be forced to do a particular job except in virtue of an established general obligation to perform a public service lying equally upon all, or where a sentence of imprisonment is ordered by a court. Any person refusing on grounds of conscience to do military service in time of war may be obliged to do civilian service. The duration of such service may not exceed the duration of military service.

Article 1 of the Convention. As section 12 of the Basic Law forbids recourse to forced labour and no person may be forced to work except within the limits set by that section—and in no case for the purposes mentioned in paragraphs (a) to (e)—no comment is necessary on Article 1.

Article 2. As forced labour within the meaning of Article 1 of the Convention does not exist and is forbidden by legislation, it is neither necessary nor possible to take any measures to suppress it. Forced labour could be imposed only by force, threat of serious harm or direct compulsion. Any person guilty of such acts would fall under section 240 of the Penal Code (constraint). In cases where the person suffering constraint would be prevented from leaving his place of work section 239 would apply. If the offender is an official, sections 341 (violation of the freedom of individuals in the fulfilment of public duties) and 345 (abusive measures or punishments) may apply. Violations of those sections of the Penal Code are punishable by imprisonment, and in aggravating circumstances by penal servitude.

There have been no judicial decisions on matters of principle relating to the application of the Convention. There has been no breach of the Convention.

The Convention is also applicable to West Berlin.

GHANA

Constitution.

Deportation Act, No. 14, 1957, as amended by Act No. 65, 1959.

Preventive Detention Act, No. 17, 1958.

Control of Beggars and Destitutes Ordinance, No. 36, 1957.

Criminal Code, 1960 (Republic of Ghana Act No. 29).

Criminal Procedure Code, 1960 (Republic of Ghana Act No. 30).

Builders' Brigade Board Act, No. 37, 1957.

Conspiracy and Protection of Property (Trade Disputes) Ordinance (Cap. 90).

Various executive instruments issued under section 183 (2) of the Criminal Code.

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

The Constitution is the safeguard against the use of any form of forced or compulsory labour as a means of political coercion or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. In accordance with article 13 (1) of the Constitution, the President, immediately on his assumption of office, made a solemn declaration before the people, in which he declared, *inter alia*, that "no person should suffer discrimination on grounds of sex, race, tribe, religion or political belief . . . and subject to such restrictions as may be necessary for preserving public order, morality or health, no person should be deprived of freedom of religion or speech, of the right to move and assemble without hindrance or of the right of access to courts of law".

Freedom of religion, of speech and of association is guaranteed under the Constitution.

No regulations have so far been made under section 16 of the Deportation Act, 1957.

Regarding the treatment of detainees, it is explained that persons detained under the Preventive Detention Act are not treated in the same way as convict prisoners. On the contrary, persons so detained have freedom of movement in prisons and have other facilities usually denied to convict prisoners. But in their own interests and for the purpose of keeping their health and physique in good order, detainees are made to do such light work as the making of baskets and chairs, tailoring, shoemaking and other minor industries. They are not sent out to do hard work, as the carrying of firewood or the weeding of farms, etc., which normally constitute what is known as hard labour in prisons. No laws have been passed on this subject, and instructions regarding the treatment of detainees are issued administratively to the Director of Prisons.

No regulations have been made under section 16 of the Control of Beggars and Destitutes Ordinance, 1957.

The only executive instruments made under section 183 (2) of the Criminal Code, 1960, are the *Ashanti Pioneer* (Control) Instrument, 1961 (E.I. 156), and the *Ashanti Pioneer* (Control) Instrument, 1961 (E.I. 171). The first was made on 10 September 1961 and the second on 29 September 1961. In between the two, on 22 September 1961, the *Ashanti Pioneer* (Control) Revocation Instrument, 1961 (E.I. 169), was adopted. In other words, censorship was imposed on the *Ashanti Pioneer* on 10 September, lifted on 22 September and reimposed on 29 September. The censorship of the *Ashanti Pioneer* became necessary because of the recent strike of workers in Sekondi, Takoradi and other places, during which there was a systematic publication of matter in that newspaper which was calculated to prejudice public order and safety. Copies of these instruments are attached to the Government's report.

The personnel employed in the Builders' Brigade is divided into ordinary Brigade members, who may be regarded as trainees, and staff members. As regards Brigade members, applications are invited from time to time through advertisements in the local newspapers. Applicants must pass medical examinations; those admitted

to the Brigade are entitled to rates of pay in accordance with the prescribed schedule and to annual leave, free medical attention, etc. The original policy was that members should serve for approximately two-and-a-half years and be discharged after having acquired skill in a trade, but the organisation has now changed from a training organisation into an "agricultural army", and the Government has not yet laid down a clear policy as to how long a Brigade member should serve before his discharge from the Builders' Brigade. As regards staff members, applications are invited when vacancies occur or more hands are required as a result of expansion. Successful applicants are engaged subject to medical fitness. Salaries are closely related to those of comparable posts in the civil service and other corporations and government agencies. Provision is made for leave, free medical attention and a provident fund scheme. Subject to satisfactory work and conduct and the need for his services, a staff member may serve in the Builders' Brigade indefinitely.

It is not clear that a general prohibition of any form of hard labour for persons convicted for having participated in strikes is what is prescribed. It is presumed that the inquiry of the Committee of Experts relates to whether persons who are so convicted are put to work on the job in respect of which they strike or in which they were previously engaged; the position in this country is that no such forced or compulsory labour is exacted.

There has not been any instance of a strike by seamen. The question as to whether such a strike would be punishable as a criminal conspiracy or otherwise, in view of the exemption imposed by section 12 of the Conspiracy and Protection of Property (Trade Disputes) Ordinance, is being examined.

GUATEMALA (First Report)

Constitution.
Labour Code.
Penal Code.

Under article 149 (2) of the Constitution it is the responsibility of the legislative body to approve treaties and conventions signed by the executive.

No provision exists in Guatemalan legislation to impair the freedom of any individual to choose the work which suits him best. Article 40 of the Constitution lays down that "no person may be forced into servitude or into any other status detrimental to his personality".

Under section 6 of the Labour Code the right to work of any person may not be restricted except by a decision of the competent authority issued for reasons of public policy or national interest and based on the law, and an employer may not assign or alienate the rights of a worker under a contract or employment relationship without the clear and express consent of the worker.

Furthermore, article 116 (2) of the Constitution establishes the right to a free choice of employment and satisfactory economic conditions guaranteeing the worker a way of life which befits him.

Article 2 of the Constitution lays down that civil servants are not the masters but the representatives of authority, responsible for their official conduct, subject to and never above the law. Under section 276 of the Penal Code "any public employee who in the performance of his duties molests any persons or brings unlawful or unnecessary pressure to bear to further the performance of his duties shall be punished by nine months' detention".

HAITI (First Report)

Constitution of 1957 (*Le Moniteur*, 22 Dec. 1957).
Labour Code of 6 October 1961 (*ibid.*, 19 Oct. 1961).

The Government declares that forced labour does not exist in Haiti under any form whatever. Article 23 of the Constitution and sections 2, 4 and 8 of the Labour Code guarantee freedom to work, which is exercised under the terms of the law. Section 4 of the Code states that no citizen may be forced to perform work except in case of a sentence pronounced by a legally competent tribunal. Section 8 provides that work is a social function and not a commodity for exploitation, and that it enjoys the protection of the State.

The Department of Labour and Social Welfare is the competent authority responsible for guaranteeing freedom to work.

HONDURAS (First Report)

Constitution of 19 December 1957 (*L.S.* 1957—Hon. 5).

Labour Code of 1 June 1959 (*La Gaceta*, 15-18 and 20-23 June 1959, Nos. 16,827-16,834) (*L.S.* 1959—Hon. 1).

Penal Code.

Ratification of the Convention did not require the amendment of national legislation, since this contained no provisions in contradiction with the Convention.

Although for many years before ratification any provisions under which forced labour as defined in Article 1 of the Convention was permitted had ceased to exist, it was specifically banned in the new Constitution of 1957 and the Labour Code of 1959.

The Convention has the force of a national law in Honduras in virtue of article 133 of the Constitution.

Article 1, paragraph (a), of the Convention. No person who expresses views ideologically opposed to the established political, social or economic system may be subjected to forced or compulsory labour. Articles 81 to 83 of the Constitution lay down that no person may be molested or persecuted on account of his opinions and that freedom to express one's thoughts and divulge information is inviolate, this freedom comprising the right not to be molested on account of one's opinions, the right to seek and receive information and the right to transmit and make known such information by any means of expression.

Paragraph (*b*). Forced labour has never been used for purposes of economic development, and no provisions exist for the recruiting of workers for such purposes.

Paragraph (*c*). National legislation does not authorise the use of forced labour as a means of labour discipline. Section 92 of the Labour Code lays down that it shall not be lawful to make any deduction from wages by way of fines, and that no worker may be suspended from work without pay for more than eight days. Section 94 of the Code prohibits the infliction on workers of penalties not provided for in the rules of employment, a covenant, a collective agreement, an arbitration award or an individual contract.

Paragraph (*d*). The right to strike is guaranteed in Honduras to workers directly concerned with the branch of activity where a strike is declared, so long as the strike keeps within the bounds of the law. Article 112 (12) of the Constitution states that the right to strike and lockout is recognised, though the law may govern its exercise and place special restrictions on it in such public services as it shall specify.

The Labour Code regulates the right to strike, but lays down no penalties for those who strike which could be held to be forced or compulsory labour. Section 585 provides that no strike or lockout may operate to the detriment of a worker who is in receipt of wages or allowances in respect of an accident, disease, maternity, leave, etc. Section 586 lays down that the fact that a strike is ended by a direct settlement or by a court decision shall not relieve any person of his liability for offences or misdemeanours committed by him in connection with the dispute. Section 587 provides

that in the event of an unlawful strike or lockout the labour courts may order the authorities to ensure the continuation of work by every means at their disposal; the executive has power to take over the management and administration of any public services provided by private undertakings. Under section 589 any person who incites others to stage a strike or lockout in contravention of the provisions of this part of the Code is liable to a fine of between 100 and 500 lempiras, while under section 590 any person who participates in a dispute with a view to fostering disorder or depriving the dispute of its peaceful nature is liable to detention by any authority until the end of the strike or lockout or until he affords a sufficient guarantee in the opinion of a labour court that he will not carry out his intentions.

Paragraph (e). There are no provisions allowing for forced labour to be exacted from members of specific racial, social, national or religious groups. Article 57 of the Constitution provides that inhabitants of the Republic shall be entitled to protection without any discrimination whatsoever as regards their lives, safety, honour, freedom, work and property; and section 12 of the Labour Code prohibits discrimination on grounds of race, religion, political views or economic situation in any social welfare, educational or other establishment operated for the use or benefit of the community in any undertaking or workplace, whether under private or state ownership.

Forced or compulsory labour may be exacted only for penal purposes. Under section 32 of the Penal Code those sentenced to penal servitude must work on public works, while those sentenced to prison are simply kept in confinement.

Article 2. Under article 111 of the Constitution every individual has the right to work, to choose and renounce his occupation freely, to equitable and satisfactory working conditions and to protection against unemployment.

Section 179 of the Penal Code lays down penalties for public officials who, assuming judicial powers, impose any form of punishment amounting to a personal sanction, and section 493 of the same code provides that any person not lawfully authorised to do so who prevents another person by the use of violence from doing anything that is not prohibited by law or compels him to do what he does not wish to do, whether justifiably or not, shall be punished by the minimum sentence of first-degree imprisonment. Furthermore, article 67 of the Constitution accords to every individual the right to seek protection and make effective the exercise of all the guarantees established under the Constitution if he is improperly hindered in the enjoyment thereof by the legislation or acts of any authority, official or public servant.

The authorities entrusted with the application of the provisions of the Convention are the Minister of Labour and Social Welfare, the General Directorate of Labour, the General Inspectorate of Labour, the labour courts and the appeals courts.

IRAN (First Report)

Constitutional Act of 1907.

Penal Code.

Labour Code, dated 17 March 1959 (*L.S.* 1959—Iran 1).

Section 12 of the Constitutional Act states that “no penalty may be established or applied outside the law”. There is no law providing for forced or compulsory labour as a form of penalty as covered by Article 1 of the Convention. In accordance with section 83 of the Penal Code, public authorities and officials imposing forced or compulsory labour on citizens are liable to penalties. Section 62 of the Labour Code provides for penalties against “persons compelling any person to perform forced labour contrary to the provisions of international labour Conventions Nos. 29 and 105”.

The Civil Code states that a contract is not valid unless concluded with the consent of each of the contracting parties.

ISRAEL

In reply to a direct request made by the Committee of Experts in 1961 the Government supplies the following information.

The Emergency Regulations (Mobilisation of Manpower), 1948, have not been put into operation since the ratification of the Convention, and it is legally impossible to exact labour under the regulations for any of the purposes enumerated in the Convention.

The attention of the Commissioner of Prisons and of the Release Committee is being drawn to the provisions of the Convention stipulating that no labour should be exacted from those sentenced to prison for having participated in a strike, if there would be such cases in the future.

See also under Convention No. 29.

JORDAN (First Report)

Law on Prohibition of Forced Labour, 1934.

The provisions of this Convention have been regularly regarded and fully applied within the period from 1 July 1959 to 30 June 1961. The only legislation on abolition of forced labour is that of 20 November 1934. This legislation provides for forced or compulsory labour in cases of national emergency caused by fires, floods, famine, earthquakes, epidemics and other calamities.

MALAYA

National Service Ordinance, 1952.

In reply to the direct request made in 1961 by the Committee of Experts the Government supplies the following information.

Under section 8 (1) (b) of the Internal Security Act, 1960, the Minister may make various orders in his discretion. A person who contravenes any such order is liable to imprisonment which, in accordance with section 52 of the Prisons Ordinance and Part VIII of the Prisons Rules, 1953, would mean that the individual would be required to perform compulsory labour whilst in custody. It is not, however, considered that such labour could be regarded as a punishment for holding or expressing political views, etc.; it would be occasioned by reason of the fact that the person in question had failed to comply with the terms of the order made by the Minister.

Under section 22 of the Internal Security Act, the Minister may, by an order published in the Gazette, prohibit the printing, publication, sale, issue, circulation or possession of any publication. In this case also any person who fails to comply with the order is liable to imprisonment, which likewise entails compulsory labour. The reason for such labour, however, is not related to the political opinions of the person concerned, but simply to his failure to obey the Minister's order.

Under the terms of section 2 (a) (1) of the Restricted Residence Enactment, the Minister may order any person to be placed under police supervision. Again, any person who fails to comply with the terms of the order may be committed to prison, where he will be required to perform compulsory labour. Once again, however, the reason for such labour is not related to the political opinions of the person concerned, but simply to the fact that he has disobeyed the terms of the order made against him.

The provisions for compulsory cultivation of certain lands with rice provided for under the Malacca Lands Customary Rights Ordinance, the Straits Settlement Rice Cultivation Ordinance and the Cultivation of Rice Enactment are solely intended

to prohibit, in certain cases, the cultivation of land otherwise than with rice. They are not in any way intended for the purposes of compulsory labour but merely make the granting of land conditional on the obligation to cultivate rice. Such lands are not forced upon any individuals but are granted to applicants requesting them. The object of this condition is to encourage the cultivation of rice in areas specified as suitable for rice growing and to prevent abuse such as planting of other crops on good paddy land.

The relevant law adopted pursuant to article 6 (2) of the Constitution authorising compulsory service for national purposes is that of the National Service Ordinance, 1952, which makes provision for the registration of persons for national service and for the call-up of persons so registered to perform services in the local force, the police force and civil defence forces. This law entered into force on 1 March 1958.

In addition the Government supplies information on the practical application of legislation, as requested by the Committee of Experts.

MEXICO (First Report)

Constitution of 5 February 1917.
Penal Code.

Section 5 of the Constitution provides that no person may be compelled to render personal services without receiving equitable payment and without his full consent, except in the case of work exacted as a punishment by the judicial authorities.

The only public services which are compulsory under the legislation respecting them are service in the armed forces, jury service, the performance of duties on behalf of the municipal council and duties imposed as the result of direct or indirect public election. Also compulsory are duties as an electoral or census official and welfare work, which must be remunerated as prescribed by law.

The State does not permit the conclusion of any contract, pact or agreement whose object is the impairment, loss or irrevocable sacrifice of freedom, whether for reasons of work, education or religious vows. In consequence the law does not permit the setting up of monastic orders, whatever their denomination or aims.

Nor will an agreement be authorised under which an individual agrees to be banished or exiled or foregoes temporarily or permanently the exercise of a given occupation, industry or trade. A contract of employment must oblige the worker only to render the services agreed upon for the length of time prescribed by law, which may not be more than a year, and may not go so far as to cause him to renounce, lose or suffer impairment of any of his political or civic rights. Failure to observe the contract will make the worker liable only to the appropriate civil penalty.

In Mexico compulsory labour is not used as a repressive or disciplinary measure of the kind referred to in paragraphs (a), (b), (c), (d) and (e) of Article 1 of the Convention. As regards work exacted as a punishment by the judicial authorities, section 79 of the Penal Code provides for the Government to organise the various types of penitentiary establishments for purposes of preventive detention, punishment and precautionary measures, where work will be used as a means of regeneration, enabling the prisoners to learn a trade and developing their spirit of co-operation. Section 80 of the Code provides for the possibility of establishing permanent or temporary penal encampments, while under section 81 any convicted person who is not ill or disabled must be employed on work which will be allotted to him in accordance with the regulations, using his earnings from such work to pay for his board and clothing.

Since forced labour is proscribed under the Constitution, it has not been necessary to take any additional measures to ensure compliance with the Convention.

Infringement of the Convention by private individuals is an offence punishable by the penalties prescribed in sections 364 (II) and 365 (I) of the Penal Code. Transgression on the part of the State may be combated through the guarantees provided in the Constitution against violation of the precepts under heading I.

NETHERLANDS (First Report)

There is no provision in Netherlands legislation for forced labour as defined in Convention No. 29, and in consequence there is no provision for it as defined in the present Convention.

PAKISTAN (First Report)

Constitution of 1956.

Pakistan Essential Services (Maintenance) Act, 1952.

Penal Code, 1860.

Slavery and forced labour have been declared illegal in Pakistan by article 16 of the 1956 Constitution. Under the provisions of the Pakistan Essential Services (Maintenance) Act, 1952, however, the Government has the power to order any person in an employment considered by the Government as essential—

- (a) for securing the defence or the security of Pakistan or any part thereof, or
- (b) for the maintenance of such supplies or services as relate to any of the matters with respect to which Parliament has power to make laws and are essential to the life of the community,

not to abandon such employment or to absent himself from work or to refuse to work or to continue to work, whether or not acting in concert or by understanding with any other person engaged in such employment; or to depart from any specified area without the consent of the authority concerned.

Section 372 of the Penal Code of 1860 makes provision for the punishment of a person who unlawfully compels any person to labour against his will.

The central Government is responsible for the observance of the Constitution, whereas the application of the Penal Code is the responsibility of the provincial governments.

POLAND

See under Convention No. 29.

PORTUGAL (First Report)

Constitution.

Penal Code.

Legislative Decree No. 23870 of 18 May 1934 (*Diário do Governo (D.G.)*, 1st Series, No. 115, 18 May 1934) (*L.S.* 1934—Por. 2), as amended by Legislative Decree No. 24836 of 2 January 1935 (*D.G.*, 1st Series, 2 Jan. 1935).

Recourse to any of the forms of forced labour mentioned in the Convention is not permitted, either in law or in practice. Article 8 of the Constitution guarantees freedom of belief, expression, meeting and association, and freedom of choice of occupation.

National legislation lays down the principle that work is a duty of social solidarity; it also provides, however, that everyone shall be guaranteed the right to work and to an adequate wage. This right is made effective through freely concluded individual or collective agreements.

National legislation does not permit strikes or lockouts (article 39 of the Constitution). Penalties for violation of this prohibition are laid down in Legislative Decrees Nos. 23870 and 24836, and take the form of corrective imprisonment and fines.

Article 5 of the Constitution guarantees the equality of all citizens before the law.

SIERRA LEONE

Prohibition of Forced Labour Ordinance, 1956.

The Sierra Leone (Constitution) Order in Council, 1961.

Article 1 of the Convention. Section 3 of the ordinance and section 15 (1) of the order in council prohibit any form of forced labour.

Article 2. Penal sanctions are provided in section 3 of the ordinance for the illegal exaction of forced labour. The section applies to public officials as well as to private individuals and associations.

Application of the ordinance is entrusted to the Labour Department.

SWEDEN

See under Convention No. 29.

TANGANYIKA

See under Convention No. 29.

TUNISIA (First Report)

Constitution of 1 June 1959.

Act 60-32 of 14 December 1960 respecting the declaration of establishments.

Decree of 29 September 1938 respecting the organisation of the country in time of war.

Decree of 7 August 1936 respecting civil requisitioning.

Decree of 28 January 1946 respecting the operation of harbours.

Decree of 26 October 1891 respecting prison labour.

Article 5 of the Constitution states: "the Republic of Tunisia guarantees the rights of the individual." Moreover, article 48 states: "diplomatic treaties have the force of law when they have been approved by the National Assembly. Treaties which are duly ratified have priority over laws, even if they are in contradiction with them."

No forced labour exists in the meaning of the Convention, there are no political correction camps and recourse is never had to compulsion in order to recruit workers. Under the terms of section 6 of the Act of 14 December 1960 "no worker is bound to accept employment offered to him".

Compulsory labour can be enforced only when persons are requisitioned in time of war or emergency or to meet an essential public need.

In addition, persons serving a court sentence under ordinary law must work during the period of their imprisonment. They are covered by the legislation on compensation for employment accidents.

Section 105 of the Penal Code provides the following penalties against abuses of authority which might impose forms of forced labour: two years' imprisonment and a fine of 120 dinars for officials who, by the use of violence, threats, etc., have employed statute labour for tasks other than work of public utility authorised by the Government. In addition, section 105 imposes a penalty of ten years' imprisonment and a fine of 480 dinars on private individuals who have "arrested, detained or illegally restrained any person".

TURKEY (First Report)

Constitution, art. 42.

Code of Obligations, section 1.

The Constitution prohibits any form of forced or compulsory labour. Therefore no person may be subjected to forced or compulsory labour in the forms mentioned in paragraphs (a) to (e) of Article 1 of the Convention.

As forced or compulsory labour does not exist in the country, there is no need to take any measures to prohibit it.

Conventions ratified by the legislative body are included in the national legislation in accordance with the last paragraph of article 65 of the Constitution, which reads as follows: "International agreements which come into force according to the established procedure have the force of law."

UNITED KINGDOM

Note has been taken of the general observation made by the Committee of Experts. In reply to the point in the last paragraph it may be stated that the first report on the application of the Convention was made after careful consideration of laws and regulations of possible relevance to the Convention and that further consideration in connection with the present report does not suggest that any alteration or addition is necessary.

In reply to the direct request made by the Committee of Experts, the Government indicates that the term "civil prisoner" in the prison rules comprises, broadly speaking, persons committed to prison by order of a court who are not serving a sentence for a criminal offence or imprisonment in default of payment of a sum adjudged to be paid on conviction of a criminal offence, or awaiting trial, post-trial examination or sentence for a criminal offence. The bulk of civil prisoners are in prison either for non-payment of civil debts of various kinds or for contempt of court. None of the activities listed in Article 1 of the Convention can render a person liable to imprisonment as a civil prisoner.

It is not intended to exempt from the requirement to work imposed by the prison rules on all convicted persons those prisoners who are convicted under the sedition laws of Northern Ireland. In the five years ending 30 June 1961 there were no such prisoners in Northern Ireland.

As regards the three questions concerning seamen, the Government indicates that, having regard in particular to resolution No. 8 adopted by the International Labour Conference at its Third Session on 10 November 1921 and to the introductory note to the International Seafarers' Code (Book IX of the *International Labour Code, 1951*, published by the International Labour Office), it appears that seamen do not come within the scope of the Convention and that none of the points raised can therefore be relevant to its application.

* * *

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

China, Cyprus, Finland, Israel, Tunisia, Turkey.

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

Dominican Republic, Ireland, Nigeria, Norway, Switzerland.

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	22. 7. 1960	Israel	19. 6. 1961
Costa Rica	4. 5. 1959	Kuwait	21. 9. 1961
Cuba	2. 6. 1958	Mexico	1. 6. 1959
Denmark	17. 1. 1958	Pakistan	15. 2. 1960
Dominican Republic	23. 6. 1958	Portugal	24. 10. 1960
Ghana	15. 12. 1958	Syrian Arab Republic	23. 10. 1958
Guatemala	9. 12. 1959	Tunisia	28. 5. 1958
Haiti	4. 3. 1958	United Arab Republic	23. 10. 1958
Honduras	20. 6. 1960	Yugoslavia	13. 10. 1958
Iraq	5. 7. 1960		

CUBA (First Report)

Basic Law of the Republic of 7 February 1959, section 66.

Act of 4 May 1910 (*Gaceta Oficial (G.O.)*, 5 May 1910, p. 4645).

Decree of 19 October 1933 (*G.O.*, 4 Nov. 1933, p. 5935) (*L.S.* 1933—Cuba 4).

Decree of 7 November 1933 (*G.O.*, 13 Nov. 1933, p. 6331) (*L.S.* 1933—Cuba 1).

Legislative Decree of 28 August 1934 (*G.O.*, 29 Aug. 1934, p. 3588) (*L.S.* 1934—Cuba 8).

Act of 27 October 1955 (*G.O.*, 28 Oct. 1955, p. 18945).

Decision of 31 August 1959 (*G.O.*, 3 Sep. 1959, p. 19623).

Article 1 of the Convention. The provisions of the Convention are applied in Cuba through legislation and through collective agreements.

Article 2. Section 1 of the Act of 4 May 1910 and sections 1 and 5 of the Act of 27 October 1955 cover the establishments and services listed in this Article.

Article 3. The Government has not formally declared the Convention applicable to the categories of establishments covered in this Article. However, the staff of such establishments enjoy a weekly rest under special laws and regulations listed in the report.

Article 4. It has not been considered necessary to take the action of which the possibility is mentioned in this Article.

Article 5. Persons covered by this Article are not excluded from the provisions of the Convention, except for persons with a direct interest in the financial results of the undertaking in which they work (Decree of 19 October 1933, section VI).

Article 6. This section is applied through the Acts of 4 May 1910 and 27 October 1955 and by the Decree of 19 October 1933.

Article 7. The above-mentioned legislation guarantees adequate compensatory rest for persons prevented by the nature of their work from enjoying all the provisions of Article 6. The details are laid down in collective agreements.

Article 8. The exceptions authorised in this Article are not applied.

Article 9. Legislation gives full effect to this provision.

Article 10. Section XV of the Decree of 19 October 1933 places application of regulations concerning hours of work under the supervision of the labour inspectors. The Social Defence Code of 4 April 1936 provides for sanctions against any violation.

GUATEMALA (First Report)

Constitution.

Labour Code of 1947 (*L.S.* 1947—Guat. 1), as amended by the Decrees of 28 February 1956 (*El Guatemalteco* (*E.G.*), 28 Feb. 1956) (*L.S.* 1956—Guat. 2) and of 5 May 1961 (*E.G.*, 16 June 1961).

The provisions of the Convention are applied by laws and regulations, collective agreements and arbitration awards. In addition, under the Constitution, the Convention has been incorporated in national legislation by virtue of its ratification.

Article 3 of the Convention. Legislation granting workers the right to weekly rest after six days of work is applied in all commercial, industrial and agricultural undertakings without exception.

Article 4. The Labour Code applies, in accordance with its section 14, to all undertakings and all persons living in Guatemala (except for public corporations), so that there is no need to make any distinction between the various classes of establishments.

Article 5. Family undertakings are not expressly excluded from the provisions of labour legislation. However, it is recognised in legal practice that there are no real employment relationships between parents and their children. Persons employed at a high management level are subject to the general rules.

Article 6. Under section 126 of the Code, any worker employed for a determinate or indeterminate period is entitled to one day of paid rest at the end of each ordinary working week or of each period of six continuous days of work.

Article 7. No use has been made of the measures outlined in paragraph 1.

Article 8. Permission to work during the weekly rest days may be granted in exceptional cases, in accordance with sections 128 and 129 of the Code.

Article 10. Supervision of application of regulations concerning weekly rest is a function of the General Labour Inspectorate (section 278 of the Code).

Article 11. The Ministry of Labour prepares the regulations covered by section 128 of the Code, defining the cases in which exemptions may be made from the general weekly rest rule. Authorisation is at present given by the General Labour Inspectorate, but there is no list of establishments subject to a special system.

HAITI (First Report)

Labour Code of 6 October 1961 (*Le Moniteur*, 19 Oct. 1961).

Section 110 of the Labour Code provides that all workers employed in any industrial or commercial undertaking, public or private, or in a branch thereof, even if it is for vocational training or charitable purposes, shall be entitled to a rest period of not less than 24 consecutive hours in the course of each period of seven days. This rest period must for preference be granted on Sunday, and simultaneously for the entire staff of each establishment. Every agricultural, industrial or commercial establishment should cease work on Sundays, unless it falls within the category of establishments specified in section 104 of the Code.

Workers are entitled to weekly rest, public holidays and the non-working days authorised by presidential order, without loss of pay, except for those employed on casual work (section 111).

A worker in permanent employment is covered by the statutory provisions concerning the period of notice of dismissal, paid weekly rest, public holidays and leave with pay (section 112).

Section 114 exempts from the provisions of sections 110 and 111 persons employed exclusively—(a) on work to repair damage caused by accident or *force majeure* which cannot be deferred; (b) on work which, owing to the nature of the needs it

satisfies, technical reasons or the need to avoid serious harm to the public interest, agriculture, the raising of livestock or industry, will not permit of interruption; (c) on tasks which by their nature can be performed only at certain seasons and are dependent on the irregular action of the forces of nature; (d) on work which is essential to the proper functioning of an undertaking and which cannot be deferred; (e) in domestic work and in the establishments cited in section 104 of the Code.

The proprietors of the establishments and undertakings coming within the scope of section 104 are required, however, to give their employees a full day of compensatory rest each week (section 115).

Where the nature of the work or of the services provided by the establishment does not permit of the application of the provisions of section 110, measures may be taken by the General Directorate of Labour to apply special weekly rest provisions, where appropriate, to specified categories of persons or establishments coming within the scope of the Code, regard being paid to all proper social and economic considerations (section 116).

In the rare event of seasonal workers not having had their compensatory rest and being entitled to an additional day's leave for each day of work falling on a Sunday or a public holiday, the additional days of leave corresponding to the days of compensatory rest must be grouped together and accumulated with annual leave (section 117).

Section 119 provides that hours of work performed exceptionally on a Sunday or a public holiday shall be remunerated at time-and-a-half, irrespective of whether a differential for night work is paid.

The staff rota must be arranged in such a way as to enable each worker to have his day of rest on a Sunday at least once a month, the other days of rest being taken on some other day of the week, in the following industrial and commercial establishments: establishments for the treatment or hospitalisation of the sick, the handicapped, the poor or the insane; hotels, cafés, restaurants, boarding-houses, clubs and other establishments where food or drink is served; theatrical or entertainment concerns; air, sea or land transport services; laundries, hairdressing salons, chemists' shops, bakeries, groceries where basic necessities are sold, and factories in continuous operation authorised to work on Sundays as a general practice owing to the nature of the service they perform.

Section 97 lays down that the term "commercial establishments" shall signify "commercial establishments, the commercial services of any other establishments, and establishments and administrations whose activities consist essentially in office work".

The application of the legislation and administrative regulations in respect of weekly rest is entrusted to the Department of Labour and Social Welfare.

MEXICO (First Report)

Constitution.

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1), as amended by the Decree of 18 February 1936 (*L.S.* 1936—Mex. 1).

Article 1 of the Convention. The provisions of the Convention are applied by means of legislation. A ratified Convention acquires the force of national law.

Articles 2 to 4. The enactments relating to weekly rest are applicable without distinction to all persons who render services to an employer.

Article 5. Family businesses are exempted from the obligations imposed by the Convention (section 211 of the Federal Labour Act). Persons holding high managerial positions are deemed in the eyes of the law to be employees and enjoy the same rights as other workers.

Article 6. Under section 123 of Book IV of the Constitution and section 78 of the Federal Labour Act every worker is entitled to at least one day of rest, falling on a Sunday, for every six days' work.

Article 7. Permanent exemptions are made for certain types of work, in conformity with the provisions of this Article. The representative workers' and employers' organisations must be consulted in this connection.

Article 8. The fact that temporary exemptions are authorised by the Convention means that they are also authorised by the national legislation. The right to compensatory rest derives from the broad terms of the rule given in section 78 of the Federal Labour Act.

Article 9. Effect is given to this provision in the legislation (section 78 of the Federal Labour Act).

Article 10. The enforcement of the measures respecting weekly rest gives rise to no difficulty necessitating the intervention of the Inspection Service. If no weekly rest is provided the worker is entitled to double pay.

YUGOSLAVIA (First Report)

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

Ukase of 28 June 1958 to promulgate an Act to amend and supplement the Act respecting employment relationships (*Sl.L.*, 2 July 1958, No. 26, text 491) (*L.S.* 1958—Yug. 1).

Article 2 of the Convention. The rights conferred by the employment relationship are granted to all persons in such a relationship, irrespective of the type or branch of activity in which such persons are engaged. Section 20 of the above-mentioned Act states that all workers shall be entitled to weekly rest. All categories of persons covered by this Article therefore enjoy this right.

Article 3. The competent authorities are at present considering the possibility of applying the Convention to persons employed in undertakings listed in this Article.

Article 4. The instances provided for do not occur.

Article 5. Family relationships and the nature of the functions performed do not affect the employment relationship. They do not in any way affect workers' right to weekly rest.

Article 6. Under section 231 of the Act workers are entitled to a weekly rest during each seven-day period of work. The duration of such rest must be at least 32 consecutive hours; it may be reduced to 24 hours on days when shifts change over, but it may in no case be less than this minimum. The weekly rest must be granted wherever possible to all workers in economic undertakings at the same time, and as a general rule on Sundays (section 232 of the Act); works regulations may, however, fix another day of rest where this is necessary (use is made of this possibility particularly in food shops).

Article 7. The Act does not provide for the possibility to set up special weekly rest schemes. Limitation of the weekly rest to 24 hours as stated in section 231 of the Act is not applied in commerce; introduction of half-day working on Saturdays has made it possible to extend the period of weekly rest for shop assistants to beyond 32 hours.

Article 8. Under section 233 of the Act work may not be authorised on the weekly rest day except in cases covered by section 176 (as amended by the Ukase of 28 June 1958) for overtime working. Such work may be performed only with the authorisation of the workers' council of the economic undertaking and of the Labour Secretariat of the Federal Executive Council (section 178 as amended). Notice must also be given in all cases to the labour inspectorate. Work may not be performed more than twice in a month during the weekly rest period, except in the case of *force*

majeure (section 233 of the Act). In such cases work is payable at time-and-a-half, unless compensatory rest is given (section 234). In food shops, for which opening is authorised for four or five hours on Sundays, the weekly rest period is guaranteed through a rota system. Authorisation to work during the weekly rest period is sometimes granted for the purpose of stock-taking or in order to provide the necessary facilities before major public holidays.

Article 9. Application of the provisions of the Convention has no effect on the levels of salaries and remuneration.

Article 10. Supervision of the application of the Act respecting employment relationships and particularly of rules regarding weekly rest is the responsibility of the labour inspectorate. Fines may be imposed in the case of any violation of these regulations. Where necessary, workers may pursue their rights by application to the higher administrative organs of the economic undertaking, the labour inspectorate or the courts of law. They may also request the intervention of the trade unions, whose function it is to defend their members and who are empowered to act on their behalf.

107. Indigenous and Tribal Populations Convention, 1957

This Convention came into force on 2 June 1959

Countries	Ratification registered on
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

Countries	Ratification registered on
Mexico	1. 6. 1959
Pakistan	15. 2. 1960
Peru	6. 12. 1960
Portugal	22. 11. 1960
El Salvador	18. 11. 1958
Syrian Arab Republic	14. 1. 1959
United Arab Republic	14. 1. 1959

CUBA (First Report)

The agreement is *de jure* and *de facto* inapplicable to Cuba for the following reasons and circumstances.

In Cuba the indigenous population to whom the existing agreement refers does not exist.

Section 20 of the Fundamental Law states: "All Cubans are equal before the law. The Republic does not recognise prerogatives or privileges. Any discrimination for reasons of sex, race, colour or class, or any other kind harmful to human dignity, is declared illegal. The law shall determine the penalties to which persons who contravene this principle shall be subject."

HAITI (First Report)

No population groups exist in Haiti within the meaning of the Convention. Moreover, article 16 of the Constitution of Haiti provides that "all citizens are equal before the law".

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

Countries	Ratification registered on
Ghana	19. 2. 1960
Guatemala	28. 11. 1960
Honduras	20. 6. 1960

Countries	Ratification registered on
Ireland	17. 6. 1961
Mexico	11. 9. 1961
Tunisia	26. 10. 1959

TUNISIA (First Report)

Order of 5 May 1954 respecting the embarkation of seamen on vessels exceeding five tons.

Article 1 of the Convention. Under section 2 of the Order of 5 May 1954 legislation on the issue of work books applies to all seafarers embarking on vessels exceeding five tons.

Article 2. The issue of the work book is the responsibility of the head of the service and of the heads of the two maritime regions of Tunis and Sfax. Under section 5 of the Order of 5 May 1954 work books are to be issued also to foreign seafarers.

Article 3. Seafarers' identity documents are retained by the seafarer at all times. Nevertheless, in certain cases the head of the Merchant Marine and Deep Sea Fishing Service may decide that registration is to be cancelled temporarily or permanently.

Article 4. The seafarers' identity document is issued in durable material in the form of a booklet of several pages, stating clearly all necessary information regarding the seafarer. It contains the seaman's name, date of birth, name of father and mother, nationality, physical characteristics, photograph, address, the region in which the document was issued, the port, the seaman's certificate and qualifications and the signature of the head of service who authenticates the document. Pages are reserved for records of embarkation and disembarkation.

Article 5. Every seafarer who holds a valid identity document issued in Tunisia by the competent authority will be readmitted to that territory. He will also be readmitted at any time within a year after expiry of the validity period.

Article 6. Entry of a foreign seafarer into Tunisian territory is authorised by the port authorities in all cases specified under paragraph 2 of this Article. Nevertheless, before authorising entry into Tunisia, the port authorities demand proof that the seaman is a member of a crew of a vessel which is in Tunisia at that time or that he is due to embark on a Tunisian vessel.

The head of the Merchant Marine and Deep Sea Fishing Service and the heads of the maritime regions are responsible for ensuring application of the legislation mentioned above.

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	22. 7. 1960	Libya	13. 6. 1961
Byelorussia	4. 8. 1961	Malagasy Republic	11. 8. 1961
China	13. 2. 1962	Mexico	11. 9. 1961
Costa Rica	1. 3. 1962	Niger	23. 3. 1962
Dahomey	22. 5. 1961	Norway	24. 9. 1959
Denmark	22. 6. 1960	Pakistan	24. 1. 1961
Gabon	29. 5. 1961	Philippines	17. 11. 1960
Federal Republic of Germany	15. 6. 1961	Poland	30. 5. 1961
Ghana	4. 4. 1961	Portugal	19. 11. 1959
Guatemala	11. 10. 1960	Somalia	8. 12. 1961
Guinea	1. 9. 1960	Switzerland	13. 7. 1961
Honduras	20. 6. 1960	Syrian Arab Republic	10. 5. 1960
Hungary	20. 6. 1961	Tunisia	14. 9. 1959
India	3. 6. 1960	Ukraine	4. 8. 1961
Iraq	15. 6. 1959	U.S.S.R.	4. 5. 1961
Israel	12. 1. 1959	United Arab Republic	10. 5. 1960
Ivory Coast	5. 5. 1961	Yugoslavia	2. 2. 1961
Liberia	22. 7. 1959		

ISRAEL (First Report)

The Declaration of Independence of 14 May 1948 (*The Israel Yearbook*, 1950-51, pp. 50-51).
Employment Service Law of 13 January 1959 (*Sefer Ha-Chukkim*, 23 Jan. 1959, No. 270, p. 32) (*L.S.* 1959—Isr. 1), sections 42 and 43.

Article 1 of the Convention. There is no form of discrimination as defined in this Article, either in law or practice; any individual cases of discrimination in practice will be combated by section 42 of the above law.

No other form of discrimination exists as mentioned in paragraph 1 (*b*). Any difficulties of application or disputes will be dealt with by the committees set up under section 43 of the above law.

Articles 2 and 3. The policy of non-discrimination and of equality of opportunity and treatment is rooted in the Declaration of Independence and has been repeatedly reaffirmed in Parliament. The Supreme Court has indirectly reaffirmed the illegality of discrimination in employment and occupation whenever the question has come before it; it has held, for instance, that the granting of monopolies is illegal as violating the natural right of free choice of employment and occupation and as constituting a discriminatory practice. Access to vocational training is open to all those interested in and in need of it; vocational training centres, schools and other facilities have been established in regions where national minorities live; special measures have been taken to promote vocational training among immigrants from backward countries.

The employment offices are prohibited from discriminating in the placement of employees and from having sections organised on a nationality basis.

Before independence, terms and conditions of employment for Arab workers were inferior to those for Jewish workers; since then, with the opening of the General Federation of Labour to all workers and as a result of the non-discrimination policy of the State, they have become equal.

A collective agreement is about to be signed declaring recognition of the policy of equal pay for men and women workers; this will cover all branches of industry

(equal pay already applies in services and agriculture). This agreement is to a great extent the result of the initiative of the Ministry of Labour and of a statement of policy made by the Labour Committee of Parliament.

Article 4. This is governed by sections 42 (*b*) and 43 of the above law.

Article 5. Ex-servicemen, disabled soldiers and dependants of victims of military service have, by law, priority as to employment; this priority was accorded after consultation with employers' and workers' organisations. In addition, the regulations of the Employment Service provide that it may give priority in placement to certain categories of workers, including the following: (*a*) new immigrants, during the first four months from the date of arrival, so as to provide 50 work days; (*b*) demobilised soldiers, during the first six months from the date of discharge from regular service; (*c*) disabled persons in skilled work, if disability does not limit fitness for placement; (*d*) any person who for 20 years at least has worked as a manual labourer in Israel, and who in the last three years has not worked consecutively for six months with the same employer, in work which, from the point of view of the enterprise or the place of employment where the employee is required, is of a permanent character; (*e*) any person prevented from continuing his work by an enactment because of his state of health; (*f*) in an undertaking run jointly by a collective settlement and another person, the members of that settlement or any other person living therein, to an extent to be determined by a person authorised by the Minister of Labour.

LIBYA (First Report)

Constitution of 7 October 1951.

Labour Act, No. 100 of 1957 (*Al Jaridat al Rasmiyat*, 17 Mar. 1958, No. 4) (*L.S.* 1957—Libya 2).

The Government considers discrimination as a violation of the natural rights of citizens and an offence against human dignity. There are no provisions in conflict with the Convention, and nothing exists to prevent its application, either legally or politically. Most of the Articles of the Convention are incorporated in the national legislation.

Article 11 of the Constitution provides for equal treatment of Libyans without distinction of religion, belief, race, language, wealth, ancestry or political or social opinion.

The Labour Act and the regulations relating thereto do not allow for any acts of discrimination whatsoever in the employment of individuals.

NORWAY (First Report)

Neither Norwegian legislation nor any decisions taken by the Norwegian authorities contain provisions contrary to the Convention. The Convention does not seem to have influenced legislation or practice in Norway.

PORTUGAL (First Report)

Constitution of 19 March 1933, as amended.

Legislative Decree No. 23048, dated 23 September 1933, to promulgate the National Labour Code (*Diário do Governo*, 23 Sep. 1933, 1st Series, No. 217, p. 1655) (*L.S.* 1933—Por. 5).

Article 1 of the Convention. None of the forms of discrimination mentioned in this Article exists in Portugal, either in law or in practice. Article 5 of the Constitution provides that the State is "founded on the equality of its citizens before the law, the free access of all classes to the benefits of civilisation and the participation of all the structural elements of the nation in its administrative life" and that "equality before

the law implies the right of a citizen to be appointed to public service in accordance with his aptitudes and the services he has rendered; the negation of any privilege of birth, nobility, title, sex or social status, subject, however, where women are concerned, to differences due to their nature and the welfare of the family, and, in regard to the obligations and benefits of citizens, to those differences determined by diversity of circumstances or by the nature of things ”.

Article 8 of the Constitution, which deals with the individual rights, freedoms and guarantees of citizens, provides that no one shall be compelled to answer questions about the religion he professes except for a statistical inquiry prescribed by law, and provides for “ freedom to choose an occupation, or type of work, industry or commerce subject to any legal restrictions required for public welfare and to any monopolies which only the State and the administrative authorities can grant in accordance with the law for reasons of recognised public utility ”. A similar guarantee of freedom of choice of employment is contained in section 4 of the National Labour Code.

No difficulties or disputes have arisen in relation to matters covered by paragraph 2 of this Article.

Article 3. It has not been necessary to modify national policy in this field, as the existing situation was already in conformity with the provisions of the instrument. For this reason, no declaration or text defining or applying the national policy of non-discrimination has been promulgated as a direct consequence of the Convention.

Article 4. Political activities prejudicial to the security of the State are punishable under sections 145 to 176 of the Penal Code. Individuals accused of such activities are brought before the courts, where they can freely defend themselves.

Article 5. Certain collective agreements applicable to workers of both sexes contain provisions limiting the number of women employed in each undertaking by fixing an appropriate ratio between workers of each sex or prohibiting certain types of work for women. In the first case, the limitation is to allow a level of employment for men and women which, while having regard to the characteristics of each activity, corresponds to the real needs of each group, special account being taken, however, of the protection due to heads of families. The second limitation is warranted by the need to protect women workers from violent effort unsuitable for their physical constitution.

Exceptions of this kind are generally laid down in collective agreements arrived at between representative employers' and workers' organisations and cannot therefore be considered discriminatory. Having regard to the reasons which lead to these exceptions, it may be concluded that they will be retained.

TUNISIA (First Report)

Constitution of 1 June 1959.

Decree respecting vocational training, dated 12 January 1956 (*Journal officiel (J.O.)*, 17 Jan. 1956, No. 5, p. 55; errata, *J.O.*, 14 Feb. 1956, No. 13, p. 204) (*L.S.* 1956—Tun. 1).

Law No. 60-32 dated 14 December 1960 respecting the declaration of establishments (*J.O.*, 13-16 Dec. 1960, No. 57).

Article 1 of the Convention. No distinction is made between Tunisian citizens in any field. Neither in law nor in practice is there any discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin. Article 6 of the Constitution, which provides that all citizens are equal in respect of their rights and their duties, and are equal before the law, is strictly applied.

No difficulties have arisen in regard to application of paragraph 2 of this Article, as job specifications include only objective criteria of ability which are valid for all candidates, irrespective of their personal characteristics.

Articles 2 and 3. Laws and regulations concerning vocational training and access to employment and the various occupations do not discriminate between Tunisian citizens. These texts are published in the Official Bulletin and are thus brought to the notice of persons concerned—employers, workers and their organisations.

Article 4. Under the Penal Code convicted persons may be deprived of the right to exercise certain functions such as those of trustee, physician, veterinarian, midwife, director or employee of an educational establishment, *mokaddem* or expert or witness; such penalties are imposed solely on account of the anti-social conduct of the convicted person and are in accordance with penal practice common in all countries. Individuals cannot be penalised on grounds of suspicion.

Article 5. There is no section of the population requiring measures of special protection or assistance.

UKRAINE (First Report)

Existing law and practice exclude any form of discrimination with regard to employment and occupation. Section 103 of the Constitution states the principle of equality of rights for all citizens, irrespective of nationality and race, in all fields of economic, public, cultural and social and political life, including work.

Any direct or indirect violation of these rights or any concession of direct or indirect privileges to particular citizens by reason of their race or nationality, as well as any nationalist or racialist propaganda, is punishable, in accordance with section 66 of the Criminal Code, by a term of imprisonment from six months to three years or deportation from two to five years.

112. Minimum Age (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	2. 3. 1961	Liberia	16. 5. 1960
China	13. 2. 1962	Mexico	9. 8. 1961
Denmark	27. 2. 1962	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Ukraine	4. 8. 1961
Guinea	7. 11. 1960	U.S.S.R.	4. 5. 1961
Israel	19. 6. 1961	Yugoslavia	2. 2. 1961

UKRAINE (First Report)

Labour Code.

Decree of the Minister of Fisheries of 12 April 1956.

Under section 135 of the Labour Code, only persons above 16 years of age are admitted to employment. In certain exceptional cases young persons under 16 and over 15 years of age are admitted to employment provided permission is given by the trade union committee of the plant and of the locality.

Under the above-mentioned decree only persons over 18 years of age may be engaged on board ship. Young persons between 16 and 18 years of age may be engaged as apprentices.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on	Countries	Ratification registered on
Ghana	7. 11. 1961	Sweden	12. 4. 1961
Norway	17. 6. 1961	United Kingdom	9. 3. 1962

NORWAY (First Report)

Act of 18 June 1938 respecting the use of X-rays and radium, etc.

Regulations respecting the supervision of X-ray plant and radium, etc., issued by Royal Decree of 22 October 1948.

Order of the Crown Prince Regent of 21 November 1947 laying down regulations respecting special measures for the protection of workers whose work brings them into contact with X-ray or radium radiations.

Protective measures for personnel working with X-rays and radium: Instructions of the Directorate of Labour Inspection.

A number of practical provisions which have been drawn up by the National Laboratory for Radiological Physics in pursuance of the above-mentioned provisions.

Article 1 of the Convention. The Act of 18 June 1938 empowers the National Laboratory for Radiological Physics to issue codes of practice and other practical provisions.

Article 2. The laws apply to all Norwegian employees who are exposed to ionising radiations in the course of their work; they do not apply in cases where the possibility of extremely small doses exists.

Article 3, paragraph 1. The National Laboratory for Radiological Physics, which is an executive organ of the Directorate of Health, ensures the application of this provision.

Paragraph 2. All available information is supplied on request to any person or institution which is in need of it.

Paragraph 3 (a) and (b). The practical measures for protection against radiations entirely comply with the provisions of the Convention; they will gradually be put into practice on a somewhat broader basis as a result of the ratification.

Article 4. Every radiation installation must be approved by the National Laboratory for Radiological Physics, which appoints one person responsible for protection against radiations in each industrial activity.

Article 5. The National Laboratory for Radiological Physics informs users of sources of radiation regarding the necessary protective measures. All radiations must be kept at the lowest possible level.

Article 6, paragraph 1. Norway follows the recommendations of the International Commission on Radiation Protection (I.C.R.P.).

Paragraph 2. The publications issued by I.C.R.P., the Organisation for Economic Development and Co-operation and the International Atomic Energy Agency are continuously studied.

Articles 7 and 8. Norway follows the I.C.R.P. recommendations.

Article 9, paragraph 1. Appropriate warning signs are used.

Paragraph 2. All workers directly engaged in work which exposes them to radiations are instructed by an official appointed by the employer and by the visiting inspectors from the National Laboratory for Radiological Physics.

Article 10. All sources of radiation must be notified to the National Laboratory for Radiological Physics.

Article 11. All places where work involving exposure to radiation is carried out are monitored and inspected at regular intervals. However, not all workers exposed to ionising radiations are supervised. Systematic supervision of dentistry personnel is being considered.

Article 12. Persons who are engaged in medical work involving exposure to radiation undergo appropriate medical examinations, as well as workers in undertakings having an industrial medical officer. The medical service must, however, be extended if this Article is to be fully complied with.

Article 13, paragraph (a). Workers undergo extensive medical examinations if physical tests show particular over-exposure.

Paragraph *(b)*. The employers notify the authorities when it is possible that workers may have been exposed to high levels of radiation.

Paragraph *(c)*. Experts from the National Laboratory for Radiological Physics examine the conditions of work when workers have been exposed to high levels of radiation.

Paragraph *(d)*. Employers take immediate remedial action on the basis of the findings of the authorities.

Article 14. A worker is never kept in work involving exposure to radiations when this is contrary to medical advice.

Article 15. The National Laboratory for Radiological Physics, which is responsible for inspection, has been extended to meet needs.

Communication of Copies of Reports to the Representative Organisations

(Article 23, Paragraph 2, of the Constitution)

The Governments of the following countries state that copies of the reports transmitted to the Director-General have been communicated to the representative employers' and workers' organisations:

Argentina, Australia, Austria, Belgium, Burma, Cameroun, Canada, Chad, Ceylon, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Haiti, India, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malagasy Republic, Malaya, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Philippines, Portugal, Senegal, Sierra Leone, Republic of South Africa, Sweden, Switzerland, Tanganyika, Togo, Tunisia, Turkey, United Arab Republic, United Kingdom, United States, Upper Volta, Viet-Nam.

The Governments of the following countries state that copies of their reports will be communicated to the representative employers' and workers' organisations:

Brazil, Ecuador, Honduras, Mexico, Peru.

The Government of *Czechoslovakia* states that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *Hungary* states that copies of its reports have been communicated to the National Council 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 *Poland* states in certain cases that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *Rumania* states that copies of its reports have been 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.

Northern Rhodesia.

No legislation or administrative regulation is in existence to apply the provisions of the Convention.

Free public employment services are available to workers in 13 administrative districts, including rural districts, and a further extension of rural employment services is under consideration.

Special attention is being paid to the needs of youth, and a pilot youth employment service was started in 1959 to advise school leavers on employment possibilities in Northern Rhodesia and to place applicants in suitable employment with the co-operation of employers.

Solomon Islands.

The Convention is under review with a view to its application.

* * *

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), *Netherlands* (Netherlands Antilles), *United Kingdom* (Antigua, British Guiana, British Honduras, Guernsey, Isle of Man, Jersey, Kenya, Malta, Mauritius, Northern Rhodesia, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

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

Belgium (Ruanda-Urundi), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia), *New Zealand* (Cook Islands and Niue, Western Samoa¹), *Republic of South Africa* (South West Africa), *United Kingdom* (Aden, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Solomon Islands).

¹ This territory became independent on 1 January 1962.

APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (Articles 22 and 35 of the Constitution)

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.

Republic of South Africa. Ratification: 20 February 1924.
Not applicable: South West Africa: 15 June 1949.

Spain. Ratification: 4 July 1923.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification¹:
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.

NETHERLANDS

Netherlands New Guinea.

An ordinance has been drawn up respecting the institution, task and activities of public and private employment agencies in municipalities where this is considered necessary.

UNITED KINGDOM

Bahamas.

A government employment exchange has been established under the control of the Labour Department and Labour Board, for registration and placement of all persons seeking employment.

British Honduras.

See under Convention No. 88.

Hong Kong.

The scope of the employment office operated by the Council of Social Service, set up to co-ordinate the activities of local charitable societies, has been widened to cover unskilled workers. The experiment has revealed the reluctance of employers to depart from their traditional methods of recruitment.

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, Gua-
deloupe, 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.

AUSTRALIA

New Guinea.

See under *Papua*.

Norfolk Island.

Education Ordinance, 1931-37.

Under the above ordinance the parent or guardian of any child between the ages of 6 and 15 years is required to cause that child to attend school for the full period of each half-day during which the school is open.

Papua.

Native Employment Ordinance, 1958.
Education Ordinance, 1952.
Education Regulations, 1958.
Native Apprenticeship Ordinance, 1951.
Public Service Ordinance, 1949.
Administration Servants Ordinance, 1958.

Article 1 of the Convention. Employment of most indigenous workers is governed by the Native Employment Ordinance, 1958, which prescribes a minimum age of 16 for employment. The Native Apprenticeship Ordinance, 1951, prescribes a minimum age of 15 for indenture of indigenous apprentices. Administratively the minimum age prescribed by the Native Employment Ordinance is recognised for employment in the public service.

No legislation lays down the minimum age of employment of non-indigenous persons or of indigenous persons working on their own account, on behalf of their family, clan or village in subsistence agriculture or minor cash cropping.

The Education Ordinance imposes penalties on parents who do not send their children to school in areas where schooling is compulsory (in Yule Island only).

Article 2. Regulation 13 (2) of the Education Regulations, 1958, lays down the minimum hours of instruction to be given in schools for not less than 40 weeks per annum. The Native Employment Ordinance does not apply to employment of pupils in part-time work of cleaning the school or its grounds or growing food for the sustenance of teachers or pupils.

Article 3. The Education Ordinance regulates employment in technical schools, which are subject to supervision by the Administration.

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:
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 ²: 17 March 1924.
No declaration.

Spain. Ratification: 29 September 1932.
No declaration.

United Kingdom. Ratification ²: 14 July 1921.
No declaration.

¹ This Convention was revised in 1948. See Convention No. 90.

² Ratification denounced.

DENMARK

Faroe Islands.

Act No. 36 of 1 June 1961 amending Apprenticeship Act No. 29 of 12 October 1954.

Under the terms of the new Act of 1961 mentioned above the normal period of work for apprentices may not exceed the customary weekly period of work applicable to the branch of industry or the place of the employment in question.

FRANCE

New Caledonia.

Decree No. 59-057 of 26 January 1959 concerning the work of women and children (*Journal officiel*, 2 Feb. 1959).

In reply to the direct request made by the Committee of Experts in 1960 the Government has stated the following.

The prohibition of night work provided for in section 6 of the decree applies to all young persons occupied in industrial undertakings, including those employed in the offices of these undertakings.

Exceptions from the prohibition of night work for male young persons over 16 years of age, which are authorised by section 9 of the decree, relate only to undertakings manufacturing nickel, where work is carried on continuously. None of the industries enumerated in Article 2, paragraph 2 (a), (b), (c), (d) and (e), of the Convention exist in the territory.

* * *

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Somaliland, New Caledonia, St. Pierre and Miquelon).

The following report reproduces the information previously supplied:

France (French Polynesia).

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:
Algeria: 6 February 1932.

Overseas Departments: Guadeloupe, Marti-
nique, 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.

Spain. Ratification: 29 August 1932.
No declaration.

United Kingdom. Ratification: 6 August 1923.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 6 August 1923.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

BELGIUM

Ruanda-Urundi.

Ordinance No. 222/212 of 24 June 1961, amending the Decree of 25 January 1957 (*L.S.* 1957—*Bel.C.* 1—B) to regulate the exercise of the right of association of the inhabitants of the Belgian Congo and Ruanda-Urundi.

The above-mentioned enactment repeals section 3 of the Decree of 25 January 1957 and the provisions of the ordinance implementing it which prohibited persons who had been under a contract of service for less than three years from joining an occupational association unless they had successfully completed two years of secondary studies (or, as a transitional measure, the full course of primary studies).

FRANCE

Comoro Islands.

Order No. 60-130 IT of 1 August 1960.

* * *

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

France (Martinique, Réunion), *New Zealand* (Western Samoa ¹).

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

Australia (Nauru), *France* (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue).

¹ This territory became independent on 1 January 1962.

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.

Spain. Ratification: 1 October 1931.

No declaration.

United Kingdom. Ratification: 6 August 1923.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 6 August 1923.

No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

Nauru (First Report).

The extension of the Convention to Nauru is under consideration. No decision had been reached as at 30 June 1961.

In the event of any employment in agriculture being created, the provisions of the Workers' Compensation Ordinance, 1958-60, would be applied.

New Guinea and Papua (First Reports).

Workers' Compensation Ordinance, 1958-60.

The extension of the Convention to New Guinea and Papua is under consideration. No decision had been reached as at 30 June 1961.

Article 1 of the Convention. There exists no special workmen's compensation scheme for agricultural workers. See also under Conventions Nos. 18 and 42.

As regards indigenous populations the administration of the Workers' Compensation Ordinance is a function of the Secretary of the Department of Labour. He also supervises, in co-operation with the Director of Native Affairs, the welfare of persons of mixed race and of Asians, including the matters associated with workers' compensation. No specific authority has been appointed to supervise the application of the ordinance for European workers.

Application for awards of compensation is made to the law courts. The services of the Public Solicitor are available to applicants who have no private legal assistance and representation.

FRANCE

French Polynesia.

The report states that coverage of risks as defined in the Decree of 24 February 1957 was placed in the hands of private insurance companies for a period of three years (and not five years as stated in the last report). This period expired on 31 December 1961.

UNITED KINGDOM

British Honduras.

The Workmen's Compensation Ordinance, No. 9, 1959, defines as "workman" any person working under a service or apprenticeship contract, regardless of the nature of his work, with the exception of certain classes of workers, who are specifically excluded. Agricultural workers are not excluded.

Northern Rhodesia.

Agricultural workers come under the same workmen's compensation scheme as workers in other branches of economic activity.

See also under Convention No. 17.

Trinidad and Tobago.

Workmen's Compensation Ordinance, No. 24, 1960.

The ordinance applies to agricultural workers. Its administration is entrusted to the Supreme Court Judges and to the magistrate assigned for duty in Tobago.

Zanzibar.

Article 1 of the Convention. Decree No. 27 of 1957 provides for compensation to workmen for injuries received in the course of employment.

Decree No. 27 of 1957 applies equally to agricultural workers.

See also under Convention No. 17.

* * *

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), *United Kingdom* (British Guiana, Grenada, Guernsey, Jersey, Kenya, Malta, Mauritius, North Borneo, St. Lucia).

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

Denmark (Faroe Islands, Greenland), *France* (French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Western Samoa¹), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Isle of Man, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Solomon Islands, Singapore, Southern Rhodesia, Swaziland, Uganda).

¹ This territory became independent on 1 January 1962.

* * *

The following report supplies information on the practical effect given to the Convention or on minor changes in its application:

France (French Polynesia).

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

France (French Somaliland), *Netherlands* (Netherlands Antilles, Netherlands New Guinea).

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

Belgium. Ratification: 19 July 1926.
Decision reserved: Ruanda-Urundi: 19 July 1926.

France. Ratification: 19 February 1926.
Applicable without modification:
Algeria: 2 March 1928.

Overseas Departments: Guadeloupe, Martinique, Réunion: 9 February 1934; French Guiana: 24 January 1939.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 24 January 1939.

Netherlands. Ratification: 15 December 1939.
Applicable without modification: Surinam: 5 August 1957.

No declaration: Netherlands Antilles, Netherlands New Guinea.

Spain. Ratification: 20 June 1924.
No declaration.

FRANCE

Comoro Islands.

Order No. 14 IT/C of 17 January 1959 regulating the use of white lead and all lead compounds in cases where their use is authorised (*Journal officiel de la République malgache* (Comoro Section), 7 Feb. 1959, p. 451).

The report states in reply to the request by the Committee of Experts that the statutory provisions in force in the territory are in conformity with Articles 1 to 7 of the Convention, but points out that there exists no information, statistical or otherwise, of the kind asked for under point V of the form for the report.

New Caledonia.

Order No. 60-363 CG of 9 December 1960 (*Journal officiel*, No. 4950, 26 Dec. 1960, p. 1023).

Before 1960 no industrial painting work involved the use of white lead, lead sulphate or any products containing these pigments. The development of industrial activity, in particular the setting up of establishments specialising in the painting of vehicles, has made it necessary to regulate the use of paints containing white lead and lead compounds in cases where its use is still authorised. The order mentioned above has been issued in accordance with the provisions of the Convention.

St. Pierre and Miquelon.

In reply to the request by the Committee of Experts regarding the absence of any provisions regulating the subject matter of Article 5, point I (a) and (b), of the Convention (use of white lead, etc., in the form of paste or of paint ready for use and measures to prevent danger arising from the application of paint in the form of spray), the report states that no undertaking exists in St. Pierre and Miquelon that carries out industrial painting involving the use of white lead, sulphate of lead or any product containing these pigments.

The spraying of paint or varnish is carried out only by three garagemen, so that the administration is reluctant to issue regulations in this connection.

Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Belgium. Ratification: 19 July 1926.
Decision reserved: Ruanda-Urundi: 19 July 1926.

Denmark. Ratification: 23 April 1938.
Applicable without modification:
Faroe Islands: 23 April 1938.
Greenland: 31 May 1954.

France. Ratification: 22 March 1928.
No declaration.

Japan. Ratification: 7 June 1924.
Not applicable: Pacific Islands (League of Nations mandate): 7 June 1924.

Netherlands. Ratification: 9 March 1928.
No declaration.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

Spain. Ratification: 20 June 1924.
No declaration.

United Kingdom. Ratification: 8 March 1926.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²: Aden, Bermuda, Dominica³, Gambia, Gibraltar, Grenada³, Hong Kong, Jamaica³, Malta, Mauritius, North Borneo, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago³, Uganda, Zanzibar: 27 March 1950.

Brunei: 11 September 1961.

Applicable with modification²:

Fiji, Kenya: 27 March 1950.

Barbados³: 29 December 1958.

Decision reserved²: Antigua³, Bahamas, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Montserrat³, Nyasaland, St. Christopher-Nevis-Anguilla³: 27 March 1950.

Not applicable²: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

³ Federation of the West Indies.

AUSTRALIA

New Guinea.

The Native Employment Ordinance, 1958-60.

The above-mentioned ordinance prescribes two kinds of employment, the first under an agreement and the second casual. Persons employed under an agreement must be medically examined before entering into an agreement. As to casual workers, no medical examination is specifically required, but under section 63 of the ordinance the worker must be in good health.

UNITED KINGDOM

Mauritius.

The Employment of Women, Young Persons and Children (Amendment) Ordinance, No. 57, 1960.

Employment of young persons at sea is permitted only if the provisions of the Convention are complied with.

* * *

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

Australia (Nauru, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and

Northern Rhodesia.

The Workmen's Compensation Ordinance, as amended, is applicable, with the exception of certain categories specified in the previous report (public servants covered by special schemes, casual workers and outworkers), to all workers, including seamen, fishermen and agricultural workers, whose basic rate of pay does not exceed £1,500 a year.

No provision is made for a qualifying period or a waiting period. Compensation for accidents resulting in permanent disability assessed at 10 per cent. or less is paid in the form of a lump sum, whether the victim is an African or a non-African.

Where the percentage assessment is higher than 10 per cent. a pension is payable; if a workman is killed, a pension is paid to his dependants in the case of a non-African and a lump sum in the case of an African.

An award may be reviewed upon application by the workman or employer at any time within a period of ten years from the date of the award.

Moreover, if the workmen's compensation commissioner is not satisfied that the terms of an agreement relating to compensation are equitable he may cause it to be reviewed within six months of the agreement being brought to his notice.

Provision is also made in the above-mentioned ordinance for a portion of the pension to be converted into a lump sum, but only where adequate evidence is given to the workmen's compensation commissioner that the money will be applied to a business venture reasonably assured of success.

Where the victim's incapacity is such that he cannot perform the normal functions of life, an additional payment is made.

Apart from these cash benefits, the employer is required to render first aid to the injured workman at the workplace and to transport him free of charge to his house or to the hospital. He must also provide free facilities in respect of medical, surgical and hospital treatment to an amount of £400. In addition reasonable travelling expenses must be paid where necessary. Injured African workmen are entitled to medical aid up to a total of £200.

In the case of both Africans and non-Africans the amount for medical aid may be increased by 25 per cent. by direction of the workmen's compensation commissioner.

As well as medical assistance employers are liable for the supply, maintenance, repair and renewal of artificial limbs and surgical appliances necessitated by an accident to a total of £125, which may be increased by 25 per cent. by the workmen's compensation commissioner.

To meet his obligations every employer, other than the Governor and such employers as are exempted by him, must provide insurance cover for his employees to the extent of his potential liability.

Solomon Islands.

The Workmen's Compensation (Accident Return) Rules, 1959.

Southern Rhodesia.

Compensation for permanent disability is paid in the form of a pension except that where the monthly amount of such a pension would be £5 or less, the entire compensation is payable either by the employer individually liable or by the commissioner for workmen's compensation. Where the accident causes disablement of such nature that the workman is unable to perform the normal functions of life without the constant help of another person, the commissioner for workmen's compensation may from time to time and at his discretion grant an additional allowance or

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.

Spain. Ratification: 22 February 1929.
No declaration.

United Kingdom. Ratification: 28 June 1949.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 28 June 1949.

Applicable without modification²:
Kenya, Mauritius, Northern Rhodesia: 27 March 1950.

Gibraltar: 29 December 1958.

Uganda: 21 February 1962.

Applicable with modification³:

Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica³, Falkland Islands, Fiji, Gambia, Grenada³, Jamaica³, Malta, Montserrat³, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago³: 27 March 1950.

Sarawak: 23 February 1959.

Solomon Islands: 27 February 1959.

Decision reserved²: 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. 16.

³ Federation of the West Indies.

FRANCE

French Polynesia.

See under Convention No. 12.

UNITED KINGDOM

British Honduras.

Workmen's Compensation Ordinance, No. 9, 1959.

In substance this legislation follows the pattern of the previous one. Among the improvements to be noted are the following: fewer categories of exclusions from covered employment; a higher earnings limitation for excluded non-manual workers; inclusion of an additional benefit in cases of permanent disablement requiring constant care and attendance; and inclusion of the requirement that employers provide artificial limbs where necessary.

While not new, the following features of the current legislation appear relevant: no pensions are paid in cases of death or permanent incapacity; expenses incurred by injured workmen in obtaining medical treatment are to be reimbursed by employers according to the workman's "station in life" and his actual physical condition; replacement and repair of artificial limbs *may* be ordered by the court; in case of insolvency, injured workmen succeed to the rights of insured employers against their insurers and may enter insolvency proceedings for the excess of the employer's liability over the insurer's on a preferential basis, there being no assurance, however, beyond this, of actual payment.

Article 8. The employer and the workman may, with the approval of the senior commissioner, agree in writing as to the compensation provided, that the compensation agreed is not less than the amount payable under the provisions of the decree. Any periodical payment may be reviewed by the court. Application for review based on a change of the condition of the workman must be supported by a certificate from a medical practitioner.

Article 9. The injured workman is entitled, at the expense of the employer, to medical treatment, including any surgical and hospital treatment, specialist or skilled nursing services and the supply of medicines up to a fixed maximum cost.

Article 10. The injured workman is entitled to the supply, maintenance, repair and renewal of artificial limbs and apparatus to a fixed maximum cost. All disputes as to the necessity or the character or sufficiency of any medical aid are determined by the court.

Article 11. The amount due in respect of compensation is to be paid in priority to all other debts. In the case of an employer becoming insolvent, his rights against the insurer are transferred to and vested in the workman.

The application of the decree is entrusted to the senior commissioner, labour officers, administrative officers and labour inspectors.

* * *

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

Belgium (Ruanda-Urundi), *France* (Algeria, Comoro Islands), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Antigua, Basutoland, British Guiana, British Virgin Islands, Brunei, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, North Borneo, Sarawak, Singapore, Uganda).

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

France (French Guiana, French Somaliland, Guadeloupe, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon), *New Zealand* (Western Samoa¹), *United Kingdom* (Aden, Bahamas, Bechuanaland, Bermuda, Falkland Islands, Gibraltar, Hong Kong, Nyasaland, St. Helena, St. Lucia, St. Vincent, Seychelles, Swaziland).

¹ This territory became independent on 1 January 1962.

require the employer individually liable to pay such an allowance. The competent workmen's compensation appeal court may, on application made to it by the party concerned, review the compensation granted.

As concerns benefits in kind, the commissioner or the employer individually liable are required to defray any expenses reasonably and necessarily incurred by the victim of an industrial accident up to a limit of £375 for medical, surgical, nursing or hospital treatment and the supply of medicaments, and up to £150 for the supply, maintenance and renewal of artificial limbs and surgical appliances. In addition, the commissioner for workmen's compensation may in certain circumstances and at his discretion pay or order the employer to pay such additional amount as he considers just.

Compensation is payable by the Workmen's Compensation Insurance Fund, with which an employer who is not exempted must be insured. An employer individually liable is required to deposit securities with the commissioner in advance.

Trinidad and Tobago.

The Workmen's Compensation Ordinance, No. 24, 1960, to repeal Ordinance No. 14 (Cap. 22).

The ordinance applies to all persons under a contract of service or apprenticeship. Exception is made in the case of non-manual workers with incomes above a stated amount, casual workers, outworkers, members of the employer's family and members of the armed forces and the police. Seamen and fishermen are not excluded.

Compensation payable in the case of death or permanent disablement is paid in a lump sum, except where the commissioner may deem fit to direct that the compensation be paid in periodical payments. The employer is required to defray expenses incurred by a workman to an amount not exceeding \$250 in respect of medical treatment.

Administration of the ordinance is entrusted to Supreme Court Judges and to the magistrate assigned for duty in Tobago.

Zanzibar.

Article 1 of the Convention. Decree No. 27 of 1957 provides for compensation to workmen for injuries received in the course of employment.

Article 2. The above-mentioned decree applies to all workmen under a contract of service or apprenticeship, except non-manual workers whose earnings exceed a prescribed amount, casual workers, outworkers, members of the employer's family and any class of persons excluded by order of the Resident in Council.

Article 3. The decree applies also to masters, seamen and apprentices on sea-going ships, and to any person employed on board, but not to members of the crews of fishing vessels who are remunerated wholly or mainly by sharing in the profits.

Article 4. Agricultural workers are equally covered.

Article 5. Where permanent incapacity or death results from an accident the compensation is paid in lump sums to the court, which may direct the manner of payment or investment according to the circumstances of the case.

Article 6. In case of temporary incapacity compensation is paid from the first day provided that the incapacity extends to more than two consecutive days. Compensation is paid by employers and by the insurer in the case where employers have entered or are required to enter into an insurance contract.

Article 7. Where an injury results in permanent incapacity of such a nature that the injured workman must have the constant help of another person, additional compensation is paid amounting to one quarter of the amount which is otherwise payable.

New Caledonia.

Order No. 60-380 CG of 16 December 1960 to supplement and amend the schedules of occupational diseases annexed to Order No. 58-409 CG of 29 December 1958 prescribing the pathological manifestations of acute or chronic poisoning, microbial infections, affections due to a particular environment or attitude and microbial infections which are deemed to be occupational diseases.

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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* (Algeria, French Somaliland).

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

Denmark (Faroe Islands), *France* (French Guiana, French Polynesia, Guadeloupe, Martinique, Réunion, St. Pierre and Miquelon).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

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:
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. Ratification²: 1 November 1928.
No declaration.

Spain. Ratification: 29 September 1932.
No declaration.

United Kingdom. Ratification²: 6 October 1926.
No declaration.

¹ This Convention was revised in 1934. See Convention No. 42.

² Ratification denounced.

AUSTRALIA

Nauru (First Report).

See under Convention No. 42.

New Guinea (First Report).

See under Convention No. 42.

Papua (First Report).

See under Convention No. 42 concerning *New Guinea*.

DENMARK

Greenland.

The Government states that the Bill on employment injury insurance has not yet been passed and the matter has been referred to a special committee set up for the purpose. This committee has now completed its work, and its report, which contains proposals for the adoption of appropriate regulations, will be communicated to the competent authorities.

FRANCE

Comoro Islands.

Order No. 59-73 of 25 March 1959 to prescribe the pathological manifestations of acute or chronic poisoning, the microbial or parasitic infections and the affections which may be presumed to be due to a particular environment or attitude necessarily involved in the performance of specified types of work and which are deemed to be occupational diseases (*Journal officiel de la République malgache* (Comoro Section), 25 Apr. 1959).

DENMARK

Greenland.

In reply to a direct request made by the Committee of Experts the Government states that the government commission referred to in previous reports has now ended its examination of the possibilities of drafting a scheme providing compensation for industrial accidents and occupational diseases, which would cover persons employed in undertakings having their headquarters in Greenland. The Committee's report is now being drafted and will soon be sent to the competent authorities with proposals for regulations to be introduced.

FRANCE

French Somaliland.

Decree No. 57-245 of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases in the overseas territories (*L.S.* 1957—Fr. 1), as amended by Decree No. 57-829 of 23 July 1957 and Ordinance No. 58-875 of 24 September 1958.

Conclusions Nos. 37 and 38 of 19 and 23 May 1959 of the Territorial Assembly of French Somaliland, rendered enforceable by Order No. 1673/CAB of 17 July 1959.

Absolute equality of treatment is accorded to national and alien workers if the latter reside in a country or territory governed by the French Republic.

On the other hand, under the Decree of 24 February 1957 alien workers who sustain industrial accidents and who cease to reside in a territory governed by the French Republic receive in settlement a lump sum equal to three times the annuity they have been awarded. Their alien dependants receive compensation only if at the time of the accident they were residing in a territory governed by the French Republic. If they cease to reside in such a territory they receive a lump sum which may not exceed the value of the annuity.

French Guiana, Guadeloupe, Martinique, Réunion.

See under Convention No. 19 concerning *France*.

New Caledonia.

See under *French Somaliland*.

St. Pierre and Miquelon.

See under *French Somaliland*.

UNITED KINGDOM

British Honduras.

Workmen's Compensation Ordinance, No. 9, 1959.

This ordinance repeals the Workmen's Compensation Ordinance, No. 4, 1942.

Immigrants for employment receive treatment no less favourable than that applied to nationals and are entitled to the rights and protection provided under the above-mentioned ordinance.

Jersey.

Insular Insurance (Reciprocal Agreement with France) (Jersey) Act, 1959 (*R. & O.*, No. 4079).

Insular Insurance (Reciprocal Agreement with Switzerland) (Jersey) Act, 1960 (*R. & O.*, No. 4162).

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.

Republic of South Africa. Ratification: 30 March 1926.

Applicable without modification: South West Africa: 15 June 1949.

Spain. Ratification: 22 February 1929.
No declaration.

United Kingdom. Ratification: 6 October 1926.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 6 October 1926.
Applicable without modification²:

Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, British Guiana, British Honduras, British Virgin Islands, Dominica³, Falkland Islands, Fiji, Gambia, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, Northern Rhodesia, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago³, Uganda, Zanzibar: 27 March 1950.

Gibraltar: 29 December 1958.

Sarawak: 23 February 1959.

Solomon Islands: 27 February 1959.

Brunei: 1 June 1960.

Applicable with modification²: North Borneo, Nyasaland: 27 March 1950.

Decision reserved²: Bermuda, Gilbert and Ellice Islands, Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

³ Federation of the West Indies.

AUSTRALIA

Nauru, New Guinea, Papua (First Reports).

Workers' Compensation Ordinance, 1958-60 (Territories of Papua and New Guinea).
Commonwealth Employees' Compensation Act, 1930-56 (New Guinea and Papua).
Workers' Compensation Ordinance, 1956 (Nauru).

Article 1 of the Convention. The above-mentioned texts relating to workers' compensation cover all workers, irrespective of nationality and residential qualifications, with the exception of persons whose work is of a casual nature and who are employed otherwise than for the purpose of the employer's trade or business, a person who is a member of the employer's family dwelling in his house, and out-workers. Compensation is payable to the victims or their dependants, irrespective of nationality and residence. Payment of compensation is subject to the exchange control of the administering authority.

Article 2. No special arrangements have been made.

Article 3. The workmen's compensation scheme is in operation in all three territories.

Article 4. Mutual assistance would be available. There have been no modifications in the laws and regulations.

The legislation is not administered by a single authority, the principle being the creation of employers' legal liabilities in respect of payment of compensation for the victims of employment injury.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Australia. Ratification: 1 April 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 1 April 1935.

Belgium. Ratification: 3 October 1927.
Decision reserved: Ruanda-Urundi: 3 October 1927.

France. Ratification: 4 April 1928.
No declaration.

Netherlands. Ratification: 15 December 1937.
Applicable without modification: Netherlands Antilles: 5 August 1957.

No declaration: Netherlands New Guinea, Surinam.

New Zealand. Ratification: 29 March 1938.
No declaration.

Spain. Ratification: 23 February 1931.
No declaration.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 June 1929.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea.

Imperial Merchant Shipping Acts.
Native Employment Ordinance, 1958-60.

Article 2 of the Convention. The legislation is in agreement with the Convention as regards the definitions contained in paragraphs (a), (b) and (c).

Article 3. This Article is applied by the above-mentioned legislative texts.

Article 4. This Article is applied.

Article 5. The document prescribed by this Article is not issued at the present time.

Article 6. Articles of agreement comply with this Article. Agreements of indefinite duration are not permitted.

Article 7. It is not compulsory to carry a crew list on board.

Article 8. The conditions of agreement must be posted in a place on board the vessel accessible to all members of the crew.

Article 9. Articles of agreement for an indefinite period are not authorised.

Article 10. The legislation is in conformity with paragraphs (a), (b) and (c) of this Article. In addition, section 48 of the Native Employment Ordinance contains specific provisions for the termination by mutual consent of agreements involving native seamen. Section 49 of the ordinance contains provisions respecting other causes of termination of the agreement.

Articles 11 and 12. Section 49 of the ordinance makes provisions concerning the circumstances in which either the owner or master may discharge a seaman or the seaman may demand his discharge.

Article 13. The provisions of this Article are invariably followed.

Article 14. In all cases of termination or rescission of an agreement, appropriate entries are endorsed by a public authority in the agreement.

The administration of maritime matters is under the jurisdiction of the Department of Customs and Marine.

Papua.

The Imperial Merchant Shipping Acts.
The Native Employment Ordinance, 1958-60.
The Water Police Act, 1853.

Southern Rhodesia.

The Workmen's Compensation Act, No. 52, 1959, which came into effect on 1 January 1960, repealed the Act of 1941, as amended.

This Act, together with a whole series of statutory measures taken in implementation of it in 1960 and 1961, continues to protect all workers, without distinction of nationality or of domicile, and to give effect to the provisions of the Convention.

Trinidad and Tobago.

Workmen's Compensation Ordinance, No. 24, 1960.

Workmen's Compensation (Transfer of Funds) Ordinance.

The Workmen's Compensation (Transfer of Funds) Ordinance provides for transfer of any funds paid to commissioners for a beneficiary resident in any part of the British Commonwealth with which a reciprocal arrangement has been made and for the receipt of any funds coming from these parts and intended for a beneficiary in Trinidad and Tobago. These transfers apply irrespective of the workmen's nationality. No reciprocal arrangement has yet been made.

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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* (Algeria), *Republic of South Africa* (South West Africa), *United Kingdom* (British Guiana, Gilbert and Ellice Islands, Nyasaland, St. Lucia, Solomon Islands, Uganda).

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

Denmark (Faroe Islands), *France* (Comoro Islands, French Polynesia), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Guernsey, Hong Kong, Kenya, Malta, Isle of Man, Mauritius, North Borneo, Northern Rhodesia, St. Helena, St. Vincent, Sarawak, Seychelles, Singapore, Swaziland, Zanzibar).

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Belgium. Ratification: 3 October 1927.
 Decision reserved: Ruanda-Urundi: 3 October 1927.
France. Ratification: 4 March 1929.
 No declaration.
Netherlands. Ratification: 5 May 1948.

Applicable without modification: Netherlands Antilles: 5 August 1957.
 Decision reserved: Surinam: 5 August 1957.
 No declaration: Netherlands New Guinea.
Spain. Ratification: 23 February 1931.
 No declaration.

NETHERLANDS

Netherlands New Guinea.

See under Convention No. 22.

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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), *Netherlands* (Netherlands Antilles).

Article 1 of the Convention. The above-mentioned legislation applies to all vessels except those of under 80 registered tons.

For the application of the other Articles of the Convention see under *New Guinea*.

NETHERLANDS

Netherlands New Guinea.

A draft ordinance on labour law has been prepared in which all the provisions concerning seamen's articles of agreement have, without any modifications in principle, been declared applicable to all the population groups to which the parties concerned belong.

UNITED KINGDOM

Solomon Islands.

The Labour Ordinance, 1960.

The engagement of seafarers in the Solomon Islands is governed by the same rules as those governing the employment of other workers. Seamen have been excluded from the definition of "workers" in the Labour Ordinance, 1960, but provision can be made for the application of all or part of the ordinance to seamen.

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

Netherlands (Netherlands Antilles), *United Kingdom* (Hong Kong).

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

Australia (Nauru), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Seychelles, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

¹ This territory became independent on 1 January 1962.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Spain. Ratification: 29 September 1932.
No declaration.
United Kingdom. Ratification: 20 February 1931.

Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 20 February 1931.
No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Northern Rhodesia.

See under Convention No. 24.

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

United Kingdom (British Guiana, British Honduras, Fiji, Malta, Swaziland, Trinidad and Tobago).

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

United Kingdom (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Isle of Man, Mauritius, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Uganda, Zanzibar).

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

France. Ratification: 17 May 1948.
 Not applicable:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Spain. Ratification: 29 September 1932.
 No declaration.

United Kingdom. Ratification: 20 February 1931.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 20 February 1931.
 No declaration: all other territories.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under Conventions Nos. 17, 18, 19, 24 and 42 concerning *France*.

UNITED KINGDOM

Northern Rhodesia.

The Employment of Natives Ordinance (Cap. 171).

The above-mentioned ordinance requires employers to provide free medical attention for African workers. Section 51 of the ordinance provides, unless otherwise laid down by the contract of service or by law, for the payment of wages and other benefits during the first month and the payment of benefits other than wages during the second month, in respect of absence from work due to incapacity arising out of sickness or accidents, other than accidents for which compensation may be made under the Workmen's Compensation Ordinance.

* * *

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

United Kingdom (British Guiana, Brunei, Fiji, Guernsey, Jersey, Malta, Singapore, Trinidad and Tobago).

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), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Virgin Islands, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Isle of Man, Mauritius, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Uganda, Zanzibar).

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 (*Ordinances of British Honduras*, 1959, pp. 119-179).

Article 2 of the Convention. The provisions of this Article are contained in section 150 of the above-mentioned ordinance, which came into force by proclamation on 1 August 1960.

Articles 3 to 23. Section 151 of the ordinance prohibits the use of forced labour in that "no person shall impose or permit the imposition of forced labour".

Article 24. The Labour Department maintains an inspection service. All undertakings (including non-industrial undertakings) are inspected once a year, and follow-up visits are made to ensure that any irregularities discovered are given attention. The labour inspection staff comprises one senior labour inspector and four inspectors. The tasks of the inspection service include the posting of notices by inspectors to ensure that the laws in force are brought to the knowledge of both employers and workers.

Under section 61 (1) of the ordinance the Labour Commissioner is required to prepare concise summaries of the ordinance, including sections 150, 151 and 152 of Part XIV concerning forced or compulsory labour. Such summaries are prepared in English and in a language known to the workers.

Article 25. Section 181 of the ordinance provides the penalty of a fine not exceeding \$250 or a term of imprisonment not exceeding six months.

Fiji.

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

It has not been possible so far to repeal the provisions permitting the exaction of portage, because the climate of opinion in 1960 was resolutely opposed to change. The Government recognises that modifications in the Fijian Administration will be needed, but agrees that any modification should be made only in consultation with the Fijian people. The Fijian Affairs Board agreed, however, that, subject to prior consultation with certain paramount chiefs, regulation 13 relating to personal services to chiefs should be repealed. The chiefs have given their consent, and this action has been taken. Other necessary amendments, which would include proposals to repeal the provisions permitting the exaction of portage, were to be considered by the Provincial Councils at the end of 1961.

Gambia.

District Authority (Amendment) Ordinance, No. 4, 1959.

District Authority (Amendment) Ordinance, No. 12, 1958.

In reply to the direct request made by the Committee of Experts in 1960 the Government reports that as a result of the adoption of the above-mentioned legislation there is no longer power to exact compulsory labour under the laws of Gambia.

Hong Kong.

Compulsory Service (Amendment) Ordinance, 1961.

Article 2, paragraph 2 (a), of the Convention. The above ordinance enables the Governor in Council to suspend from time to time the Compulsory Service Ordinance, 1951. This authority was exercised on 3 August 1961, when the ordinance was suspended and military service became no longer compulsory.

Paragraph 2 (d). Training in the essential services corps is no longer compulsory, but the corps, now composed of volunteers, would be prepared to perform the essential services specified in the ordinance in any emergency.

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 modification¹: Faroe Islands, Greenland: 11 February 1932.

France. Ratification: 24 June 1937.

Applicable without modification:

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 Antilles¹, Surinam¹: 31 March 1933.

Netherlands New Guinea: 26 October 1956.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: Tokelau Islands¹: 29 March 1938.

Cook Islands and Niue: 4 December 1946.

Spain. Ratification: 29 August 1932.

Applicable without modification¹: Spanish Guinea, Spanish West Africa: 29 August 1932.

United Kingdom. Ratification: 3 June 1931.

Applicable *ipso jure* without modification²: Guernsey, Jersey, Isle of Man: 3 June 1931.

Applicable without modification:

Aden¹: 3 June 1931.

Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago³, Uganda, Zanzibar: 3 June 1931.

Southern Rhodesia: 20 March 1933.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

³ Federation of the West Indies.

AUSTRALIA

New Guinea.

Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.

There is now no legislation in force providing for any form of forced labour. The above-mentioned ordinance has repealed the Native Plantations (Papua) Ordinance, 1952.

Papua.

Native Plantations Ordinance (Papua) Repeal Ordinance, 1960.

There is now no legislation in force providing for any form of forced labour. The above-mentioned ordinance has repealed the Native Plantations Ordinances of 1925 and 1934 and the Native Plantations (Papua) Ordinance, 1952.

UNITED KINGDOM

Basutoland.

The request made by the Committee of Experts has been noted. It is the intention of the Government to conform with the principles of the Convention, but a change in the law will have to take its place in a long list of outstanding business on the legislative programme. The assurance can, however, be given that administration conforms with the intention of Article 2, paragraph 2 (*e*), of the Convention.

In regard to the Native Authority and Barotse Native Authority Ordinances, active consideration is being given to amending the relative sections to allow exaction of compulsory labour only for essential public works and services in circumstances falling under the exclusions given in Article 2 (*d*) of the Convention. Amending legislation is being considered to repeal section 12 of the Natural Resources Ordinance.

Solomon Islands.

Labour Ordinance, 1960.

In reply to the direct request made in 1960 by the Committee of Experts the Government supplies the following information.

Resolution 1/59 of the Ysabel Council in fact relates only to minor communal services at the village level. There is no possibility that the Ysabel Council will attempt to use this resolution to embark upon major public works of island-wide significance. Local Government Councils put forward very few resolutions dealing with communal work, and all such resolutions are carefully scrutinised to ensure that they comply fully with the points raised by the Committee of Experts. The work or services which can be exacted from Solomon Islanders in accordance with native law and custom or under Local Government Council resolutions approved by the High Commissioner which fall under sections 74 (*c*) and (*d*) of the Labour Ordinance, 1960, are extremely limited. Most communal services in the Protectorate are rendered voluntarily on a basis of mutual co-operation, but in some cases they are subject to sanctions imposed by native custom, or in a very limited number of cases to legal sanctions in respect of approved resolutions of Native Councils. Most of these services which are subject to sanctions come within the category of the essential maintenance of the fabric of the community rather than that of economic development. All forms of labour exacted in accordance with native custom are gradually dying out and, as far as Native Councils are concerned, it is only those on the smaller islands which have limited resources that are likely to resort to resolutions exacting communal labour. A number of Councils have passed resolutions concerning communal work which is done in most villages on one day a week. Such work is concerned with the maintenance of the cleanliness of the village area and of communal facilities such as footpaths and wharves.

Swaziland.

No recourse to forced labour as defined in Article 2 of the Convention is authorised under any law of the territory, and any attempt to exact such forced labour would fall under the common law agreement of extortion. Nevertheless, in order to ensure the fullest compliance with Conventions Nos. 29 and 105, draft legislation is in preparation expressly prohibiting the exaction of forced labour. Copies of this legislation will be forwarded to the International Labour Office in due course after promulgation.

Uganda.

The exaction of compulsory labour by the Protectorate Government has ceased. The Legislative Council in September 1960 resolved that section 7 B, paragraph 8, of the African Authority Ordinance be repealed, and this will be implemented in due course. At the same time, the repeal of paragraph 9 of section 7 B of the ordinance will be considered.

Section 10 of the ordinance is equally obsolete, but its formal repeal may be less automatic than that of section 7 B, paragraphs 8 and 9.

Kenya.

Preservation of Public Security Ordinance, No. 2, 1960.
Emergency Powers Orders in Council, 1939 and 1956 (Legal Notice No. 38, 1960).

Article 2, paragraph 2 (b), of the Convention. With regard to the Committee of Experts' comment, the possibility of limiting the scope of African District Council by-laws so as to restrict forced or compulsory labour to the types of minor communal service which are exempt from the application of the Convention is being considered.

Nevertheless, it is frequently the case that parts, or the whole, of the various areas under the jurisdiction of the African District Councils are impoverished and economically stagnant. The inhabitants lack cash incomes, with the result that sufficient funds cannot be raised locally for payment for every minor communal service, while the funds available from the central Government are also inadequate to finance all the services provided through the African District Councils. In practice, however, communal labour is little used for economic development projects.

If it transpires, after further consultation, that certain African District Councils must be allowed to retain for a further period the power to exact some forced labour for work involving economic development, then appropriate action will have to proceed on improvement of the *statutory* safeguards required in relation to labour within the category dealt with under Article 10 of the Convention.

All emergency regulations made under the provisions of Part II of the Emergency Powers Orders in Council, 1939, ceased to have effect from 12 January 1960.

The Preservation of Public Security Ordinance, 1960, empowers the Governor to make regulations requiring persons to do work and render services. While this provision leaves the character of the work or services to the discretion of the Governor, the ordinance permits these special powers to be invoked only as an exceptional measure for the preservation of public security and to such extent as is strictly required by the exigencies of the situation in the country. Before assuming these powers the Governor has to be satisfied that other security measures permitted by the ordinance are inadequate to ensure the preservation of public security and that section 4 (2) must be brought into operation. For the purposes of this law, "public security" means the security or the safety of persons and property, the maintenance of supplies and services essential to the life of the community, the prevention and suppression of violence, intimidation, disorders and crime, the prevention and suppression of mutiny, rebellion and concerted defiance of and disobedience to the law and lawful authority, and the maintenance of the administration of justice. There has not yet been occasion to resort to the provisions of section 4 of the Preservation of Public Security Ordinance.

North Borneo.

Rural Government (Amendment) Ordinance, No. 23, 1959.

In reply to the direct request made by the Committee of Experts in 1960 the Government states that the provisions of section 40 of the Rural Government Ordinance may be invoked only in circumstances where there is a threat of famine. Section 40 was amended in 1959 to delete the provisions permitting recourse to compulsory labour in such circumstances.

Northern Rhodesia.

Native Authority Ordinance (Cap. 157).
Barotse Native Authority Ordinance (Cap. 159).
Natural Resources Ordinance (Cap. 239).

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934¹

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.

Republic of South Africa. Ratification: 26 February 1952.
Applicable without modification: South West Africa: 21 January 1958.

Spain. Ratification: 24 June 1958.
No declaration.

United Kingdom. Ratification: 29 April 1936.
Applicable *ipso jure* without modification²:
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.

AUSTRALIA

Nauru (First Report).

The Workers' Compensation Ordinance, 1956.

The Government states that there are no constitutional provisions whereby ratification of the Convention or the extension thereof to this territory gives the force of national law to its requirements.

Articles 1 and 2 of the Convention. The above-mentioned ordinance provides for the payment of compensation to a worker sustaining personal injury by accident arising out of or in the course of his employment, or from a disease caused by the employment in which he was engaged. Where death results from the injury or disease, the ordinance provides for payment of compensation to dependants.

The ordinance defines a disease as any physical or mental ailment, disorder, defect or morbid condition, whether of sudden or gradual development, and also includes the aggravation, acceleration or recurrence of a pre-existing disease.

In the circumstances peculiar to Nauru, the diseases listed in the schedule would not be encountered. Compensation as provided for in the legislation and determined in accordance with the normal process would, however, be payable to persons injured by contraction of such occupational disease or to their dependants.

The application of the legislation relating to compensation is not entrusted to a single authority; it is based in principle on the creation of legal liabilities and payment in accordance with the provisions of the ordinance, on condition that such payment does not exceed certain limits. Proceedings may be instituted before courts of law for determination of liability and compensation.

* * *

The following reports reproduce the information previously supplied:

Australia (Nauru), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa ¹), *United Kingdom* (Aden, Antigua, Bahamas, Bermuda, British Guiana, British Virgin Islands, Brunei, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Trinidad and Tobago, Zanzibar).

¹ This territory became independent on 1 January 1962.

BELGIUM

Ruanda-Urundi.

The Government report gives a number of details regarding the methods and the rates of compensation for employment injury, and gives information on the legislation covering such compensation and applying to both indigenous and non-indigenous workers. A special chapter of the report deals with compensation for workers suffering from silicosis.

DENMARK

Greenland.

See under Convention No. 18.

FRANCE

Comoro Islands.

See under Convention No. 18.

New Caledonia.

See under Convention No. 18.

NETHERLANDS

Netherlands Antilles.

In reply to the request made by the Committee of Experts the Government regrets to state that the relative changes in the employment accident compensation scheme of 1936 have not yet been made. Although a government agency for social security, the Social Insurance Bank, has been established the general old-age insurance scheme has first of all had to be worked out. Meanwhile the advice required with regard to the modification of the employment accident compensation scheme which will comply with the provisions of the Convention has been obtained.

NEW ZEALAND

Cook Islands and Niue.

The Government states that it has to date not been possible to formulate a workers' compensation scheme acceptable to insurance companies in New Zealand. The majority of persons are engaged in subsistence cultivation of family lands and do not constitute workers in the generally accepted sense, for whom a workers' compensation scheme would be appropriate. Such labour is engaged for intermittent work on a casual short-term basis only. A scheme of compensation payment is operative in the case of administration employees. However, in the light of the Special Committee's report, legislation is being drafted which, it is hoped, would meet the special conditions applying in the islands and enable extension of the Convention to be considered.

Western Samoa.

The Workers' Compensation Ordinance, 1960.

The Government states that considerable difficulties would be involved in establishing a workers' compensation scheme in Western Samoa, where, owing to the communal way of life, there is in most cases no employer in the ordinary accepted

New Guinea (First Report).

The Workers' Compensation Ordinance, 1958-60.

The Workers' Compensation Regulations.

The Government states that there are no constitutional provisions whereby ratification of the Convention gives the force of national law to its provisions.

Article 1 of the Convention. Under section 12 of the above-mentioned ordinance industrial diseases are treated, as a matter of general principle and for the purposes of workers' compensation, as though they were personal injuries resulting from industrial accidents, i.e. accidents arising out of or in the course of the employment. Moreover, the ordinance provides that if it is proved that the worker has, at the time of entering the employment, wilfully and falsely represented himself as not having previously suffered from the disease, compensation shall not be payable. On the other hand compensation is usually recoverable from the employer who last employed the worker during the period of 12 months prior to the contingency in the employment to the nature of which the disease was due. The amount of the compensation is calculated with reference to the earnings of the worker under the employer from whom compensation is recoverable. The employer to whom notice of the death, disablement or suspension is to be given shall be the employer who last employed the worker during that period of 12 months in the employment to which the nature of the disease was due, and the notice may be given even if the worker has left his employment.

The ordinance also provides that for the purposes of compensation the date of disablement shall be such date as the medical referee certifies as the date on which the disablement commenced or, if he is unable to certify such a date, the date on which the certificate is given. Where a worker dies without having obtained a certificate of disablement or is at the time of death not in receipt of a weekly payment on account of disablement, the date of disablement shall be the date of death.

Article 2. Section 5 of the Workers' Compensation Ordinance defines "disease" to include any physical or mental ailment, disorder, defect or morbid condition, whether of a sudden or gradual development, and also includes the aggravation, acceleration or recurrence of a pre-existing disease.

In respect of indigenous people, the administration of the compensation legislation is a function of the Secretary of the Department of Labour. Officers of this Department pay frequent and regular visits to all places of employment. Instances of death, injury or disease calling for the application of the legislation are investigated and the appropriate proceedings instituted and carried to conclusion by officers of the Department for the benefit of the employee concerned or his dependants. Employers are required to report to the Director, subject to appropriate penalties for non-compliance, injuries and deaths of indigenous employees and the occurrence of disease amongst such employees.

The Secretary for Labour, in co-operation with the Director of Native Affairs, supervises the welfare of mixed-race and Asiatic workers to ensure that the interests of these workers and their dependants are protected in matters associated with workers' compensation.

The existence of workers' compensation legislation and the general principles of such legislation are well known to European workers. No specific authority has been appointed to supervise this legislation on their behalf. Applications for awards of compensation are made to the law courts.

Papua (First Report).

See under *New Guinea*.

Southern Rhodesia.

Workmen's Compensation Act, No. 52, 1959.

Southern Rhodesia Government Notice, No. 597, 1959, putting into effect the Workmen's Compensation Regulations.

Southern Rhodesia Government Notice, No. 388, 1960, respecting Medical Fees and Charges for Medical Aid: Workmen's Compensation.

Southern Rhodesia Government Notice, No. 12, 1961, relating to Medical Fees and Charges for Medical Aid: Workmen's Compensation.

Under current legislation compensation is payable for all occupational diseases on the same basis as in the case of industrial accidents. The second schedule to the above-mentioned Act lists the occupational diseases, with the exception of silicosis, which is dealt with under the Pneumoconiosis Act.

Swaziland.

The Government states that new legislation is in preparation which, when promulgated, will cover the majority of workers and will include an extended range of occupational diseases.

Trinidad and Tobago.

Workmen's Compensation Ordinance, No. 24, 1960.

The above-mentioned ordinance, which repealed the earlier legislation, came into force on 15 November 1960. Part IV deals with occupational diseases for which compensation is payable on the same terms as are applicable to industrial accidents. The diseases for which compensation is payable are listed in schedule I to the ordinance. The Government states, however, that Part IV of this new enactment is not yet in force.

Uganda.

The Government states that the question of the extension of application of the Convention to the territory is being kept under review.

* * *

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

Belgium (Ruanda-Urundi), *France* (Algeria, French Somaliland), *Republic of South Africa* (South West Africa), *United Kingdom* (British Guiana, British Honduras, Brunei, Jersey, Kenya, Malta, Isle of Man).

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

Denmark (Faroe Islands), *France* (French Guiana, French Polynesia, Martinique, Réunion, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Aden, Antigua, Basutoland, Bermuda, British Virgin Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Mauritius, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Zanzibar).

sense, where no Samoan is entirely dependent on wage employment for sustenance, and where much employment is of a casual and intermittent nature. New Zealand insurance companies have accordingly not been disposed to undertake compensation insurance in the territory.

However, the above legislation has now been enacted which provides for a modified system of workers' compensation. The question of extending the Convention to Western Samoa will therefore be studied in the context of this legislation.

REPUBLIC OF SOUTH AFRICA

South West Africa.

See under Convention No. 42 concerning the *Republic of South Africa*.

UNITED KINGDOM

Bahamas.

The Government states that the Convention is effective in the Bahamas.

Bechuanaland.

The Government states that it is at present considering the Catchpole Report on Labour Legislation; this report includes a draft proclamation on workmen's compensation, Part IV of which contains a section dealing with occupational diseases.

British Honduras.

Workmen's Compensation Ordinance, No. 9, 1959.

The above-mentioned ordinance, which came into force in 1960, repealed the Workmen's Compensation Ordinance, No. 4, 1942.

In its report the Government analyses the various provisions of the new ordinance, which provides for the award of compensation in the event of occupational disease and is accompanied by a schedule listing 13 diseases for which compensation is payable and the types of work likely to cause them.

Falkland Islands.

Workmen's Compensation Ordinance, No. 1, 1960.

Workmen's Compensation Regulations, No. 3, 1960.

The above-mentioned legislation came into force on 1 June 1960.

Kenya.

The Government states that as far as the schedule of occupational diseases is concerned it has not felt it necessary to include silicosis and poisoning by mercury or phosphorus (other than organic compounds of phosphorus) because these risks have not hitherto been encountered in Kenya. However, in view of continuing industrial development, consideration is being given to the inclusion in due course of silicosis and mercury poisoning in the third schedule to the Workmen's Compensation Ordinance.

Solomon Islands.

The Government states that the possibility of making revised declarations on the extension of application of this Convention to the territory is being kept under review.

* * *

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), *United Kingdom* (British Honduras, Jersey, Malta, Isle of Man, St. Helena, Singapore, Zanzibar).

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

France (French Somaliland, New Caledonia), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Kenya, North Borneo, Northern Rhodesia, Nyasaland, St. Lucia, St. Vincent, Sarawak, Seychelles, Solomon Islands, Swaziland, Trinidad and Tobago, Uganda).

¹ This territory became independent on 1 January 1962.

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.

FRANCE

St. Pierre and Miquelon.

Under Order No. 259 of 16 April 1959 an unemployment insurance scheme was set up for dockers in the territory. They are covered against this contingency between 15 November and 15 April each year.

UNITED KINGDOM

British Guiana.

The report of the expert who carried out the survey of unemployment and underemployment under the auspices of the International Labour Organisation disclosed a high incidence of unemployment and underemployment in this area. The Government has considered the report but, having regard to the financial implications involved, it has not been able to introduce any benefit scheme.

Fiji.

A person of any race may apply for a destitution allowance, but public funds provided for this purpose are severely limited. Workers' representatives have pressed for the payment of a weekly benefit to unemployed persons, but the Government is unable to contemplate such a proposal at this stage, since it holds the view that all available funds should be concentrated on providing work.

Mauritius.

A special mission has recently inquired into the possibility of instituting a system of state insurance against unemployment in Mauritius, and its report is being studied.

Southern Rhodesia.

There is no legislation giving effect to the provisions of the Convention. However, at the instigation of the Minister of Labour, Social Welfare and Housing the Southern Rhodesia Parliament has set up a select committee to consider ways of introducing an unemployment insurance scheme.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Hong Kong).

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

Australia (Nauru, New Guinea, Papua), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Trinidad and Tobago, Uganda, Zanzibar).

¹ This territory became independent on 1 January 1962.

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.

Republic of South Africa. Ratification: 25 June 1936.
Applicable without modification: South West Africa: 15 June 1949.

Spain. Ratification: 24 June 1958.
No declaration.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification²: Bahamas, Basutoland, Bechuanaland, British Guiana, Falkland Islands, Fiji, Gibraltar, Hong Kong, Kenya, Northern Rhodesia, Nyasaland, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Uganda: 27 March 1950.

Decision reserved²: Brunei, Gilbert and Ellice Islands, Jamaica³, Malta, Sarawak: 27 March 1950.

Not applicable²: Aden, Antigua³, Barbados³, Bermuda, British Honduras, British Virgin Islands, Dominica³, Gambia, Grenada³, Mauritius, Montserrat³, North Borneo, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Seychelles, Trinidad and Tobago³, Zanzibar: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

³ Federation of the West Indies.

REPUBLIC OF SOUTH AFRICA

South West Africa.

In reply to the request made by the Committee of Experts in 1960, the Government states that no exemption has been granted (under Article 3 of the Convention) to the prohibition to employ women on underground work.

UNITED KINGDOM

Mauritius.

The Convention is inapplicable as there are no mines in this territory. However, employment of females on underground work in mines is prohibited under a new section 6 A inserted in the Employment of Women, Young Persons and Children Ordinance (Cap. 211 of *The Revised Laws of Mauritius*) in virtue of the Employment of Women, Young Persons and Children (Amendment) Ordinance, No. 57, 1960.

Swaziland.

Mines, Works and Machinery Proclamation, No. 61, 1960.

Under section 9 of the above-mentioned proclamation, which replaces the Transvaal Mines, Works and Machinery Ordinance, No. 54, 1903, no female shall be employed underground in any mine.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Belgium. Ratification: 11 April 1938.
Decision reserved: Ruanda-Urundi: 11 April 1938.

Denmark. Ratification: 13 July 1938.
Applicable without modification: Faroe Islands: 13 July 1938.

Not applicable: Greenland: 31 May 1954.

France. Ratification: 19 June 1947.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

New Zealand. Ratification: 29 March 1938.
No declaration.

United States. Ratification: 29 October 1938.
Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.

Trust Territory of Pacific Islands: 7 June 1961.
Decision reserved: Panama Canal Zone: 29 October 1938.

FRANCE

French Polynesia.

Decree of 21 December 1911 concerning the merchant navy in the French colonies, categories of sea-going shipping and the composition of staff and crews, made applicable on 27 September 1932.

Order of 3 May 1934 fixing the details for the application to French Polynesia of the Decree of 21 December 1911.

Order No. 39/MM of 15 September 1958 respecting ships registered in French Polynesia.

Order No. 54/MM of 11 January 1961 making alterations in the procedure, the membership of boards and the examination syllabus for the certificate of captain in the extended coasting trade.

The local regulations apply to all vessels equipped for the national coasting trade.

The legislative measures listed above lay down requirements in regard to the minimum age, occupational experience and the examinations which must be passed to obtain the different licences and certificates.

UNITED STATES

American Samoa.

In reply to a direct request made by the Committee of Experts in 1960 the Government states in its report that the provisions of sections 1135 to 1137 of the Code of American Samoa are enforced by Marine Board disciplinary action against masters or engineers of vessels for violations brought to the Board's attention.

* * *

The following report supplies information on the practical effect given to the Convention:

United States (Puerto Rico).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Somaliland, New Caledonia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *United States* (Guam, Panama Canal Zone, Trust Territory of Pacific Islands, Virgin Islands).

¹ This territory became independent on 1 January 1962.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Netherlands. Ratification: 6 October 1938.
No declaration.

Spain. Ratification: 8 July 1937.
No declaration.

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

Netherlands (Netherlands Antilles, Netherlands New Guinea).

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Denmark. Ratification: 22 June 1939.
Applicable without modification:
Faroe Islands: 15 June 1961.
Not applicable: Greenland: 31 May 1954.
France. Ratification: 23 August 1939.
No declaration.

New Zealand. Ratification: 10 November 1950.
Decision reserved: Cook Islands and Niue: 10 November 1950.
Not applicable: Tokelau Islands: 10 November 1950.

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

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 ¹).

¹ This territory became independent on 1 January 1962.

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 modification¹:
Guernsey, Jersey, Isle of Man: 30 September 1944.

Applicable with modification: Malta: 29 December 1958.

Decision reserved: Aden, Antigua², Bahamas, Barbados², Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica², Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Mauritius, Montserrat², North Borneo, St. Christopher-Nevis-Anguilla², St. Lucia², St. Vincent², Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago², Zanzibar: 30 September 1944.

Not applicable: Basutoland, Bechuanaland, Gambia, Northern Rhodesia, Nyasaland, St. Helena, Swaziland, Uganda: 30 September 1944.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

UNITED KINGDOM

Jersey.

Article 3 of the Convention. The States of Jersey decided that from 29 November 1960 treatment in the public wards of the General Hospital, including follow-up treatment, should be provided free. No legislation was required.

Articles 5 and 6. The States have adopted amendments to the Insular Insurance (Jersey) Law, 1950, to introduce maternity benefits and death grants. Payment is hoped to begin during 1961.

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

France (French Polynesia, St. Pierre and Miquelon), *United Kingdom* (Bahamas, Brunei, Gibraltar, Malta, Isle of Man).

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

France (Comoro Islands, French Somaliland, New Caledonia), *United Kingdom* (Aden, Antigua, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Kenya, Mauritius, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

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.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

In reply to the request made by the Committee of Experts in 1960, the Government states that application of the Convention in the overseas departments does not give rise to any particular difficulty and has not led to any intervention by the organisations concerned.

UNITED STATES

American Samoa.

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

The measures taken to give effect to the provisions of the Convention in the United States apply to persons from American Samoa employed on United States vessels. There are, however, no laws in American Samoa concerning shipowners' liability for injury or sickness of the crew, nor is there an insurance scheme on their behalf. But the only two ships registered in Samoa are engaged in purely local activity, and medical facilities are readily available through the hospitals operated by the Government of American Samoa. Under the Code of American Samoa (section 516) free medical treatment is provided to all natives and to all persons who have continuously resided in American Samoa for five years.

* * *

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), *United States* (Guam, Panama Canal Zone, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands).

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification ¹: 5 September 1939.
No declaration.

Denmark. Ratification ²: 22 June 1939.
Not applicable: Greenland: 31 May 1954.
No declaration: Faroe Islands.

France. Ratification: 28 June 1951.
Not applicable:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

Netherlands. Ratification: 9 March 1940.
No declaration.

New Zealand. Ratification ¹: 18 January 1940.
Not applicable: Cook Islands and Niue, Tokelau Islands: 18 January 1940.

Republic of South Africa. Ratification ³: 8 August 1939.
Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 26 May 1947.
Applicable *ipso jure* without modification ⁴:
Guernsey, Jersey and Isle of Man: 26 May 1947.
No declaration: all other territories.

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

AUSTRALIA

Nauru.

Each year the Administration collects and publishes, *inter alia*, statistics relating to hours of work and wages paid to various categories of workers.

NETHERLANDS

Netherlands New Guinea.

Statistical data concerning wages have been compiled for some groups of Papuan workers.

UNITED KINGDOM

Bahamas.

Statistics of the average hourly rates of wages in the building industry are published in the annual reports of the Department of Labour.

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras*, 1959, pp. 119-179).

Section 5 of the above ordinance requires every employer to furnish returns to the commissioner giving the number of persons employed by him in any particular class of employment, their rates of remuneration and the conditions of employment.

Article 3 of the Convention. Under section 6 of the ordinance no individual return furnished in accordance with section 5 or any particulars or part of such return shall be published without the previous consent of the person, corporation, or firm making such returns. The use of compulsory powers under section 5 of the ordinance is expected to improve the statistics required by the Convention.

British Virgin Islands.

A statement on wages, hours of work and conditions of work is published regularly by the Government in the Colony Biennial Report.

Kenya.

The Statistics Ordinance, 1961 (*Kenya Gazette*, Supplement No. 47).

The above-mentioned ordinance came into force early in July 1961, and deals with earnings as well as other subjects.

The Kenya Government has prepared legislation to enable it to take over from the East African High Commission the main responsibility for collation of statistics within Kenya, and to authorise the establishment of a new Economics and Statistics Division in the Kenya Government's Treasury.

It is hoped that on the base of a sample survey concerning the conditions of unskilled labour at the end of 1960 the Government will be able to publish more comprehensive information on hours worked (Part II of the Convention) and rates (Part III). As to Part IV, material from this sample survey and from collective agreements will be included in further reports.

Northern Rhodesia.

Statistics concerning average earnings and hours actually worked in the mining industry are supplied monthly by the mining companies to the Labour Department, which also receives from the Rhodesia Railways a monthly return of hours worked without, however, any details of earnings. Details of average wages related to hours actually worked are still not available.

* * *

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

United Kingdom (Gambia, Grenada).

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

Australia (New Guinea, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *Republic of South Africa* (South West Africa), *United Kingdom* (Aden, Antigua, Basutoland, Bechuanaland, Bermuda, British Guiana, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, North Borneo, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

¹ This territory became independent on 1 January 1962.

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: 8 July 1947.

Tokelau Islands: 13 June 1956.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:

Aden, Antigua², Barbados², Basutoland,
Bechuanaland, British Guiana, British Honduras,
British Virgin Islands, Brunei, Dominica², Fiji,
Gambia, Gilbert and Ellice Islands, Grenada²,

Hong Kong, Jamaica², Kenya, Mauritius,
Montserrat², North Borneo, Northern Rhodesia,
Nyasaland, St. Christopher-Nevis-Anguilla²,
St. Helena, St. Lucia², St. Vincent², Sarawak,
Seychelles, Singapore, Solomon Islands, Swazi-
land, Trinidad and Tobago², 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.

UNITED KINGDOM

Basutoland.

A court award of December 1958 has rendered section 40 (1) (a) of the Indigenous Labour Proclamation inoperative.

The Government intends to abolish penal sanctions for breaches of contracts of employment. A draft law to that effect has been prepared and will be presented to Parliament.

Bechuanaland.

The Government is studying the possibility of abolishing penal sanctions for breaches of contracts of employment which are still provided for under existing legislation.

British Guiana.

Ordinance No. 8 of 1960, amending the Labour Ordinance.

The above ordinance repeals section 36 (1) of the Labour Ordinance, which provided for penal sanctions.

Kenya.

In reply to the requests made by the Committee of Experts the report states that it was not possible to revise the Employment Ordinance during the period under review, but that the Labour Advisory Board will be consulted in the comparatively near future concerning the desirability of including a provision to repeal section 70 of the Employment Ordinance in the next legislative Bill to amend this enactment. The Board will also examine section 67 with a view to repeal or modification.

The extension of the scope of the Employment Ordinance has not, in the event, had any material effect in relation to enforcement measures under sections 67 and 70.

Mauritius.

It has been discovered that the Municipality Ordinance of 1903 contains a penal sanction for failure to comply with a work contract. This provision will be annulled by the Local Government Bill, which is to repeal the Municipality Ordinance and which is at present in draft form.

Northern Rhodesia.

Ordinance No. 19 of 1960 to amend the Employment of Natives Ordinance.

By amending section 75 (4) of the Employment of Natives Ordinance, Ordinance No. 19 of 1960 limits cases in which desertion is punishable by penal sanction.

The African Employment Bill met with such opposition on the part of the Select Committee of the Legislative Council that it had to be withdrawn. The Government believes, however, that some amendments should be introduced in existing legislation relating to employment of Africans, and these amendments were to be proposed to the Legislative Council at its November 1961 session. The amendments include the repeal of sections 74, 75 and 89 of the Employment of Natives Ordinance. This would constitute a preliminary stage before the earliest possible adoption of a non-racial and therefore non-discriminatory employment ordinance.

Swaziland.

Masters and Servants (Amendment) Proclamation, No. 59, 1960.

Employment of Africans (Amendment) Proclamation, No. 58, 1960.

The effect of the texts mentioned above has been to abolish penal sanctions for breaches of contracts of employment as provided for under existing legislation.

Uganda.

The Government is taking steps to restore the Labour Advisory Board, which will, in the near future, study the repeal of section 64 of the Uganda Employment Ordinance.

* * *

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

United Kingdom (Bahamas, British Virgin Islands, Brunei, Gambia, Kenya, Nyasaland, Zanzibar).

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

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa ¹), *United Kingdom* (Aden, Antigua, Bermuda, British Honduras, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, North Borneo, St. Helena, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Trinidad and Tobago).

¹ This territory became independent on 1 January 1962.

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.

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, Antigua¹, Bahamas, Barbados¹, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica¹, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada¹, Hong Kong, Jamaica¹, Kenya, Malta, Mauritius, Montserrat¹, North Borneo, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago¹, Zanzibar: 13 February 1961.

¹ Federation of the West Indies.

UNITED KINGDOM

Isle of Man.

The United Kingdom applies the provisions of this Convention to foreign-going vessels of above 1,000 gross tons. No ships of this tonnage are registered in the Isle of Man, and therefore no administrative machinery exists to implement the Convention. If any change in the situation should occur, consideration would be given to the application of the provisions of the Convention.

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.

United Kingdom. Ratification: 29 July 1949.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 29 July 1949.

Not applicable:
Basutoland, Bechuanaland, Swaziland: 3 November 1958.

Northern Rhodesia, Nyasaland, Southern Rhodesia: 7 July 1959.

Uganda: 8 March 1961.

Decision reserved:

Aden, Antigua², Bahamas, Barbados², Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², North Borneo, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago², Zanzibar: 8 March 1961.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

UNITED KINGDOM

Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, North Borneo, St. Helena, St. Kitts, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago, Zanzibar.

There are difficulties in the implementation of the Convention, deriving mainly from the fact that in some of the above-mentioned territories no sea-going ships engaged in the transport of cargo or passengers are registered. In others the number and types of such vessels do not at present justify the enactment of legislation on this subject, and there would be difficulties in establishing the administrative machinery required to implement the Convention.

Practical difficulties preventing the application of the Convention are, for instance, the lack of facilities for conducting examinations; the lack of trained personnel matching up to the standard required by the Convention; the fact that local shipping is confined to small fishing and coastal craft, and mainly family owned and operated; and that the resources of the smaller territories are so limited that it would be impossible to set up the administrative machinery for the satisfactory application of the Convention.

Should the position change, the possibility of applying the Convention more fully will be examined.

* * *

The following report supplies information on the practical effect given to the Convention:

Netherlands (Netherlands Antilles).

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Basutoland, Bechuanaland, Guernsey, Jersey, Isle of Man, Northern Rhodesia, Nyasaland, Southern Rhodesia, Swaziland, Uganda).

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

Belgium. Ratification: 5 December 1951.
Not applicable: Ruanda-Urundi: 5 December 1951.

France. Ratification: 9 December 1948.
Applicable without modification:
Overseas Departments: French Guiana, Gua-

deloupe, 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.

The following report supplies information on the practical effect given to the Convention:

Netherlands (Netherlands Antilles).

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea).

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

Belgium. Ratification: 5 December 1951.
Not applicable: 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.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

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, Antigua¹, Bahamas, Barbados¹, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica¹, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada¹, Hong Kong, Jamaica¹, Kenya, Malta, Mauritius, Montserrat¹, North Borneo, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago¹, Zanzibar: 8 March 1961.

United States. Ratification: 9 April 1953.
Applicable without modification: Guam, Puerto Rico, Virgin Islands: 7 June 1961.

Decision reserved: American Samoa, Panama Canal Zone, Trust Territory of Pacific Islands: 7 June 1961.

¹ Federation of the West Indies.

UNITED KINGDOM

Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, North Borneo, St. Helena, St. Kitts, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago, Zanzibar.

See under Convention No. 69.

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The following reports reproduce the information previously supplied:

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *United Kingdom* (Basutoland, Bechuanaland, Guernsey, Jersey, Isle of Man, Northern Rhodesia, Nyasaland, Southern Rhodesia, Swaziland, Uganda), *United States* (American Samoa, Guam, Panama Canal Zone, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands).

complains that he is not receiving the appropriate minimum wage, the complaint may have to be divulged to the employer in order to rectify the matter.

Article 16. All employers are visited regularly. Where legal provisions have to be enforced, the inspection is made at least once a year. In addition, special inspections are made as and when required.

Article 17. Penalties exist in all the ordinances to which this Convention applies, and it is at the discretion of officers of the Inspectorate to institute legal proceedings or to tender advice or give warning for remedial action to be taken.

Article 18. Penal sanctions for obstructing the labour inspectors in carrying out their duties exist under all the ordinances.

Article 19. Inspectors submit monthly reports on their activities to the Labour Commissioner.

Article 20. The Labour Department and the Mines Department publish separate annual reports, usually within nine months of the close of the calendar year, and often well within that period.

Article 21. The specific information required under paragraphs (a), (b), (e) and (f) is published in the annual reports of the Labour Department and the Mines Department. Information required under paragraph (g) can be found in the annual reports of the Director of the Pneumoconiosis Medical Bureau and of the Workmen's Compensation Commissioner.

Article 27. Provision exists under sections 9 A and 9 B of the Minimum Wages, Wages Councils and Conditions of Employment Ordinance for agreements or arbitration awards to be given the force of law. These are enforceable by industrial officers under the ordinance.

St. Vincent.

The following additional information is given in reply to a request by the Committee of Experts.

Article 2 of the Convention. The legislation in connection with labour inspection also covers transport undertakings.

Article 3, paragraph 1 (b). The Labour Inspectorate performs the functions specified.

Article 5. The Labour Inspectorate periodically examines the wages registers of other government departments. Employers occasionally ask that their books be inspected to ensure that their records are kept in order, especially in connection with paid holidays. Trade unions report regularly to the Department of Labour in connection with disputes over wages and conditions of employment.

Article 6. A factory inspector is a pensionable officer, and as such he can be transferred and dismissed like any other civil servant.

Article 15, paragraph (a). Provisions covering the application of this paragraph exist in the Colonial Regulations and the General Orders.

Paragraph (c). This provision exists in practice but is not stipulated in legislation. Legislation will take care of this when next the ordinance is corrected.

Article 21. Information will be included in the next annual report of the Department of Labour.

Sarawak.

Article 7, paragraph 3, of the Convention. In reply to the request of the Committee of Experts, the Government states that three full-time labour inspectors have been appointed and after preliminary training by the Commissioner of Labour will be posted to selected divisional headquarters. Arrangements are now in hand for training overseas.

Article 4. All the Inspectorate, namely labour officers, inspectors of mines, inspectors of machinery, inspectors of factories and inspectors of apprentices are at present within the Ministry of Labour and Mines. Inspectors of mines are responsible to the Government Mining Engineer, and the other officers to the Labour Commissioner.

Article 5. The Ministry of Labour and Mines promotes effective co-operation between the Inspectorate and other government services and collaboration between officials of the inspectorate and employers' and workers' organisations.

Article 6. The inspection staff are all officers of the Government who are subject to the normal conditions of employment and who are independent of changes of government and improper external influences.

Article 7, paragraphs 1 and 2. Officers are recruited to the inspectorate in the same way as all Government servants. Due regard is paid to their qualifications for appointment, which are verified beforehand.

Paragraph 3. Inspectors of mines, machinery, factories and apprentices must be technically qualified before appointment. Labour officers are required to be well educated and are trained on the job with labour officers of experience. Advantage is taken of courses of instruction and training run by the United Kingdom Government.

Article 8. Men and women are eligible for appointment, but no women have been appointed as yet to the Inspectorate, as few women in the territory are at present employed in industrial workplaces.

Article 9. Inspectors of mines, machinery, factories and apprentices are technically qualified in their appropriate fields. When expert technical advice is required by officers of the Inspectorate on matters concerning which they are not qualified to give an opinion, advice is sought from the appropriate government department.

Articles 10 and 11. Officers of the Labour Department are stationed at all the main towns in the territory, and there is also adequate supervisory staff. Visits are made regularly, in most cases once a year. Inspectors are provided with suitably equipped local offices and, where no local transport is available, with government transport facilities.

Article 12. The powers of labour inspectors differ under each ordinance quoted above. The powers under each ordinance are detailed in the Government's report.

Article 13. The provisions of this Article are limited to the work of the Mines and Factories Inspectorate. The Mining Regulations of 1903 and No. 7 of the Factories (Safety) Regulations provide the necessary powers.

Article 14. Regulations under the Mining Ordinance provide for the reporting to an inspector of mines of industrial accidents resulting in death or serious injury (i.e. injury resulting in incapacity of 14 days or more). Regulations under the Factories Ordinance similarly provide for the reporting of accidents to an inspector.

No provision exists at present under the Mining or Factories Ordinances for the reporting of occupational diseases to the Inspectorate, although under the Pneumoconiosis Ordinance all miners have to be periodically examined for certain chest diseases which are of an occupational nature. There is administrative liaison between the Mines Inspectorate and the Pneumoconiosis Medical Bureau, and between the Factories Inspectorate and the Workmen's Compensation Commissioner. The new Factories Bill provides for the reporting of prescribed industrial diseases to the Inspectorate.

Article 15, paragraphs (a) and (b). The provisions required by these paragraphs are covered by Government General Orders.

Paragraph (c). All complaints to factories and mining inspectors are, by administrative instruction, treated as confidential. This, however, is not possible in all circumstances concerning wages inspection; in particular, where an individual

Article 12. In reply to the request of the Committee of Experts the Government states that it proposes to include in a new employment ordinance now in draft appropriate provisions to empower inspectors to take samples of materials and substances.

Article 14. The annual report of the Labour Department for 1960 contains particulars of workplaces, other than factories, which are liable to inspection. The Workmen's Compensation (Amendment) Bill, 1961, provides for compulsory notification of cases of occupational disease.

Article 15. In reply to the request of the Committee of Experts the Government cites paragraph 12 of Labour Department Circular Instruction No. 8/61, which exactly corresponds to the terms of this Article.

Article 21. In reply to the request of the Committee of Experts the Government states that statistics under paragraphs (a) to (f) are published in the annual report of the Labour Department. There were no reported cases of occupational disease in 1960.

Articles 22 to 24. These Articles are now fully applied. The provisions quoted in the Government's report apply equally to labour inspection in commercial workplaces.

North Borneo.

The possibility of amending the relevant legislation to make provision for the source of any complaint to be treated as confidential is still under consideration. For the present, as has been reported previously, the matter is covered by departmental administrative instructions.

The statistical information required under Article 21 (d), (e) and (g) has been included in the annual reports of the Department of Labour and Welfare for 1959 and 1960.

Northern Rhodesia.

Employment of Natives Ordinance (Cap. 171).

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).

Employment of Women, Young Persons and Children Ordinance (Cap. 191).

Mining Ordinance (Cap. 91).

Factories Ordinance (Cap. 193).

Apprenticeship Ordinance (Cap. 187).

A declaration of "decision reserved" has recently been forwarded. Amending legislation is under consideration that may lead to a more favourable declaration.

Article 1 of the Convention. A system of labour inspection is maintained in industrial workplaces under the ordinances enumerated above.

Article 2, paragraph 1. Legal provisions relating to conditions of work and the protection of workers are contained in the above-mentioned ordinances.

Paragraph 2. This paragraph does not apply to transport undertakings, which are not factories.

Article 3, paragraph 1. National practice is on the lines of the provisions of this paragraph.

Paragraph 2. Labour officers carry out conciliation duties in addition to inspection work. This, however, does not interfere with their inspection duties, nor does it prejudice their authority or impartiality.

District officers and European police officers are part-time inspectors of industrial workplaces under the Employment of Natives Ordinance and the Employment of Women, Young Persons and Children Ordinance. They exercise these powers only when it is necessary to assist the labour officers.

Guernsey.

The Safety of Employees (Woodworking Machinery) Ordinance, 1959.

Hong Kong.

Factories and Industrial Undertakings (Amendment) Ordinance, 1961.

Article 7 of the Convention. After a labour inspector is appointed, his training combines courses throughout an academic year at the Hong Kong Technical College with instruction at the departmental training centre. In the second year he is attached, for training, to an experienced inspector. Eleven inspectors have attended training courses in the United Kingdom.

Article 10. In 1961 the establishment of the labour inspectorate was as follows: one Labour Officer (Industrial Undertakings), two Chief Labour Inspectors, six Senior Labour Inspectors, 51 Labour Inspectors, and one Industrial Training and Safety Officer. Eight of the members of the inspectorate were women.

Article 14. In reply to a request by the Committee of Experts the Government reports that the Workmen's Compensation Ordinance, 1953, is now being examined with a view to its amendment: it is proposed to include certain occupational diseases within the definition of "accidents arising out of and in the course of employment". It is considered inappropriate to request compulsory notification of occupational diseases until such time as these diseases are covered by compensation legislation.

Article 15. In reply to a request made by the Committee of Experts the Government reports that legislation to amend the Factories and Industrial Undertakings Ordinance, 1955, has been adopted to prohibit public officers from disclosing the source of any complaint.

Kenya.

The Industrial Training Ordinance, 1959.

With regard to the above-mentioned ordinance it is confirmed that inspection officers have all the powers required by Article 12 of the Convention. These are conferred by section 24 (1) of the ordinance.

With regard to the Committee of Experts' request concerning paragraph (d) of Article 21, more comprehensive statistics of inspections have been included in the Labour Department's 1959 and 1960 annual reports.

Malta.

The Factories (Powers of Inspectors) Regulations, 1960.

In reply to the requests made by the Committee of Experts in 1960 the Government supplies the following information.

Except for the Technical Officer, who is mainly concerned with safety of machinery in workshops, all other labour officers inspect factories, shops, worksites and all other places where workers are employed to enforce labour legislation, including the Employment of Children (Regulation) Ordinance, the Industrial Training Act and the Building Safety Regulations.

As the examination of steam boilers is of a highly technical nature, the Factories (Steam Boilers) Regulations provide for the appointment of competent persons for this purpose.

Mauritius.

Article 9 of the Convention. It has not yet proved possible to recruit a fully qualified factory inspector on the terms offered.

within such reasonable time as he may determine such steps as he considers necessary in accordance with this Article.

Article 15. Section 15, section 14(1) (a) and section 14(1) (b) closely correspond to paragraphs (a), (b) and (c).

Articles 22 and 23. Labour inspectors now carry out inspections of agricultural and commercial workplaces as defined by section 2 of the ordinance.

Article 24. The system of inspection in commercial workplaces conforms with the requirements of Articles 3 to 21.

Brunei.

Amending legislation requiring notification of cases of occupational disease (Article 14 of the Convention) is being drafted and will be forwarded for enactment as soon as possible.

The annual report on the work of labour inspection is being prepared and will be forwarded on completion.

Fiji.

A factories inspector was appointed and took up duty in June 1961. Further consideration will be given to the application of the Convention when experience has been gained in the application of the Factories Ordinance.

Gambia.

In pursuance of the government decision to expand the scale of its labour services, one labour officer and one labour inspector were appointed in 1960. The labour inspector was sent to Sierra Leone on attachment to the Labour Department for five months to undergo practical training in various aspects of labour administration, including labour inspection. With the creation of an independent Department of Labour and the appointment of a Commissioner of Labour, it is hoped that labour inspection on a limited scale can be undertaken by the officers now being trained, as soon as this becomes practicable.

Gibraltar.

The Government intends to accept Part II of the Convention as soon as sufficient staff can be recruited and trained.

Grenada.

In reply to the requests by the Committee of Experts the Government provides the following information.

The Factories Ordinance, 1958, will probably come into force in 1962.

Dismissal of a labour inspector, who is a civil servant, is subject to the procedure laid down in the Colonial Regulations, sections 63 to 76.

Candidates for the office of inspector must possess the minimum qualifications required for entry into the civil service; their practical experience is also taken into consideration. A recruiting committee assesses their personal qualifications.

Article 15 (c) of the Convention is put into effect by legislative provisions which make it a misdemeanour to divulge confidential information which an official receives in the course of his duties (Official Secrets Acts of 1911 and 1920).

Amending legislation at present in preparation is intended to bring inspection of shops, at present the responsibility of the police, under the normal scope of labour inspectors.

Article 15, paragraph (c). Section 21 of the Factories Ordinance, No. 12, 1957, provides that any person who, in pursuance of powers conferred by the ordinance, discloses, without the permission of the occupier, any information obtained by him in a factory or place with regard to any manufacturing process or trade secret, shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable on summary conviction to a fine not exceeding \$200 or imprisonment for a term not exceeding six months.

Administrative measures will be taken to ensure secrecy in other spheres of activity.

Article 21, paragraphs (c) and (d). The staff situation is being remedied to permit a more vigorous programme of inspections, and future reports will include statistics of workplaces liable to inspection and the number of workers employed therein (this is estimated at 50 establishments) and statistics of inspection visits.

Bahamas.

A system of labour inspection is maintained under the authority of the Labour Board by a safety, health and welfare officer who renders reports to the Labour Board each month.

British Guiana.

Labour (Amendment) Ordinance, 1960.

In reply to the request made by the Committee of Experts in 1960, the Government supplies the following additional information.

Article 3 of the Convention. The labour inspectorate performs the functions specified in paragraph 1 (b) and (c) of this Article.

Article 6. Persons appointed as inspectors are placed on the fixed establishment of the colony and are independent of changes in government. Their conditions of service, including conditions or circumstances in which appointments may be revoked, are governed by the General Orders (British Guiana) and the Colonial Regulations.

Article 15. Paragraph (b) of this Article is now implemented through section 6 of the Labour (Amendment) Ordinance, 1960, as amended in July 1961 by Amendment 7 of the Miscellaneous Enactments (Amendment) Ordinance, 1961.

Article 16. The inspection staff has been strengthened by the addition of three officers. In addition to full general inspections once every five years, *ad hoc* inspections are frequently made following the receipt and investigation of complaints.

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras, 1959*, pp. 119-179).

Article 3 of the Convention. Section 9 of the above-mentioned ordinance lays down the duties of labour inspectors in terms closely corresponding to the requirements of this Article.

Article 12. Section 10 of the ordinance provides that any labour officer may (a) enter freely and without previous notice at any hour of the day or night any place wherein he may have reasonable cause to believe that persons enjoying the protection of any law relating to employment are employed or accommodated, and inspect such place; and (b) carry out the examinations, tests or inquiries provided for under paragraph (c) (i), (ii), (iii) and (iv) of this Article of the Convention.

Article 13. Section 146 (1), (2) and (3) of the ordinance provides that the Commissioner or Health Officer may (subject to appeal to the Governor in Council) take

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.

Spain. Ratification: 30 May 1960.

No declaration.

United Kingdom. Ratification: 28 June 1949.¹

Applicable *ipso jure* without modification²: Guernsey, Jersey, Isle of Man: 28 June 1949.

Applicable without modification: Antigua³, Barbados³, Brunei, Gibraltar, Grenada³, Jamaica³, Kenya, Malta, Mauritius⁴, North Borneo, St. Vincent³, Sarawak, Singapore, Uganda: 22 March 1958.

British Guiana: 15 April 1958.

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, Montserrat³, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, Seychelles, Solomon Islands, Swaziland, Zanzibar: 22 March 1958.

Dominica³, Trinidad and Tobago³: 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.

FRANCE

Comoro Islands.

A native labour controller has been provisionally appointed in Great Comoro (Moroni) as from 1 January 1961. In 1962 this post will be made permanent under an order which will allocate the necessary credits to carry out the inspection.

NETHERLANDS

Netherlands Antilles.

In reply to a request by the Committee of Experts concerning Article 15 (a) the Government quotes the provisions of the Civil Service Regulations under which it is possible to prohibit civil servants from taking part or having any interest in any establishment with which their official duties might bring them into contact.

The inspection report for 1959 and 1960 is appended to the Government's report.

UNITED KINGDOM

Antigua.

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

Article 12 of the Convention. The Labour Inspector may inquire into any complaint regarding the application of the legislation, without the consent of the parties.

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, Antigua², Bahamas, Barbados², Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica²,

Kenya, Malta, Mauritius, Montserrat², North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago², Uganda, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

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

² Federation of the West Indies.

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The following report supplies information on the practical effect given to the Convention:

France (Comoro Islands).

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

France (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, Gua-

deloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

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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:

France (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon).

Article 14. In reply to the request of the Committee of Experts the Government states that notification of occupational diseases is required by section 5 of the Workmen's Compensation Ordinance, which applies all other provisions of the ordinance to occupational diseases causing death or disablement. No new legislation is therefore necessary.

Singapore.

The Factories Ordinance, No. 41, 1958.

Article 2 of the Convention. Under the above ordinance, by virtue of an amendment to section 6 thereof, "no premises shall be deemed to be a factory in which less than ten persons are employed and in which—(a) no mechanical power, steam boiler, steam container, steam receiver, refrigerating plant, pressure receiver or gas plant is used; or (b) no highly inflammable or noxious substance is manipulated, used or created".

Article 9. The Factories Inspectorate, which is a section of the Labour Department, has qualified engineering and mechanical experts.

Article 12. Under sections 73 and 74 of the ordinance inspectors are entrusted with all the powers stipulated in this Article.

Article 13, paragraph 1. Factory inspectors appointed under the Factories Ordinance are empowered to remedy defects observed in plant, layout or working methods which they may have reasonable cause to believe constitute a threat to the health or safety of the workers. Should labour inspectors appointed under the Labour Ordinance have reason to believe in the course of their inspections that defects which may be a threat to the health or safety of the workers exist, they are to bring them to the attention of the Chief Inspector of Factories, who will then take whatever action he considers appropriate.

Paragraph 2. Factory inspectors are empowered to take the steps stipulated in subparagraphs (a) and (b).

Article 18. The provisions of this Article are covered by sections 145 and 146 of the Labour Ordinance and sections 74 (3) and 74 (4) and Part XI of the Factories Ordinance.

Article 21. In reply to a request by the Committee of Experts, the report mentions that as there have been no incidences of occupational diseases, statistics are not available. It is regretted, however, that information required under paragraph (c), "Statistics of workplaces liable to inspection and the number of workers employed therein", have not been included in the annual reports for 1959 and 1960. According to records kept by the Department, the total number of workplaces employing workmen, shop assistants, clerks and industrial clerks is 19,700.

Solomon Islands.

The Labour Ordinance, No. 3, 1960.

The Workmen's Compensation (Accident Return) Rules, 1959.

Article 1 of the Convention. Provision is made for inspection in Part II of the Labour Ordinance.

Article 2, paragraph 1. Sections 5 (1) and 5 (2) of the above-mentioned ordinance apply.

Paragraph 2. There are no exceptions.

Article 3, paragraph 1 (a). Section 4 (1) applies.

Paragraph 1 (b) and (c). In practice the Commissioner of Labour and other officers of the Department carry out these provisions.

Paragraph 2. The Commissioner is also required to ensure good industrial relations, set up employment exchanges and encourage apprenticeship.

Article 5. The inspection services co-operate with other government services and public or private institutions.

Article 6. The Commissioner of Labour and the health and other officers appointed under section 4 (1) of the ordinance are permanent and have the same status as pensionable government officers. Contract officers appointed under section 4 (1) are also assured of stability of employment.

Article 7. The Commissioner of Labour has had experience in other territories and has taken courses of instruction in the United Kingdom. Future officers will receive initial training in the Department and may then likewise be trained in the United Kingdom.

Article 8. There is no need for women inspectors, but women are eligible for such posts.

Article 9. The Health Officer is the only qualified technical expert; but expert technical advice is available.

Articles 10 and 11. The inspection staff comprises the Commissioner of Labour and the Health Officer, and district commissioners and district officers appointed as Deputy and Assistant Commissioners of Labour.

Article 12. The provisions of paragraph 1 (a) and (b) are applied by section 5 (1) of the ordinance; those of paragraph 1 (c) (i), (ii), (iii) and (iv) are applied by section 5 (1) and (3), section 6 (1) and (2), section 12, and section 6 (3) respectively.

No provision is necessary in respect of paragraph 2.

Article 13. Section 5 (4) applies.

Article 14. The Workmen's Compensation (Accident Return) Rules require all accidents causing death or incapacity for at least four days to be notified to the Commissioner of Labour.

Article 15, paragraph (a). Colonial Regulation No. 45 may be said to apply. Paragraphs (b) and (c). No provisions have been enacted.

Article 16. Inspections are made as often as possible.

Article 17, paragraph 1. Section 114 of the Labour Ordinance is applicable.

Paragraph 2. The Department gives warning and advice at least once before instituting proceedings.

Article 18. Sections 8, 25, 28, 53, 73, 75, 81, 89, 111 and 117 (2) are in accordance with this Article.

Articles 20 and 21. The Department has produced its first report for 1960. Statistics required under paragraphs (a), (b) and (f) have been included and a start made with those required under paragraphs (c) and (d). No penalties have been imposed, and there have been no occupational diseases.

Articles 22 and 23. No distinction is made between industrial and commercial workplaces.

Article 27. No arbitration awards or collective agreements have been made.

Southern Rhodesia.

In reply to the request made by the Committee of Experts in 1960 the Government supplies the following additional information.

Article 2 of the Convention. Provisions applicable to persons employed by the Government are enforceable by inspectors of the Public Services Board.

In the dairy, margarine and pig products industries health provisions are covered by the inspectors of the Federal Ministry of Health, safety provisions by the Factories Inspectorate of the Department of Labour, and other labour protection provisions by the Industrial Inspectorate of the Department of Labour. The provisions of the Explosives Act are covered by the inspectors of explosives appointed under its terms.

Only road transport undertakings are subject to labour inspection.

In mining undertakings the conditions of service are enforceable by labour inspectors, but matters of health and safety are covered by the Mines and Minerals Act and are enforced by mining inspectors.

Article 3. Inspectors have administrative instructions not to apply sections 27 (b) and (d) of the Labour Regulations Act (discipline and minor contraventions and arrest); these sections will be repealed in the draft General Employment Bill.

Article 4. All labour inspectors are under the supervision and control of the Secretary for Labour.

Article 6. All inspectors have the status and conditions of service of public servants.

Article 7. Inspectors are adequately trained. There are no longer any labour inspectors who deal with the conditions of one race only.

Article 14. Industrial accidents and occupational diseases must be reported by employers to the Workmen's Compensation Commissioner, who informs the labour inspectorate.

Swaziland.

See under Convention No. 85.

Uganda.

In reply to a request by the Committee of Experts the following information is supplied.

Articles 12 and 15 of the Convention. Amendments to the Factories Ordinance which will give effect to the provisions of Article 12, paragraph 1 (c) (i), and Article 15 (c) have been included in draft legislation which is being considered. Similar amendments to the Employment Ordinance will shortly be considered by the Labour Advisory Board.

Article 14. Amending legislation conferring rule-making powers to provide for the reporting of accidents in factories and at construction sites has been included in the draft legislation mentioned in the preceding paragraph.

Article 21. The request of the Committee of Experts with respect to the inclusion of information relating to the number of workers employed in workplaces liable to inspection has been noted, and information will be provided in future annual reports. Such statistics will be available, however, only in regard to registered factories.

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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 Virgin Islands, Hong Kong, Jersey, Malta).

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

Denmark (Faroe Islands, Greenland), *France* (French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Aden, Basutoland, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Isle of Man, Nyasaland, St. Helena, St. Lucia, Seychelles, Trinidad and Tobago, Zanzibar).

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

Belgium. Ratification: 27 January 1955.
Applicable with modification: Ruanda-Urundi: 27 January 1955.

France. Ratification: 26 July 1954.
Applicable with modification:
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.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua¹, Bahamas, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica¹, Gambia, Gibraltar, Grenada¹, Jamaica¹, Malta, Mauritius, Montserrat¹, Northern Rhodesia, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Southern Rhodesia: 27 March 1950.

Applicable with modification:
Barbados¹, Basutoland, Bechuanaland, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Kenya, North Borneo, Nyasaland, Seychelles, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago¹, Uganda, Zanzibar: 27 March 1950.

Sarawak: 23 February 1959.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Federation of the West Indies.

BELGIUM

Ruanda-Urundi.

Article 3 of the Convention. The First Ten-Year Plan, elaborated in 1949-50 and carried out between 1952 and 1961, aimed at the economic and social development of the population by means of appropriate investment. A second plan will be devoted to increasing productivity and to the economic and social development of rural communities, mainly by increasing agricultural production by 6 per cent. per annum.

Article 5. Workers' representatives take an active part in promoting social progress, particularly in the field of wage policy. They have seats on works councils and attend meetings periodically organised by the work and social progress committees, and thus permanent contact between the administration, the employers and the workers is ensured. The committees are concerned with the protection and the material, cultural and social welfare of workers; they promote the evolution of the working class and the necessary co-operation between employers and workers, submit suggestions and recommendations to the authorities, advise employers and inform workers of measures which interest them.

Article 7, paragraph 2 (a). Of the natives who leave the territory to find their livelihood elsewhere, the Administration requires that at least 60 per cent. should be married, in order to alleviate demographic pressure in densely populated areas.

Paragraph 2 (c). Unemployment is a problem in Usumbura. In 1959 the Government constituted a fund with the purpose of re-employing native workers in the building industry and thus provided work for several hundred. Sums granted by the Loan Fund and the Royal Fund towards the improvement of living conditions of natives, and by the Welfare Fund towards the material and spiritual development of traditional rural communities, have greatly contributed to the stability of the rural population.

Paragraph 2 (*d*). Agricultural development is made difficult by over-population and over-stocking. The following measures have been taken to solve this problem: efforts against erosion, reclamation of swamps, irrigation, introduction of selected seeds, measures against epiphytic diseases and insects, and the use of fertilisers; the creation of zones for intensified cultivation of food crops, for industrialisation or for the growth of exportable crops; preparation for the repopulation of uninhabited or sparsely populated regions; and measures to encourage departure of the population from over-populated areas unfit for cultivation of exportable crops or for industrialisation.

Article 8, paragraph (*a*). Outside a period of three to four months during which farmers receive their returns, there is only a subsistence economy. To stimulate saving the activities of the Savings Bank have been extended throughout the territory.

Paragraph (*b*). Except in densely populated areas, town workers and farm workers engaged by contract with land-owners continue to cultivate the land which they hold by customary right. Their wives and families reside there permanently; the women do the agricultural work, and the husbands' wages are considered as supplementary income. It will not be possible to change the present situation of rural workers until they constitute a working class receiving wages sufficient for subsistence.

Paragraph (*c*). Since the creation of peasant areas, the system of land grants by chiefs and sub-chiefs as regards the tenure of lands situated in those areas has been modified. Peasants retain their rights of occupation by agreeing to submit to certain conditions, particularly the taking of steps against erosion and allowing the land to lie fallow, and by agreeing not to assign their land without previous authorisation and on certain conditions. The Decree of 11 July 1960 lays down the conditions in which the Government will recognise full right of ownership of indigenous persons over the land which they hold by effective occupation.

As regards the control of natural resources, water supply is regulated by the Decree of 6 May 1952; hunting by the Decree of 21 April 1937; forest protection by Ordinances No. 83bis/Agri. of 12 December 1933, No. 52/36 of 7 April 1951 and No. 52/114 of 25 October 1951; and lumbering by the Decree of 18 December 1930.

Paragraph (*e*). Out of 18 co-operatives, 11 are concerned with the coffee trade.

Article 9. It is aimed to set up new vocational training schools to produce craftsmen and wage earners with adequate basic training. Such persons may receive loans on favourable terms from the Royal Fund for the building or renting of durable habitation. Other loans have been made by the Provisional Credit Fund for Indigenous Persons and by the Natives' Agricultural Credit Fund.

A minimum salary is fixed and readjusted periodically. Further, there is a Pensions Fund.

An annual inquiry into the cost of living is carried out throughout the territory. The worker's basic needs are evaluated; to the cost of these items is added, firstly, a sum to allow for savings, amounting to 5 per cent. of the total, and, secondly, the amount of taxes and contributions to the Pensions Fund. The findings are finally passed to the Resident General, who fixes the minimum legal salary. Rations are calculated on the basis of a table of the food products which represent a complete diet. In addition to wages and rations, the employer must supply workers and their families with suitable accommodation.

Article 10. All these measures have been taken.

Article 11. Labour is locally recruited. Workers who are employed in a neighbouring country can easily transfer part of their wages and savings.

Article 12, paragraph 1. The Administration has never had to resort to labour from a territory under a different administration, but certain specialist workers from the Congo voluntarily offer their services in Ruanda-Urundi.

Paragraph 2. Identical protection has always been granted to Congolese workers in Ruanda-Urundi.

Article 13. The cost of living in the neighbouring territories of Tanganyika and Uganda is lower than in Ruanda-Urundi. Recruitment permits are granted to employers outside Ruanda-Urundi only if their employees enjoy the same rights that they would in Ruanda-Urundi.

Article 14. See under Article 9. Practically all European employers observe the minimum wage provisions.

Article 15. Workers are informed of their wage rights in a number of ways.

Article 17. Rates of interest on deposits with the Savings Bank by private persons are 2 or 3 per cent. according to the sum deposited. Interest on loans has, however, been offered at the rate of 6½ per cent. or 7½ per cent. under certain conditions.

The Agricultural and Industrial Loan Society grants long- and medium-term loans to agricultural, mining, handicrafts, commercial and professional undertakings. Further, a special fund has been set up to grant loans to natives on more favourable terms. The Loan Fund makes loans to natives to build, buy or improve habitation of durable or semi-durable material, and Ordinances No. 221/2 and No. 221/3 of 2 January 1959 have made it possible for natives to obtain loans on more favourable terms and have increased the amount of the loan which may be permitted.

The Savings Bank is available for small savers, and the Royal Fund grants credit for the building of habitations for as many indigenous persons as possible.

Maximum rates of interest have been reduced since August 1959 from 25 per cent. to 6 per cent. per annum.

Article 18, paragraph 1 (a). The following provisions apply to all persons resident in the territory: Decree of 25 January 1957 respecting the right of association; Decree of 25 January 1957 respecting the right of association of employees of the Administration; Decree of 23 July 1958 respecting apprenticeship; Decree of 14 March 1957 respecting working hours, Sunday rest and holidays; Decree of 8 January 1952 setting up the labour inspectorate; Decree of 8 January 1952 and Ordinance No. 222/67 of 20 March 1958 respecting occupational safety and health. A general revision of texts now in force will in future eliminate all discrimination.

Paragraph 1 (b). The Royal Decree of 13 January 1959 applies equally to all employees of the Administration.

Paragraph 1 (d). There are two vocational training schools, one at Usumbura and one at Kigali; there are also handicrafts schools, which numbered ten in 1959.

Paragraph 1 (e). Women can be engaged on the same terms of contract as men, except that the work of women by night in industry is regulated by the Decree of 14 March 1957.

Paragraph 1 (f). Violation of obligations imposed by the Royal Decree of 19 July 1954, by agreement or by custom, is no longer punishable by the highest degree of penal servitude (Ordinance No. 22/241 of 29 June 1955), but it is still punishable by fine.

Paragraph 1 (h). No collective agreement exists. The report of the mission of I.L.O. experts requested by the Belgian Government to determine the criteria for a periodic fixing of minimum legal wages and to propose means of classifying workers in different branches of economic activity has not yet been received by the Government.

Paragraph 1 (i). There is in practice no difference between the wages of Africans and non-Africans of equivalent qualifications and professional integrity.

Article 19, paragraph 1. The whole territory is supplied with primary schools for boys and girls. There are also handicrafts, vocational training and domestic science schools, an agricultural college and a university with faculties of science and

arts, all of which are subject to government inspection. Further, students are sent to Belgium annually for training in teaching.

Paragraphs 2 and 3. There is no school-leaving age, education not being compulsory.

Article 20, paragraphs 1 and 2. A study committee meets annually to consider new production techniques.

FRANCE

Comoro Islands.

Decree No. 57-124/EG of 16 September 1957.

Articles 14 to 17 of the Convention. The Decrees of August 1960 made under section 78 of the Labour Code lay down the conditions of work and wages of dockers, minimum wages of technicians, engineers, office workers, accountants, domestic servants and other workers.

Articles 19 and 20. There no longer exists an establishment for technical training in the Comoro Islands; students now go to the Malagasy Republic.

In reply to the request of the Committee of Experts the Government states the following.

Article 19, paragraph 2. Section 6 of Decree No. 57-124/EG of 16 September 1957 provides that no pupil may remain at primary school after the age of 15. This age therefore marks the limit of primary education.

French Polynesia.

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

Article 19, paragraph 2, *of the Convention.* Decree No. 88/IT of 1 February 1943 fixes the school-leaving age at 14 years.

French Somaliland.

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

Article 19, paragraph 2, *of the Convention.* Section 17 of Decree No. 1302 of 14 September 1956 provides that public elementary primary school education is available to children between the ages of six and 12, and exceptionally up to the age of 15 years. Thus the age of 15 marks the limit of normal school education for all children who do not proceed to higher studies.

New Caledonia.

In reply to the direct request by the Committee of Experts, the Government states the following.

Article 19, paragraph 2, *of the Convention.* Decree No. 779 of 21 July 1914, as amended by Decree No. 340 of 7 April 1916, provides that only those children must attend school who are between the ages of seven and 13 and who live within three kilometres of the public school by an ordinarily practicable route. In practice, however, the school-leaving age has been extended to 14 years, and a Bill fixing the school-leaving age at 16 years for all children born after 1 January 1953 is to be put before the Territorial Assembly, to take effect from 1 March 1962.

St. Pierre and Miquelon.

Article 19, paragraph 1, of the Convention. A technical school was set up under Decree No. 406 of 15 July 1960.

UNITED KINGDOM

Aden.

Article 19, paragraphs 2 and 3, of the Convention. The Government provides a seven-year course to nearly all Aden-born children of 7 to 8 years of age, so that in practice the school-leaving age is 14 to 15 plus. Children below this age have not been employed during school hours. No measures to fix a school-leaving age are being considered.

Antigua.

Article 4 of the Convention. In February 1960 a government commission was appointed to inquire into the economics of the sugar industry. Agreements were concluded between the Employers' Federation and the Antigua Trades and Labour Union concerning wages and conditions of work in the industry.

Loans for building and repairing houses were granted by the Central Housing and Planning Authority, and the committee administering the Sugar Industry Labour Welfare Fund built houses which were sold to workers and granted loans.

Article 5. There are now ten elected members of the Legislative Council instead of eight.

Article 14. Wages and conditions of employment of workers in principal industries have been discussed at conferences between the Trades and Labour Union and the Employers' Federation.

Article 16. In reply to the request of the Committee of Experts the Government states that no legislation has been passed because the matter has not proved to be a problem so far.

Basutoland.

Article 3 of the Convention. Further sums allotted under the Colonial Development and Welfare Act, 1959, have permitted continuation of existing schemes and financing of new ones.

Article 7. The Economic Survey Mission appointed by the Commonwealth Relations Office has recommended expenditure of £4 million from 1960 to 1965, and grants and loans totalling £1,500,000 have been or will be received under the Colonial Development and Welfare Act. The International Development Association and the Colonial Development Corporation have been approached for further loans.

Article 18. The decision of a Basutoland court in 1958 that desertion from employment in the Union (now the Republic) of South Africa is not a continuing offence in Basutoland has rendered ineffective section 40 (1) (a) of Chapter 57 of the Laws. No prosecutions have since been made. A draft amendment to abolish this penal sanction is being prepared.

Article 19. The number of boys attending school in 1960 increased slightly. Some missions hold classes out of normal school hours for head-boys.

Bechuanaland.

In reply to the direct request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 7 of the Convention. Employment opportunities have changed little since the last report. Between 18,000 and 20,000 Africans leave annually to work in the

Witwatersrand mines, and 10,000 are otherwise employed in the Republic of South Africa. The cattle industry will continue to absorb local labour.

Article 18. Measures abolishing penal sanctions for breaches of contract in respect of indigenous workers are being considered.

Article 19. The Government is not considering legislation to prescribe the minimum age for employment in non-industrial occupations under oral contracts.

Bermuda.

Article 9 of the Convention. There is little unemployment, and wages have kept pace with living costs. A retail price index was established after consulting representative organisations of employers and workers in January 1961.

Article 14. Trade unions have developed since 1955-56, and an employers' association was established in 1960. Statutory regulation of minimum wages is unnecessary.

Article 19. The Government states in reply to the request of the Committee of Experts that the submission of a Bill to the legislature fixing the minimum age of employment at 12 years is contemplated. The Bill will prohibit employment during school hours.

British Guiana.

Wages Councils Ordinance, No. 51, 1956.

Wages Councils Regulations, No. 14, 1957.

Wages Councils (Aerated Water Factories) Order, No. 46, 1958.

Wages Councils (Timber Grant) Order, No. 54, 1958.

Wages Councils (Sawmill Workers) Order, No. 27, 1960.

Timber Grant Wages Regulation Order, No. 25, 1961.

Labour (Amendment) Ordinance, No. 39, 1956.

Labour (Amendment) Ordinance, No. 8, 1960.

Industrial Training Order, No. 60, 1958.

Industrial Training Order, No. 100, 1960.

Minimum Wages (Building Trade Employees) Order, No. 31, 1956.

Minimum Wages (Quarry Workers) Order, No. 65, 1957.

Minimum Wages (Rural Cinema Employees) Order, No. 94, 1959.

Minimum Wages (Shirt and Garment Workers) Order, No. 93, 1960.

Minimum Wages (Watchmen) Order, No. 24, 1961.

Article 16 of the Convention. In reply to the direct request by the Committee of Experts the Government states that no legislation has been passed.

British Virgin Islands.

Article 4 of the Convention. These provisions are applied by the Public Health Ordinance, 1859, and the Building Ordinance, 1955.

Article 8. The provisions of this Article are applied by the Aliens Land Holding Regulation Act, 1927, and by the Agricultural Small Holdings Act, 1938.

No alien can own land without a licence from the Administrator, which is normally granted on condition that he develops the land and preserves the customary rights of the inhabitants. Under the Agricultural Small Holdings Act a year's notice of termination of annual tenancies must be given and compensation paid for disturbance and permanent improvements.

Articles 10 to 13. Written contracts of migrant workers from the British Virgin Islands employed in the sugar industry at St. Croix in the United States Virgin Islands for three months in 1961 require that at least 20 per cent. of their wages after deductions must be remitted. Workers enjoy advantages not less than those of workers resident in St. Croix.

Article 14. There are no trade unions or employers' organisations. Wages for government daily-paid employees are fixed by the Executive Council with the concurrence of the Finance Committee of the Legislative Council. Private enterprise pays higher wages.

Article 15. As far as can be ascertained, record of wages paid is kept, and workers have to sign pay sheets. Wages are paid in legal tender only and are paid directly to the worker. Daily-paid workers receive their wages once a week.

Article 17. The Government operates an agricultural and fishing loan fund.

Article 19. Although there is a school-leaving age and the inhabited areas have been declared compulsory school attendance areas, it is proposed to amend the law by declaring an age up to which children must attend school in a compulsory school attendance area.

Article 20. Eligible persons are sent for training to Puerto Rico.

Brunei.

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

Article 14 of the Convention. Government rates, which set the pattern for other employers, will be re-examined in conjunction with the Brunei United Labour Front, which represents all workers. The resultant minimum rate for government unskilled workers (with appropriate differentials for skilled work) will become the basis for collective agreements with other employers.

Fiji.

Labour (Amendment) Ordinance, No. 30, 1960.

Factories (Amendment) Ordinance, No. 10, 1960.

Essential Services (Arbitration) (Amendment) Ordinance, No. 16, 1961.

Industrial Associations (Amendment) Ordinance, No. 15, 1961.

Article 19, paragraph 1, of the Convention. An Apprenticeship Council was established by the Labour (Amendment) Ordinance, 1960.

Gibraltar.

In reply to the direct request made by the Committee of Experts in 1961 the Government states the following.

Article 15, paragraph 1, of the Convention. Except among the smallest employers, statements of wage payments are in practice given to all workers in industry and commerce. Compulsive legislation would thus result in no significant increase in the already full compliance with this requirement.

Gilbert and Ellice Islands.

Agricultural and Industrial Loans Board Ordinance, No. 4, 1959.

Labour (Amendment) Ordinance, No. 4, 1960.

Co-operative Societies (Amendment) Ordinance, No. 5, 1960.

Article 3 of the Convention. Financial grants have been made from the Colonial Development and Welfare Funds, and technical assistance has been available from the South Pacific Commission.

Article 7, paragraph 2 (b). Under the Town Councils Ordinance, 1958, the Development Board has become a town council with power to pass by-laws regarding public health, housing, etc.

Article 8, paragraph (c). The Neglected Lands Ordinance, 1959, empowers the Government to sell lands long neglected by absentee owners to persons with very limited land holdings, and to purchase compulsorily where necessary.

Article 9. Under the Agricultural and Industrial Loans Board Ordinance, 1959, the Board may provide credit for the development of lands, crafts and industries, and for other purposes approved by the Resident Commissioner.

Article 10. The Labour (Amendment) Ordinance, 1960, lays down the maximum period of service for migrant workers.

Hong Kong.

Immigration (Control and Offences) Ordinance, No. 34, 1958.

Public Health and Urban Services Ordinance, No. 30, 1960.

Factories and Industrial Undertakings (Amendment) Regulations, 1958.

Article 7, paragraph 2 (a), of the Convention. Emigration of labour does not result in any appreciable social disruption.

Paragraph 2 (c). Legislation has extended the application of the Buildings Ordinance, 1955, to include nearly all operations in the New Territories.

Paragraph 2 (d). Light manufacturing industries are growing up on a substantial scale. Town planning layouts have been or are being produced for all the main towns in the New Territories. These layouts are designed to have a minimum adverse effect on agricultural society.

Article 8. Loan funds have led to a rapid increase in the mechanisation of fishing vessels.

Article 12. The entry of technicians to train workers, particularly from Japan, is controlled under the Immigration (Control and Offences) Ordinance, 1958.

Article 14. The conciliation services of the Labour Department were used by workers and management in the settlement of various trade disputes concerning pay increases.

Article 15. The Public Health and Urban Services Ordinance, No. 30, 1960, applies.

Article 19. New forms of aid to private schools include grants to selected pupils, assistance to qualified teachers and a reduction in price of Crown lands auctioned for school purposes. Two new government secondary modern schools provide a training in general vocational skills, and students may continue their education at the Technical College or Evening Institute.

Kenya.

Kenya Land Order in Council (Legal Notice No. 589, 1960).

Land Control Regulations (Legal Notice No. 142, 1961).

Conversion of Leases Regulations, 1960.

Land Registration (Special Areas) Ordinance, No. 27, 1959.

Industrial Training Ordinance, No. 48, 1959.

Agriculture (Amendment) Ordinance, No. 47, 1960.

Article 4 of the Convention. As regards nutrition, workers earning under 200s. per month, unless there is an agreement to the contrary, must be supplied with food and means of cooking by employers under section 42 of the Employment Ordinance.

With respect to the welfare of children, the Prevention of Cruelty to and Neglect of Children Ordinance, 1955, is to be amalgamated with the Juveniles Ordinance, and to this end the Children and Young Persons Bill is at present in draft.

The above-mentioned legislation applies with respect to conditions of employment.

A new Ministry of Labour and Social Security was established in 1959.

Articles 6 to 9. In reply to the request of the Committee of Experts the Government states that repeal of the Resident Labourers Ordinance is still under active consideration.

Article 8. An amendment to the Crown Lands Ordinance requires that future alienations shall be for a period equivalent to that required to carry out the necessary agricultural development.

The Kenya Land Order in Council, 1960, abolished the special status of the Highlands. The Land Control Regulations, 1961, apply to scheduled areas in which dealings in land are controlled by divisional and regional boards. A board may refuse a transaction if it considers the purchaser unlikely to be a good farmer of the holding. Use of the land is controlled by the lease, and the use of agricultural land for non-agricultural purposes is subject to the approval of the Crown. Where lessees of Crown land obtain freehold title, the Conversion of Leases Regulations, 1960, require that the land must be used for agriculture. All applications for grants of Crown land for agricultural purposes are still scrutinised by the Land Board which, after consulting the appropriate divisional board, submits its recommendations to the Government.

The process of consolidation, registration of title and of subsequent transactions is covered by the Land Registration (Special Areas) Ordinance, 1959, which safeguards rights other than that of ownership.

The Land Control (Special Areas) Regulations provide for control over land transactions, including prevention of uneconomic subdivision and speculation.

Article 9. In 1960 the Labour Advisory Board generally agreed to government proposals to provide agricultural wage-fixing machinery.

The number of industrial wages councils has increased to seven.

Article 14, paragraph 1. There are many joint industrial councils. In addition, many agreements between employers or employers' organisations and trade unions provide for free negotiation and collective bargaining, a process promoted by the growth of trade unionism in recent years.

Paragraph 2. See under *Article 9.*

Article 15, paragraph 1, and Article 16. In reply to the request of the Committee of Experts the Government states that pressing commitments have prevented senior staff from completing revision of the Employment Ordinance.

Article 18. See under *Articles 6 to 9.*

Article 19, paragraph 1. The Industrial Training Ordinance, 1959, promotes and regulates industrial apprenticeships and learnerships.

Article 23. The country's finances do not yet permit introduction of compulsory education for all Africans.

A complaint by the staff representatives on the Central Whitley Council of discrimination on grounds of sex in contravention of *Article 18* is being considered by the Government. Copy of the complaint is attached to the report.

Mauritius.

Employment of Women, Young Persons and Children Ordinance (Cap. 211).

Apprenticeship Ordinance, No. 13, 1946.

Savings Bank Ordinance, No. 57, 1950.

Mauritius Agricultural Bank Ordinance, No. 68, 1950.

Moneylenders Ordinance, No. 30, 1959.

Education (Amendment) Ordinances, No. 25, 1958, and No. 2, 1960.

Article 15, paragraph 5, of the Convention. Subsection 3 of section 54 of the Employment and Labour Ordinance prohibits the payment of wages in any shop, store or canteen except in the case of any employee employed therein.

Article 16. This Article will be implemented by a new employment ordinance, now in draft.

Article 17, paragraph 2. The Moneylenders Ordinance, 1959, has brought money-lending under firm control as in the United Kingdom.

Article 19, paragraph 1. Apprenticeship in industry is governed by the Apprenticeship Ordinance, 1946, under which two schemes have been instituted.

Paragraph 2. In reply to the request of the Committee of Experts the Government states that no statutory provision prescribes the school-leaving age. The Employment of Women, Young Persons and Children Ordinance prescribes minimum age and conditions of employment.

Northern Rhodesia.

Alien Natives Registration Ordinance.
African Housing Board Ordinance.

Article 3 of the Convention. Further assistance has been given under the Colonial Development and Welfare Act, 1959, by the International Co-operation Administration of the United States and by the Colonial Development Corporation.

Articles 4 and 5. Urban African housing boards to which Africans are elected and nominated from African housing areas may be delegated powers by local authorities. In July 1961 the legislature accepted a government committee recommendation that existing bodies of local administration should have Africans serving on them, and it is hoped that the necessary measure will be introduced into the Legislative Council.

African urban advisory councils, African provincial councils and the African Representative Council have fallen away since African members are now elected direct to the legislature.

Articles 6 and 7. Economic development is planned primarily through native authorities representing the tribal communities and the area and provincial development teams. The report of the Rural Economic Development Working Party, accepted by the Government, recommends stimulation of growth of industries and private enterprise away from urban areas by training in agriculture and business.

Section 7 of the African Housing Board Ordinance requires the Board to investigate urban African housing and advise the Minister of Local Government and Social Welfare, to assist local authorities in the preparation of building schemes and in training African building teams and to carry out surveys of housing needs.

Town planning and/or zoning schemes are in force in all city and municipal areas and in most small areas.

The Board, on request, assists in the layout of settlements in rural areas.

The Luapula Impact Scheme has ceased to exist, and all government development projects have been absorbed by the appropriate Ministries, while commercial projects are being negotiated with the Northern Rhodesia Industrial Development Corporation. It is too early for the effects of the scheme to be reflected in significant figures.

In reviewing the capital plan for the years 1961 to 1965 the Government has proposed setting aside sums of money for rural economic development, taking as the basis for planning the report of the Rural Economic Development Working Party.

Article 8, paragraph (a). The Peasant Farming Scheme continues to grant medium-term loans to set up subsistence cultivators as small-scale commercial farmers.

Paragraph (c). Only about 6 per cent. of land is Crown land available for alienation. In African reserves and African trust areas land tenure still operates according to African law.

Article 11. The Tripartite Agreement between Northern Rhodesia, Nyasaland and Southern Rhodesia has been terminated, and deferment of pay and contribution to family allowances are now voluntary.

Article 22, paragraph 2. There are no formal agreements now in force.

Article 16. It is hoped to amend the Employment of Natives Ordinance so as to render legally irrecoverable amounts advanced to African employees in excess of a half of one month's wages; advances in excess would require the consent of the authorised officer, who would determine the terms of recovery.

Article 18. In reply to the request of the Committee the Government states the following.

Paragraph 1 (*a*). The introduction of a non-racial scheme of workmen's compensation insurance is being considered.

Paragraph 1 (*g*). The repeal of sections 74 and 75 of the Employment of Natives Ordinance and the drafting of a comprehensive non-racial Employment Bill are being considered.

Paragraph 1 (*i*). Non-racial integration of wages councils is being considered.

Paragraph 2. The wage determinations of the Wages and Conditions of Employment Board have substantially raised the minimum wages of many African workers in urban districts not provided for under other determinations or agreements.

Article 19. Compulsory school attendance is still not practicable. In the Copperbelt and in Broken Hill provision is being made for all children to receive six years of primary education; 40 per cent. of these will have a further two years' education. This development advances by several years the possibility of reintroducing compulsory school attendance, and the programme is scheduled to start during the year ending 30 June 1962 with children aged seven to eight in those areas where schooling facilities are adequate. The triennial survey of the Ministry of African Education states that it can "reasonably be claimed . . . that about nine children out of ten of the appropriate age are at present getting a lower primary education, about a third are enrolled at a middle school and just under a sixth are completing a full primary course".

St. Lucia.

Aid to Pioneer Industries Ordinance, No. 12, 1951.

Hotel Aids Ordinance, No. 25, 1959.

Government Housing Loans Ordinance, No. 28, 1956.

Government Housing Loans (Amendment) Ordinance, No. 18, 1957.

Government Housing Loans (Employees) Order (*S.R. & O.*, No. 11, 1960).

Soufriere (Reconstruction) Loans Ordinance, No. 6, 1957.

Soufriere (Reconstruction) Loans Regulations (*S.R. & O.*, No. 24, 1957).

Soufriere (Reconstruction) Loans (Amendment) Ordinance, No. 10, 1959.

Soufriere (Reconstruction) Loans (Amendment) Regulations (*S.R. & O.*, No. 16, 1959).

Agricultural Credit Fund Ordinance, No. 9, 1958.

Agricultural Credit Fund (Amendment) Ordinance, No. 16, 1958.

Agricultural Credit Fund Regulations (*S.R. & O.*, No. 39, 1959).

Wages Regulation (Bakers) Order, No. 33, 1956.

Wages Regulation (Clerks) Order, No. 42, 1956.

Protection of Wages Ordinance, No. 30, 1959.

Article 4 of the Convention. In 1959 the Government, assisted by the World Health Organisation and the United Nations Children's Fund, instituted a five-year sanitation programme for rural areas and schools.

The current development programme provides for additional health services in needy areas. The Government's inability to finance any improvement and private disinclination to invest in the construction of houses because of the low level of returns have hindered progress in housing. To improve the situation the Government will strive towards increased agricultural productivity and the attraction of private investors.

Article 7, paragraph 2 (a). The increase in labour emigrating for agricultural employment in overseas territories over the last five years has had no apparent adverse effect on social life in the territory.

Paragraph 2 (b) and (c). The gradual pace of housing development has limited town and country planning. In the reconstruction of Soufriere, partially destroyed by fire, the concentration of population in the town area was relieved by extending its limits and erecting housing especially for the destitute inhabitants.

Paragraph 2 (d). Industrialisation in rural areas must await improvements in internal communications and supply of electrical power.

Article 8, paragraph (a). An Agricultural Credit Fund was established in 1958 to provide agricultural producers with financial assistance.

Article 9, paragraph 2. In 1960 the Federal Government of the West Indies arranged for a household and budgetary survey to be conducted in order to compile a new retail price index.

Article 15, paragraph 1. The Wages Council Ordinance, No. 1, 1952, the Labour Ordinance, No. 34, 1959, as amended by the Labour (Amendment) Ordinance, No. 5, 1960, the Labour Regulations, 1960, and the Protection of Wages Ordinance, No. 30, 1959, apply.

Paragraph 2. Section 3 of the Protection of Wages Ordinance is applicable.

Paragraphs 3 to 5. These provisions are applied by sections 5, 13 and 14 of the ordinance.

Paragraph 6. The frequency of wage payments is stipulated on engagement by agreement between employer and worker.

Paragraph 7. Sections 9 and 14 of the Protection of Wages Ordinance apply these provisions.

Paragraph 8 (a). The Labour Department provides an information service.

Paragraph 8 (b) and (c). These provisions are applied by sections 8 and 9 of the Protection of Wages Ordinance.

Article 17. Lack of capital and the low level of co-operative education militate against a co-operative movement.

Article 19, paragraph 1. The Government has intensified its primary school building programme; it plans to replace and extend existing primary schools and erect new ones in rural areas during 1960 to 1964. Government apprenticeship bursaries are awarded to pupils leaving primary school.

St. Vincent.

Article 19, paragraphs 2 and 3, of the Convention. In reply to the direct request of the Committee of Experts the Government states that at this stage of economic development it is not practicable to prescribe the school-leaving age and minimum age for and conditions of employment. Minimum age for employment other than in industrial undertakings and on ships will be prescribed when wages are next considered.

Singapore.

Industrial Relations Ordinance, No. 20, 1960.

Moneylenders Ordinance, No. 58, 1959.

Moneylenders (Amendment) Ordinance, No. 6, 1960.

Article 9, paragraph 2, of the Convention. No previous measures have provided for the maintenance of minimum standards of living. With the introduction of the Industrial Relations Ordinance the Wages Council Ordinance has been repealed. The strength of trade unions ensures reasonable wages.

Article 14, paragraph 4. Freely negotiated agreements, which must be certified by the industrial arbitration court established under the Industrial Relations Ordinance, are now enforceable.

Southern Rhodesia.

Industrial Conciliation Act, No. 29, 1959.

Apprenticeship Act, No. 53, 1959.

Public Services Amendment (No. 2) Act, No. 42, 1960.

Government Notice No. 595 of 1959: Apprenticeship Regulations.

Article 18 of the Convention. The Public Services Amendment (No. 2) Act, 1960, removes restrictions on the entry of non-Europeans to the public service.

Article 19, paragraph 1. The draft General Employment Bill will repeal the Native Labour Regulations. Under the Apprenticeship Act, 1959, the Apprenticeship Advisory Board and ten apprenticeship committees have been set up.

Paragraphs 2 and 3. Technical training facilities are available for the building and motor industries and are hoped to be soon available for other industries. The fixing of a minimum school-leaving age depends on the availability of funds, which must follow industrial expansion.

Swaziland.

Article 18 of the Convention. Penal sanctions for breaches of contract by indigenous workers have now been abolished. See under Convention No. 65.

Steps are being taken to raise minimum wage rates applicable to lower-paid casual government employees.

Article 19. Legislation is being prepared to control apprenticeship training through an Apprenticeships Board and an Inspector of Apprenticeships.

A new college will double the output of primary school teachers when it is completed.

Article 23. In application of Article 14 of the Convention, a draft amendment to the Wage Determination Proclamation provides for minimum wage boards, which will include representatives of employers and workers.

A draft Employment Proclamation will provide for the protection of wages as provided for under Article 15.

The proclamation will also regulate the maximum amounts and manner of repayment of advances as required by Article 16.

Zanzibar.

Labour (Amendment) Decree, No. 8, 1960.

Local Loans Decree, No. 3, 1959.

Education Decree, No. 9, 1959.

Decree No. 8, 1952.

Employment of Children (Restriction) Regulations, 1953.

Article 15, paragraph 5, of the Convention. Section 57 (c) (1) of the Labour Decree applies.

Article 19, paragraph 2. Decree No. 8, 1952, and the Employment of Children (Restriction) Regulations, 1953, govern the age for employment.

Paragraph 3. Education is compulsory under Part XIV of the Education Decree, 1959.

* * *

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

New Zealand (Cook Islands and Niue), *United Kingdom* (Falkland Islands, Solomon Islands, Uganda).

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

New Zealand (Tokelau Islands, Western Samoa¹), *United Kingdom* (Bahamas, British Honduras, Gambia, Guernsey, Jersey, Malta, Isle of Man, North Borneo, St. Helena, Sarawak, Seychelles, Trinidad and Tobago).

¹ This territory became independent on 1 January 1962.

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:
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.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua¹, Bahamas, Barbados,¹ Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Dominica¹, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada¹, Hong Kong, Jamaica¹, Kenya, Malta, Mauritius, Montserrat¹, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Sarawak, Seychelles, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago¹, Uganda, Zanzibar: 27 March 1950.

Solomon Islands: 18 September 1961.

Decision reserved: Brunei, Gilbert and Ellice Islands: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Federation of the West Indies.

BELGIUM

Ruanda-Urundi.

See under Convention No. 11.

UNITED KINGDOM

Hong Kong.

In reply to an observation by the Committee of Experts the report contains the following information.

The power of the Registrar under section 10 (1) (iv) of the Trade Unions and Trade Disputes Ordinance to refuse to register any trade union if he is satisfied that any previously registered trade union adequately represents for that particular trade the objects of the proposed trade union, will be omitted from the amending legislation which is now in advanced draft stage. The power to refuse registration has not been exercised during the period under review.

The amending legislation will also provide for appeals to the courts from any decision of the Registrar to refuse an application for registration or to cancel the registration of any trade union.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947¹

This Convention came into force on 26 July 1955

Australia. Ratification: 30 September 1954.
Applicable with modification: New Guinea and Papua: 30 September 1954.

Not applicable: Norfolk Island: 30 September 1954.

Decision reserved: Nauru: 30 September 1954.

Belgium. Ratification: 27 January 1955.
Applicable without modification: Ruanda-Urundi: 3 September 1957.

France. Ratification: 26 July 1954.

Applicable without modification:

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.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua², Bahamas, British Guiana, British Honduras, British Virgin Islands, Dominica², Gambia, Gibraltar, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², Northern Rhodesia, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Seychelles, Singapore, Southern Rhodesia, Trinidad and Tobago², Zanzibar: 27 March 1950.

Applicable with modification: Barbados², Brunei, Fiji, North Borneo, Nyasaland, Uganda: 27 March 1950.

Decision reserved: Basutoland, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Sarawak, Solomon Islands, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Under Article 9 of this Convention its provisions cease to apply in respect of any territory to which the provisions of the Labour Inspection Convention, 1947 (No. 81), apply, by virtue of a declaration communicated in accordance with Article 30 or Article 31 of the latter Convention.

² Federation of the West Indies.

AUSTRALIA

New Guinea.

Native Employment Ordinance, 1958-60.

The above-mentioned ordinance and the regulations made thereunder establish the Labour Inspection Service, which is a section of the Department of Labour of the territories of Papua and New Guinea.

The provisions of the ordinance generally repeat the terms of the Native Labour Ordinance, 1950-56, subject to certain amendments. Under section 161, labour inspectors may "enter upon or into and inspect any premises, land, place, building, mine, vehicle, vessel, or aircraft used or kept for use . . . by employees, accompanying dependants or transit employees or any of them . . .".

Papua.

See under *New Guinea*.

BELGIUM

Ruanda-Urundi.

The Labour Inspectorate was instituted in Ruanda-Urundi under the Decree of 8 January 1952.

It applies to all persons or bodies corporate, private or public, native or non-native, who are parties to a contract of employment, labour, apprenticeship, probation or any other form of hire of services.

Article 2 of the Convention. The labour inspectors are recruited from among university graduates on the territorial staff qualified to deal with a part of the social

legislation, with particular emphasis on manpower problems. Non-university graduates wishing to obtain senior posts in the Labour Inspectorate must first pass the examination to move into the third category and be classed as "élite". Officials appointed to the rank of inspector spend a training period of several months at the Labour Directorate.

Article 3. Workers and their representatives are afforded every facility for communicating freely with the inspectors.

The report quotes extracts from sections 5 and 6 of the Decree of 8 January 1952.

Apart from the inspection visits made by the staff of the Labour Inspectorate, workers are entirely free to consult their inspector at his office.

Article 4. Employers are visited by an inspector at intervals of about three months in the case of employers exercising their activity in the interior of the country. In the case of employers in the large centres the labour inspector is in permanent contact with an employer until such time as he is complying fully and perfectly with his obligations.

The report quotes extracts from sections 5, 6 and 7 of the decree.

Article 5. The report quotes section 9 of the decree.

FRANCE

Comoro Islands.

In reply to a request made by the Committee of Experts in 1960 the Government has supplied the following information.

Article 4, paragraph 1, of the Convention. An inspection of working conditions is made once every six months in establishments employing more than 100 workers; other establishments are inspected once a year.

Paragraph 2 (b). Section 154 of the Labour Code empowers inspectors to enter by day any premises, including housing accommodation, which they may have reasonable cause to believe to be liable to inspection.

See also under Convention No. 81.

French Polynesia.

In reply to a request by the Committee of Experts the Government points out that inspection of undertakings is in principle carried out once a year where they are easily accessible, which is not the case in a scattered territory like French Polynesia.

The labour inspector has the right to enter any premises, with the exception of private dwellings in virtue of the principle of the inviolability of the home.

French Somaliland.

In reply to a request by the Committee of Experts the Government points out that inspections take place in principle once a year in all undertakings employing up to 100 workers and twice a year in those employing more than 100. The report states that labour inspectors would not appear to be empowered to enter premises used as living accommodation in the proper sense of the term.

New Caledonia.

In reply to a request made in 1960 by the Committee of Experts the Government states that the labour inspector has never encountered the slightest difficulty in entering freely establishments liable to inspection by the Labour Inspectorate and

all parts of an undertaking where work is likely to be carried on, including all outbuildings (workers' lodgings, canteens, infirmaries, works stores, etc.).

The Government adds that inspections are carried out once or twice a year.

Saint Pierre and Miquelon.

In reply to a request by the Committee of Experts the Government states that section 154 (a) of the Labour Code does not appear to empower labour inspectors to enter by day all premises, including housing accommodation.

UNITED KINGDOM

Aden.

Article 4 of the Convention. The Factories Ordinance is being redrafted, and it is intended to specifically include provisions to meet the requirements of paragraph 2 (c) (iv) of this Article.

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras*, 1959, pp. 119-179).

Article 4, paragraph 2, of the Convention. In reply to the request by the Committee of Experts the Government states that section 10 of the Labour Ordinance empowers an inspector to enter freely and without previous notice at any hour of the day or night any place wherein he may have reasonable cause to believe that persons enjoying the protection of any law relating to employment are employed or accommodated, and inspect such place.

See also under Convention No. 81 the part of the summary relating to Article 12.

Article 5. See under Convention No. 81 the part of the summary relating to Article 15.

Gambia.

See under Convention No. 81.

Northern Rhodesia.

The Apprenticeship Ordinance (Cap. 187).

Article 4, paragraph 1, of the Convention. Labour officers are required to inspect the more important industrial and commercial concerns at least once a year.

Frequent rural tours are arranged in order to maintain contact with rural employers and workers.

Paragraph 2. The powers of labour inspectors differ according to the ordinance on which they depend. The powers under each ordinance are detailed in the Government's report.

In reply to a request by the Committee of Experts the Government states that the provisions of Regulation 4 of the Factories (Safety) Regulations partially apply the requirements of paragraph 2 (c). The proposed new Factories Bill will make specific provision for all the necessary powers required by this paragraph.

Article 5, paragraph (c). All complaints are treated as confidential by administrative instruction. The comments of the Committee of Experts have been noted, and legislation is being considered to provide progressively in the various ordinances for the confidential treatment of complaints.

Nyasaland.

It has not yet been possible to place before the Legislative Council a Bill to eliminate the proviso to section 5 (2) (b) of the African Employment Ordinance. The Government has under consideration a complete revision of the ordinance, which will include the elimination of the proviso, and proposals are being considered by an appropriate tripartite consultative body with a view to submission to the legislature. In view of the constitutional changes in the legislature of Nyasaland this delay has been unavoidable.

St. Lucia.

Labour Ordinance, No. 34, 1959.

Labour (Amendment) Ordinance, No. 5, 1960.

Labour Regulations (S.R. & O., No. 15, 1960).

In reply to a request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 1 of the Convention. The above legislation provides for establishment and functioning of a labour inspectorate duly appointed and employed by the Government.

Article 2. Labour officers are eligible for and have benefited from training in the United Kingdom.

Article 3. This Article is partially applied by paragraph 3 (2) (d) of the Labour Regulations, and partially by practice, since the labour inspectors receive representations by workpeople made against their employers concerning disputes arising out of the conditions of their employment. In addition, the Labour Inspectorate acts as an information service and provides employers, workers and the public with any information requested on matters concerning relationships between employer and employee.

Articles 4 and 5. The Government states that these Articles are applied by the above legislation.

Solomon Islands.

Articles 2 to 5 of the Convention. See under Convention No. 81.

Article 8. The Government has enacted legislation which provides for the inspection of workplaces; the report states that the Convention can therefore be applied without modification.

Southern Rhodesia.

The Government hopes that it will be in a position to present to the legislature during 1962 the General Employment Bill, which will include a clause giving effect to the provisions of Article 4, paragraph 2 (c) (iv), of the Convention.

Swaziland.

A labour officer was appointed in 1957, and his duties have included regular visits to all major employers.

An employment proclamation has been drafted which contains sections dealing with most of the matters covered in Articles 3, 4 and 5 of the Convention.

Trinidad and Tobago.

In reply to a direct request made by the Committee of Experts in 1960 the Government states that the projected labour code which is now receiving attention

includes a provision which would give effect to paragraph (c) of Article 5 of the Convention.

* * *

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

Australia (New Guinea, Papua), *Belgium* (Ruanda-Urundi), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia), *United Kingdom* (Fiji, Trinidad and Tobago).

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

Australia (Nauru), *United Kingdom* (Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, St. Helena, Sarawak, 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:

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 modification¹: Guernsey, Jersey, Isle of Man: 27 June 1949.

Applicable without modification:

Aden, Malta, Trinidad and Tobago²: 19 June 1958.

Dominica², St. Lucia²: 29 December 1958.

Jamaica²: 21 June 1960.

Bermuda: 10 January 1962.

Gambia: 24 January 1962.

Swaziland: 23 March 1962.

Applicable with modification:

British Guiana, Gibraltar: 19 June 1958.

British Honduras, Grenada², Mauritius, North Borneo, St. Vincent², Sarawak: 29 December 1958.

Nyasaland: 23 February 1959.

Basutoland, Bechuanaland, Uganda: 17 March 1959.

Zanzibar: 8 March 1960.

Decision reserved:

Brunei, Gilbert and Ellice Islands, St. Helena, Solomon Islands: 19 June 1958.

British Virgin Islands, Falkland Islands, Fiji, Hong Kong, Kenya, Seychelles: 29 December 1958.

Southern Rhodesia: 23 February 1959.

Northern Rhodesia: 7 July 1959.

Antigua², Bahamas, Barbados², Montserrat², St. Christopher-Nevis-Anguilla², Singapore: 13 March 1961.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

UNITED KINGDOM

Bahamas.

The Government is considering the possibility of making a more favourable declaration.

Singapore.

A decision is reserved in respect of the Convention because several sections of the Trade Union Ordinance still infringe Articles 2, 3 and 4. However, the Government is contemplating provisions for the restoration of the right of appeal to the High Court against refusal to register a trade union or cancellation of its registration.

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.

Spain. Ratification: 30 May 1960.
No declaration.

United Kingdom. Ratification: 10 August 1949.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 10 August 1949.
Applicable without modification:
Gibraltar, Kenya, Malta, Singapore: 22 March 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.

Barbados², Jamaica², Trinidad and Tobago²: 13 February 1961.

Antigua², Dominica², Grenada², Montserrat², St. Christopher-Nevis-Anguilla², St. Lucia², St. Vincent²: 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.

AUSTRALIA

New Guinea.

Native Employment Ordinance, 1958-60.
Public Service Ordinance, 1949-60.
Administration Servants' Ordinance, 1958-60.

The employment of native workers in the territory is governed by the provisions of the Native Employment Ordinance, 1958-60, which regulates systems of employment and methods of engagement, and by the two other ordinances mentioned above.

Article 2 of the Convention. The authority responsible for the operation of the employment service is the Department of Labour, which administers the Native Employment Ordinance.

Papua.

See under *New Guinea*.

NETHERLANDS

Netherlands Antilles.

The Government has decided to establish advisory committees.

UNITED KINGDOM

British Guiana.

In reply to a request by the Committee of Experts the Government indicates that the employers' and workers' representatives on advisory committees are appointed after consultation with the employers' and workers' organisations concerned. In view of the high rate of unemployment, the Employment Exchange does not cater for workers who wish to change their jobs.

British Honduras.

Under Part IX of the Labour Ordinance, No. 15, 1959, the Labour Department is responsible for maintaining a free public employment service, but up to the present it has not been considered necessary to establish a network of local offices. The only employment office is located in the capital city.

While there is no advisory committee specifically appointed for the co-operation of employers' and workers' representatives and for the organisation and operation of the employment service as provided for under Part IX of the Labour Ordinance (section 82), there is a Labour Advisory Board (composed of equal numbers of representatives of employers, workers and the public interest), to which all matters relating to labour are referred for advice.

Gibraltar.

In reply to a direct request made by the Committee of Experts regarding membership of the Youth Employment Committee the Government indicates that two members are appointed in their capacity as representatives of employed persons and two in their capacity as representatives of employers. The usual practice of inviting organisations of employers and workers to nominate panels from which appointments to a committee are made was not followed in this case, as the aim on first constitution of the committee was to select persons with a particular interest, knowledge or experience of youth work or juvenile employment who were in a favourable position to further the interests of the youth employment service.

Kenya.

In reply to an inquiry made by the Committee of Experts the Government states that it has arranged for the assignment of an employment service expert from the United Kingdom to advise on and assist with the development and organisation of the employment service. His activities will cover the points raised by the Committee in regard to the application of Article 6 (a) (i) and Article 8 of the Convention.

Malta.

In reply to a direct request by the Committee of Experts the Government states that, in the present situation of plentiful manpower supply and few vacancies, vacancies notified to the employment service are reserved for totally unemployed applicants. Vacancies are seldom offered to underemployed applicants or those not utilising their special skill and experience, and it would be futile for other gainfully occupied persons to apply.

Mauritius.

An employment committee has been set up, consisting of six representatives of employers, six representatives of workers and six independent members.

In reply to an inquiry made by the Committee of Experts the Government indicates that it has obtained the services of a specialist from the employment service of the United Kingdom in an advisory capacity for one year and that his advice is awaited before changes are made in the law or administrative procedures.

Northern Rhodesia.

In the absence of legislation the Convention is applied by administrative rules.

Article 3 of the Convention. Employment offices operate in 11 urban centres and three rural areas. The function of rural offices is mainly to advise potential workseekers from these areas on the availability of work in urban areas; a number of workers have, however, also been placed locally.

Article 4. Consideration is being given to the appointment of a Youth Development Council to study problems of employment for young people.

Article 8. A rudimentary youth employment service operates in conjunction with the Ministry of Education. The employment offices give special attention to the needs of school-leavers, and there is close collaboration with the schools.

Article 9. The service is operated by permanent civil servants selected through a public service commission for their ability and experience. Practical training is given, and officials undertake periodical written examinations.

St. Lucia (First Report).

No measures have been taken to give effect to the Convention, but the Labour Department helps workers to find suitable employment and helps employers to find suitable workers.

Singapore.

Article 4 of the Convention. The Labour Advisory Council to be constituted by the Government will replace the former Labour Advisory Board.

Article 6. In reply to a direct request by the Committee of Experts the Government states that it has acquired the services of a Colombo Plan expert to suggest improvements concerning the Employment Exchange, particularly in regard to trade testing, training schemes and employment market information.

The Employment Exchange registers applicants for employment, taking note of their occupational qualifications, experience and desires. They are interviewed by the Exchange staff before they are sent to an employer, in order to ascertain whether they meet the requirements of the latter. No precise methods, however, exist at the moment to evaluate their physical and vocational capacity by way of trade tests, etc. No avenues exist at the moment to help applicants to obtain vocational guidance or vocational training or retraining. The Government is conscious of this defect in the Employment Exchange Service and is considering this matter in the light of the Colombo Plan expert's report on reorganisation of the Employment Exchange Service.

Paragraph (b) (i) to (iii). These parts of the paragraph are not applicable.

Article 8. Special arrangements for the placement of juveniles do not exist at present. It is expected, however, that in the context of the industrialisation plans of the Government and the reorganisation of the Employment Exchange this matter will receive special attention.

Southern Rhodesia.

The employment service has undergone considerable expansion in volume of work handled and range of activities. It is now directed by the newly created Branch

of Employment and Productivity in the Labour Department. The employment offices in the four main centres now handle the registration and placement of workers of all races; a fifth office has been opened, and further expansion is being planned; the youth employment service has also expanded and has had growing success with its annual campaign for placement of school-leavers.

Trinidad and Tobago.

For the following reasons, among others, the Convention cannot at present be applied: (a) there is only one effective employment office—that in the principal town; (b) no advisory committees have been set up; (c) no arrangements exist for assisting applicants for employment to obtain vocational guidance or vocational training or retraining; (d) no measures have been taken to facilitate occupational mobility; (e) there are no measures to meet adequately the needs of particular categories of applicants for employment such as disabled persons; and (f) the staff of the employment service have not been adequately trained for the performance of their duties.

Plans have recently been put into operation to effect substantial improvements in the employment service. In the proposals for revision and consolidation of the existing labour legislation submitted to the Government by an International Labour Office expert, provisions are included under which legislative effect could be given to the requirements of the Convention.

Uganda.

In reply to a direct request by the Committee of Experts the Government states that employers and workers can be appropriately associated with the policy concerning the employment service through the medium of the Labour Advisory Board, on which they are represented and which advises the Minister responsible for labour affairs on all matters affecting labour policy and legislation. An experienced employment service officer is engaged in the reorganisation of the employment service and the training of its staff.

* * *

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

Australia (New Guinea, Papua), *France* (New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Aden, Guernsey, Jersey, Mauritius, Northern Rhodesia, Southern Rhodesia, Zanzibar).

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

Australia (Nauru), *France* (Comoro Islands, French Polynesia, French Somaliland), *Netherlands* (Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Western Samoa ¹), *United Kingdom* (Antigua, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Isle of Man, North Borneo, Nyasaland, St. Helena, St. Lucia, Sarawak, Seychelles, Solomon Islands, Swaziland).

¹ This territory became independent on 1 January 1962.

89. Night Work (Women) Convention (Revised), 1948¹

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: 10 November 1950.
Not applicable: Tokelau Islands: 10 November 1950.

Republic of South Africa. Ratification: 2 March 1950.

Applicable without modification: South West Africa: 10 February 1958.

Spain. Ratification: 24 June 1958.
No declaration.

*United Kingdom.*²

Decision reserved: Aden, Antigua³, Bahamas, Barbados³, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica³, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada³, Hong Kong, Jamaica³, Kenya, Malta, Mauritius, Montserrat³, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla³, St. Helena, St. Lucia³, St. Vincent³, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago³, Uganda, Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises the Conventions of 1919 and 1934. See under Conventions Nos. 4 and 41.

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

³ Federation of the West Indies.

NETHERLANDS

Netherlands Antilles.

In reply to a request made in 1960 by the Committee of Experts the report states that the draft amendment of section 17 (2) of the Labour Regulations, 1952, was approved on 19 September 1961 by the Parliament of the Netherlands Antilles.

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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* (French Somaliland, New Caledonia), *Netherlands* (Netherlands New Guinea), *Republic of South Africa* (South West Africa).

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

France (Comoro Islands, French Polynesia, St. Pierre and Miquelon), *New Zealand* (Cook Islands and Niue, Western Samoa¹).

¹ This territory became independent on 1 January 1962.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948¹

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, Antigua³, Bahamas,
Barbados³, Basutoland, Bechuanaland, Ber-
muda, British Guiana, British Honduras, British
Virgin Islands, Brunei, Dominica³, Falkland
Islands, Fiji, Gambia, Gibraltar, Gilbert and
Ellice Islands, Grenada³, Hong Kong, Jamaica³,
Kenya, Malta, Mauritius, Montserrat³, North

Borneo, Northern Rhodesia, Nyasaland, St.
Christopher-Nevis-Anguilla³, St. Helena, St.
Lucia³, St. Vincent³, Sarawak, Seychelles,
Singapore, Solomon Islands, Southern Rhodesia,
Swaziland, Trinidad and Tobago³, Uganda,
Zanzibar: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises the Convention of 1919. See
Convention No. 6.

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

³ Federation of the West Indies.

NETHERLANDS

Netherlands Antilles.

In reply to the observations made in 1961 by the Committee of Experts the Government supplies the following information.

The modification of the Labour Regulations, 1952, was approved on 20 September 1961, but has not yet been published.

In case of national emergency of a prolonged duration, temporary provisions for the suspension of certain parts of the existing legislation would have to be made. Such an emergency would have to assume serious proportions before a suspension of the provisions concerning young persons between 16 and 18 years of age would be permitted.

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The following report reproduces the information previously supplied:

Netherlands (Netherlands New Guinea).

92. Accommodation of Crews Convention (Revised), 1949¹

This Convention came into force on 29 January 1953

Denmark. Ratification: 30 September 1950.
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.

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, Antigua², Bahamas, Barbados², Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², North Borneo, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago², Zanzibar: 8 March 1961.

¹ This Convention revises Convention No. 75 of 1946.

² Federation of the West Indies.

DENMARK

Greenland.

The Inspection of Ships Act was extended to Greenland as from 1 April 1961. The Regulations No. 9 of 28 January 1953, issued in pursuance of the Act, contain detailed rules concerning crew accommodation in vessels of more than 20 tons.

UNITED KINGDOM

Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jamaica, Kenya, Malta, Mauritius, Montserrat, North Borneo, St. Helena, St. Kitts, St. Lucia, St. Vincent, Sarawak, Seychelles, Singapore, Solomon Islands, Trinidad and Tobago, Zanzibar.

There are difficulties in implementing the Convention in the above-mentioned territories, deriving mainly from the fact that in some of the territories no sea-going ships engaged in the transport of cargo or passengers are registered. In others the number and types of such vessels do not at present justify the enactment of legislation on this subject, and there would be difficulties in establishing the administrative machinery required to implement the Convention.

In some territories many of the requirements of the Convention are observed. A number of technical difficulties remain, however, to be resolved. The provision of suitable buildings and of additional staff is another problem which may take time to resolve. Moreover, the resources of some territories are so limited that it would be impossible to set up the necessary administrative machinery. Local shipping is confined mainly to fishing, river, estuary and coastal craft, and is usually family owned and operated.

Should the position change, the possibility of applying the Convention more fully will be examined.

Isle of Man.

The Merchant Shipping Act, 1948.

The Merchant Shipping Act, 1952.

The Merchant Shipping Act, 1948 (Isle of Man) Order, 1960.

The Merchant Shipping Act, 1948 (Isle of Man Ships) Order, 1960.

The Merchant Shipping (Crew Accommodation) Regulations, 1953.

The Merchant Shipping (Crew Accommodation) (Isle of Man) Regulations, 1960.

The provisions of the Merchant Shipping Act, 1948, as amended in 1952, which apply the Convention in the United Kingdom, have been extended to the Isle of Man by the Merchant Shipping Act, 1948 (Isle of Man) Order, 1960, and by the Merchant Shipping Act, 1948 (Isle of Man Ships) Order, 1960. The regulations concerning crew accommodation established by the United Kingdom Minister of Transport have been applied to the Isle of Man by the Merchant Shipping (Crew Accommodation) (Isle of Man) Regulations, 1960.

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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), *United Kingdom* (Basutoland, Bechuanaland, Guernsey, Jersey, Malta, Northern Rhodesia, Nyasaland, Southern Rhodesia, Swaziland, Uganda).

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 modification¹:
Guernsey, Jersey, Isle of Man: 30 June 1950.

Applicable without modification:
Aden, Antigua², Bahamas, Barbados², Bermuda, British Guiana, Brunei, Dominica², Gibraltar, Gilbert and Ellice Islands, Grenada², Jamaica², Kenya, Mauritius, North Borneo, St. Lucia², St. Vincent², Sarawak, Singapore, Solomon Islands, Uganda: 22 March 1958.

British Virgin Islands: 15 April 1958.
Applicable with modification:
British Honduras, Malta, Trinidad and Tobago², Zanzibar: 22 March 1958.
Fiji: 1 June 1960.

Decision reserved: Basutoland, Bechuanaland, Falkland Islands, Gambia, Hong Kong, Montserrat², St. Christopher-Nevis-Anguilla², 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.

BELGIUM

Ruanda-Urundi.

The Government states that social and labour legislation as a whole applies to all public contracts, and that the same advantages are therefore granted to workers in the public and private sectors; no distinction may be made between the two. Public services are periodically inspected by labour inspectors in the same manner as private undertakings.

NETHERLANDS

Netherlands Antilles.

In reply to a direct request by the Committee of Experts the Government forwards a copy of a letter addressed on 30 September 1959 to the Antilles authorities stating that the minimum requirements for compliance with the Convention are that public contracts should incorporate clauses stipulating (a) that wages and other conditions of labour should be not less favourable than in work for private individuals, and (b) that part of the value of the contract be retained until proof is given that the obligations vis-à-vis the workers have been fulfilled. The letter invited the authorities to take the necessary steps to ensure that these requirements were met in contracts awarded by the authorities. The clauses in question are contained in a sample specification annexed to the report, and the Government states that similar provisions have been incorporated in all government specifications since the beginning of 1960.

Article 2, paragraph 4, of the Convention. The Government states that from the specification it will be seen that the tenderer is informed of the conditions of the Convention when the invitation to tender is issued.

Article 4, paragraph (a) (iii). The Government states that the posting of notices at workplaces is rendered difficult in practice by the fact that most of the workplaces concerned are building sites and that on such sites the possibility of posting notices does not exist until some time after the building activities have been started.

UNITED KINGDOM

Aden.

Article 1, paragraph 1, of the Convention. All the contracts enumerated in this paragraph are covered.

Paragraph 2. The competent authority has named certain authorities, other than the central authority, in respect of which the Convention is applicable.

Paragraphs 4 and 5. No advantage has been taken of these permissive paragraphs.

Article 2, paragraph 1. Wages and conditions of government-employed workmen are determined in the light of the Minimum Wage and Wages Regulation Ordinance. The Government recognised the Government and Local Government Employees' Union in the latter part of 1960.

Paragraph 3. Consultation has taken place with employers' and workers' organisations concerned.

Paragraph 4. Persons tendering for public contracts examine the terms and conditions of the contract, so that they are aware of the terms of the clauses at the time of signing the contract.

Article 3. The Government states that fair and reasonable conditions ensuring the health, safety and welfare of workers not coming under the Factories Ordinance are ensured by the workers' organisations concerned. Thus the Technical and General Workers' Union, in negotiation with an organisation of civil engineering employers, secured for building workers a 47-hour week, with 12 days' paid annual leave, seven paid public holidays and free transportation from the locality of residence to the site.

Articles 4, 5 and 7. There has been no change.

Bahamas.

Trade Union and Industrial Conciliation Act, 1958.
Workmen's Compensation Act, 1958.

All public contracts are issued by central authorities of the Government, and terms of contract bind subcontractors and assignees. Conditions of work are fixed by contract, the rates of pay applicable to publicly employed workers being slightly lower than those for privately employed workers. Contracts are advertised and terms of contract explained to everyone tendering. Conditions of work are brought to the notice of the workers. The competent authorities have power to implement the provisions of the Convention. The Convention is not applied to the Out Islands. Associations of employers and workers are consulted in accordance with the terms of the Convention.

Bermuda.

Consideration is being given to meeting the views formulated by the Committee of Experts in its direct request of 1960 with regard to Articles 1 and 3 of the Convention, concerning the lowering of the exemptions limit and the taking of adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned.

In reply to the Committee's request relating to Article 5 the Government states that no sanctions have so far been applied to ensure observance of the labour clauses, nor have any special measures been taken to enable workers to obtain the wages to which they are entitled.

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras*, 1959, pp. 119-179).

The above ordinance relates to contracts which are awarded by the Government and which involve the expenditure of public funds of an amount not less than \$1,000. Under section 137 (2) of the ordinance, the contractor must keep posted in a conspicuous place at each of his establishments and workplaces a notice, in a form to be prescribed by the Commissioner, informing workers of their conditions of employment.

British Virgin Islands.

Administrative instructions, in the form of a circular concerning labour clauses in government contracts, have been issued with a view to fulfilling the obligations under the Convention.

Brunei.

In response to the request by the Committee of Experts the Government forwards the "temporary" revised standard contract form (when this document has been completed and reprinted in its final form, a copy will be forwarded to the International Labour Office); and the Labour (Public Contracts) Rules, which have recently been forwarded for consideration by the Sultan in Council.

Gilbert and Ellice Islands.

The number of public contracts made with private undertakings has been very small, and the Government has therefore not considered it necessary to implement Article 4 (a) (iii) of the Convention.

Grenada (First Report).

The Labour Clauses (Public Contracts) Ordinance, 1960.

The above ordinance came into force on 31 December 1960. The provisions of the Convention are now fully complied with.

Hong Kong.

Subcontracting in public contracts is not permitted without the consent of the principal government officer concerned. This consent is normally withheld for the main work but is given in respect of specialist work, since the system of subcontracting is prevalent in the colony.

New and standard general conditions of contract for civil engineering construction require that a contractor shall keep wages books and time sheets, which are to be available at all times for inspection.

Kenya.

Article 5 of the Convention. Clauses have been prepared for insertion in future government contracts making specific provision for the imposition of sanctions in the case of non-observance of the Fair Wages Clause and for the recovery of wages by workers engaged on such contracts.

There is otherwise no change.

Mauritius.

Article 4, paragraph (a) (iii), of the Convention. In recent contracts the following subclause has been inserted in the main clause (No. 34) dealing with recruitment, rates of wages, hours and conditions of work: "The contractor shall at all times during the continuance of the contract display for the information of his work-people in any factory, workshop or place occupied or used by him for the execution of the contract a copy of this clause."

St. Lucia.

The Labour Clauses (Public Contracts) Ordinance, No. 20, 1959.

Article 1 of the Convention. Contracts valued at a maximum of \$240 (West Indies currency) are exempted. It has not been necessary to consult employers' and workers' organisations in this matter. The principle involved is, however, recognised and will be observed when necessary.

Article 4, paragraph (a) (iii). There is no legislative provision to compel contractors to post notices, "but administrative directions are issued to the effect requiring the posting of notices with a view to informing workers of their terms and conditions of work".

Paragraph (b). Paragraphs 5 and 9 of the schedule to the above-mentioned ordinance provide for the keeping of wages books and time sheets and for the production of these, together with such further detailed information and evidence as may be deemed necessary to satisfy the Labour Commissioner that the ordinance has been complied with.

Article 5, paragraph 1. Paragraph 11 of the schedule to the ordinance provides that any contractor or subcontractor who fails to comply with any of these rules shall cease to be approved as a contractor or subcontractor for such period as the Labour Commissioner may determine.

Paragraph 2. Paragraph 8 of the schedule provides that a contractor shall not be entitled to payment of any money which would otherwise be payable in respect of the work and labour performed, unless he shall have filed, together with his claim for payment, a certificate showing, *inter alia*, that all the labour conditions of the contract have been duly complied with. Paragraph 10 provides that, failing payment by the contractor, the Labour Commissioner may arrange for the payment of any money due to a worker, in respect of wages for work on the contract, any amount so paid being deemed to be a payment to the contractor.

Sarawak.

Article 1, paragraphs 2 and 3, of the Convention. No measures have yet been taken; the question of prescribing labour (public contract) rules is still under consideration.

Article 4, paragraphs (a) (iii) and (b) (i). No measures have been taken, since it would have been impossible to enforce them. Now that labour inspectors have been appointed it is expected that some progress can be made.

Singapore.

Article 3 of the Convention. The Factories Ordinance, No. 41, 1958, which came into operation on 1 June 1960, covers the requirements of health, safety and welfare of workers.

Article 4. The Labour Regulations, 1959, together with Parts IV, V, VI, VII and section 74 of the above-mentioned ordinance, are relevant to the application of this Article.

Solomon Islands.

The Government has noted the remarks made by the Committee of Experts. The Labour Ordinance, 1960, has now been enacted, but it has not yet been found possible to make rules providing for labour clauses in public contracts. The matter will, however, be kept under consideration, and rules will be made as soon as possible.

Southern Rhodesia.

The majority of workers engaged on public contracts are statutorily ensured of their correct wages, hours of work and conditions of labour. Industrial agreements, regulations and Acts of Parliament ensure the health, safety and welfare of workers. Legislation requires the maintenance of adequate records of time worked and wages paid, while industrial agreements and employment regulations require the posting of notices at places of employment.

Swaziland.

Circular instruction No. 15/1961, dated 3 May 1961, refers, *inter alia*, to minimum labour conditions to be observed by contractors to the Swaziland Administration. These conditions—which relate to wages, hours of work, overtime, public holidays, rations, quarters and workmen's compensation—are to be sent to all contractors tendering for government contracts which involve the employment of labour. They are issued at the present stage “for information” only; but it is intended that, as soon as the recommendations of the Daily-Paid Wages Committee have been implemented by the Government, the conditions should be incorporated in all government contracts involving the employment of labour.

As yet there are no organisations of employers and workers and there are no collective agreements, arbitration awards or national laws or regulations on which the labour clauses in public contracts can be based.

A new draft employment proclamation will, when promulgated, stipulate minima in respect of records required to be kept by all employers. The Government states that existing inspection arrangements by the Labour Officer and by the employing government departments are adequate to secure compliance.

Trinidad and Tobago.

Article 2, paragraph 2, of the Convention. The Government has noted the point made by the Committee of Experts regarding the possibility of declaring the Convention applicable without modification, on the grounds that protection equivalent to that required by this paragraph of the Convention is provided by paragraphs 2 and 3 of the Fair Wages Clause. The Government had felt that the scope of the Fair Wages Clause was not sufficiently wide to permit full application of this Article, since, for instance, the rates of wages in industry are generally higher than those paid by the Government. If, however, the Committee of Experts considers that the requirement of paragraph 2 of Article 2 of the Convention is fully met by the provisions in the Fair Wages Clause, steps will be taken to have the Convention declared fully applicable.

Paragraph 3. There have been consultations with organisations of employers and workers concerning the proposed Labour Code.

Article 5, paragraph 2. Proposals which have been submitted to the Government for the revision and consolidation of existing labour legislation include a provision to give legislative effect to the requirement of this point of the Convention.

In the few instances of complaints by workers claiming not to have received wages due to them, the intervention of the Ministry of Labour has resulted in the workers obtaining the wages to which they were entitled.

Uganda.

Article 1, paragraph 4, of the Convention. As requested by the Committee of Experts the Government will give consideration to the deletion of the exemption in General Notice No. 548 of 1959 of contracts for less than 100,000 shillings. This will be done after consultation with the Labour Advisory Board, on which both employers and workers are represented.

Zanzibar.

Labour Decree, No. 11, 1946, as amended by Decrees No. 25 of 1951, No. 10 of 1952, No. 27 of 1955, No. 2 of 1957 and No. 8 of 1960.
General Notice No. 8 of 1960 (*Official Gazette*, 2 Jan. 1960).

Article 3 of the Convention. In response to the direct request of the Committee of Experts the Government has forwarded a copy of the Factories (Supervision and Safety) Decree, No. 8, 1943, together with a copy of the amending Decree, No. 34, 1959. The definition of servant under section 2 of the Labour Decree, 1946, covers employees in building and civil engineering operations. Adequate compliance with the requirements of this Article is ensured by section 29 of the Labour Decree and by section 8 of the Factories (Supervision and Safety) Decree, which define the obligations of employers in respect of the health, safety and welfare of their workers; in addition, sections 62 and 63 of the Labour Decree and section 8 of the Factories (Supervision and Safety) Decree provide for labour inspection.

Article 4, paragraph (a) (i). General Notice No. 8 of 1960 applies.

Paragraph (a) (iii). Clause 4 of the above-mentioned general notice is relevant.

Article 5. Clause 9 of the above-mentioned general notice is applicable.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Uganda).

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

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Antigua, Basutoland, Bechuanaland, British Guiana, Falkland Islands, Gambia, Gibraltar, Guernsey, Jersey, Malta, Isle of Man, North Borneo, Northern Rhodesia, St. Helena, Seychelles).

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

France. Ratification: 15 October 1952.
Applicable without modification:
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, Barbados¹, British Guiana, Brunei, Dominica¹, Gibraltar, Grenada¹, Malta, Mauritius, Montserrat¹, North Borneo,

St. Lucia¹, St. Vincent¹, Sarawak, Uganda, Zanzibar: 22 March 1958.

British Honduras: 5 January 1961.

Solomon Islands: 1 August 1961.

Applicable with modification:

Kenya: 6 May 1958.

Trinidad and Tobago¹: 19 June 1958.

Decision reserved:

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jamaica¹, St. Christopher-Nevis-Anguilla¹, St. Helena, Seychelles: 22 March 1958.

Antigua¹: 15 April 1958.

Basutoland, Bechuanaland, Swaziland: 10 June 1958.

Southern Rhodesia: 8 March 1960.

Guernsey: 1 June 1960.

Nyasaland: 8 March 1961.

Singapore: 13 March 1961.

Northern Rhodesia: 29 March 1961.

¹ Federation of the West Indies.

FRANCE

French Polynesia.

In reply to a request made in 1960 by the Committee of Experts concerning Article 6 of the Convention the Government supplies the following information.

The prohibiting of employers from limiting in any manner the freedom of the workers to dispose of their wages is a general principle which is applied by the Labour Code under sections 99 and 110. The principle of the free disposal of wages, although not legally laid down, has never been questioned in France or in its dependent territories; therefore, special regulations on this subject appear to be unnecessary.

NETHERLANDS

Netherlands Antilles.

Licensing Decree, 1949 (*Publicatieblad*, No. 4, 1949).

In reply to a request made by the Committee of Experts in 1960 the Government states that a general prohibition does exist regarding the payment of wages in drinking-houses. Section 22 of the above-mentioned decree forbids a licence-holder to pay wages or to allow wages to be paid in his establishment, with the exception of wages due for activities performed in, or on account of, the establishment concerned.

The observance of this decree is supervised by the police.

UNITED KINGDOM

Aden.

Article 2, paragraph 2, of the Convention. Organisations of employers or employees for persons directly concerned with non-manual and domestic service or work similar thereto do not exist in the colony.

Article 6 and Article 13, paragraph 2. It is intended to incorporate these provisions when the labour legislation is codified in the near future.

Article 15, paragraph (d). Section 6 (4) of the Minimum Wage and Wages Regulation Ordinance requires every employer in a trade to which a minimum rate is applicable to keep records of wages of all his employees. If he fails to do this he shall be guilty of an offence and liable to a fine on summary conviction in respect of each offence. The employer is also obliged to keep records of all the fines deducted from the wages of his workmen and shop assistants.

Bahamas.

There are no changes to report. The Government submits the following information in reply to the request made by the Committee of Experts in 1961.

Articles 2 and 4 of the Convention. The Trade Union and Industrial Conciliation Act, 1958, provides full cover to any person who has entered into or works under a contract with an employer, whether in respect of manual labour, clerical work or otherwise, and whether expressed or implied, oral or in writing, and whether it be a contract of service or apprenticeship, or a contract personally to execute any work or labour.

Article 5. Government employees are paid direct. This is also the procedure in other employment, and the Safety and Welfare Officer makes inquiries when he visits places of employment.

Article 7, paragraph 2. Goods are not sold in works stores generally. If stores are operated in camp locations on the Out Islands, prices are investigated by the Labour Department.

Article 8. No regulations or legislation in the Bahamas permit the making of deductions from the wages of workers.

Article 9. There is no legislation prohibiting the making of deductions from wages with a view to ensuring a direct or indirect payment for the purpose of obtaining or retaining employment.

Article 10, paragraph 2. There is no legislation protecting wages against attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family. With regard to attachment of wages, however, the courts usually take into consideration the needs of the debtor and his family when attaching wages.

Article 12. Wages are paid regularly. Contracts are negotiated without delay.

Article 13. Whilst there is no legislation to implement these provisions, it has become a rule by common usage to pay cash wages on week-days only and at or near the workplace. No exception to this rule is known to the Government, so that the rule actually precludes payment in taverns or similar establishments and in shops, stores or places of amusement, except in the cases of persons employed therein.

Article 14. The trade unions are vigilant in seeing that working conditions are observed. In respect of non-members of trade unions, information on wages and conditions is given by employment exchange placement officers.

Article 15, paragraph (a). International labour Conventions are available to persons concerned through the medium of the Labour Department.

Paragraph (b). The Labour Officer and his associates ensure compliance with the provisions of the Convention.

Paragraph (c). No laws or regulations prescribe penalties.

Paragraph (d). The Labour Department maintains adequate records.

British Guiana.

The Labour (Amendment) Ordinance, No. 8, 1960.

Article 2, paragraph 2, of the Convention. There is no all-embracing employers' organisation with which consultation could have taken place in conformity with this paragraph, and the Trades Union Council came into operation after the passing of the Labour Ordinance (which excludes certain categories of workers).

Article 4. It is only in the interior of the country that housing and, in some isolated cases, rations, are provided to workers. In such cases wages are paid at normal rates, housing and food being provided in addition as an inducement to get workers to accept employment away from their normal residences.

The sale and supply of noxious drugs are controlled by legislation. However, the views of the Committee of Experts have been noted for possible amendment to section 23 of the ordinance.

Article 10. Under national law any worker is at liberty to make, on authority signed by him, such assignments of his wages as he considers necessary. It would be an infringement of the freedom of the individual legally to control the assignment of wages, but workers generally are fully alive to their obligations and honour their family obligations as a first charge on the wages.

Article 15, paragraphs (a) and (d). No regulations have been made to prescribe the posting of notices, except under section 40 (b) of the Labour Ordinance in respect of bakeries and laundries.

Article 17. The exemption referred to in the first report on the Convention was meant to indicate that it was more difficult to apply the Convention in the interior, due to remoteness, sparsity of population, etc.; the legislation applies, however, throughout the entire country. The trade unions cover the majority of workers in the interior and work closely with the inspection service.

British Honduras.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras, 1959*, pp. 119-179).

Article 2 of the Convention. Section 2 of the above ordinance defines "worker" as any person who has entered into or works under a contract with an employer, whether the contract be (a) for manual labour, clerical work or otherwise; (b) expressed or implied; (c) oral or in writing; (d) a contract of service or of apprenticeship; or (e) a contract personally to execute any work. Since all manual labour is covered by the ordinance this Article is fully applied.

Article 3. Section 92(1) of the ordinance requires the provision in all contracts of employment for the payment of wages in legal tender and not otherwise; if in any such contract the whole or any part of such wages is made payable in any other manner, such contract shall be illegal, null and void.

Article 4. Section 104 (1) of the ordinance provides that an agreement or contract with a worker may permit remuneration other than wages in the form of food, a dwelling place or other allowances or privileges in addition to any wages he may receive as a remuneration for his services, but prohibits any employer to give to a worker any intoxicating liquor or noxious drugs by way of such remuneration.

Section 122 of the ordinance defines "total remuneration" as the total cash value of any board or lodging which shall be deemed to be the amount fixed as such by or under the terms of the worker's contract; if it is not so fixed, it shall be computed at the rate of \$20 a month for board and \$10 a month for lodging.

Article 5. Section 95 of the ordinance requires the direct payment of wages to the worker concerned or to a person specified by him in writing, except as provided in section 107 of the ordinance, which deals with limitations on and attachment or seizure of wages.

Article 8. Section 103 of the ordinance authorises certain wage deductions on condition that the total amount which may be stopped or deducted from the wages of a worker in any pay period shall not exceed one-third of the wages due to him in that pay period. As regards paragraph 2 of this Article, the report refers to the information supplied in respect of Article 15 (a) below.

Article 9. Section 105 (1) of the ordinance expressly prohibits any direct or indirect deductions from wages for the purpose of obtaining or retaining employment.

Article 10. Section 107 of the ordinance stipulates that (1) notwithstanding the provisions of any other law the remuneration of a worker shall be liable to attachment or seizure in execution only (a) up to one-half in respect of maintenance payments, and (b) up to one-third in respect of all other debts of any kind and however contracted; (2) the proportions prescribed in the preceding subsection shall not be applicable cumulatively on the ground that there are several debts or several creditors, the maximum proportion in all cases remaining 50 per cent. of the remuneration. The sums attached or seized shall be divided among the claimants in proportion to their established claims.

Article 12. Section 97 (1) of the ordinance makes detailed provisions for the payment of wages at regular intervals to the different categories of workers.

Section 98 (1) of the ordinance prescribes the manner in which the final settlement of wages shall be effected upon the termination of an employment contract.

Article 13. Section 93 of the ordinance provides that (1) except where otherwise expressly permitted, the payment of wages where made in cash shall be made on working days only and at or near the workplace, and that (2) no employer shall pay wages to any worker at or within any retail shop, or place for the sale of any spirits, wine, beer or other spirituous or fermented liquor or any office or place belonging thereto or occupied therewith, except in the case of persons employed therein. However, on the application in writing of any employer the Labour Commissioner may in writing and subject to any conditions he may specify exempt such employer from the above-mentioned provisions because of special local conditions or where other arrangements known to the workers concerned are considered more appropriate.

Article 15, paragraph (a). Section 61 (1) of the ordinance requires the Commissioner to cause concise summaries of the ordinance to be printed in English and in a language known to the workers, and to make such summaries available to the workers and employers concerned. Section 61 (2) of the ordinance also provides that where necessary the employer may be directed by the Commissioner to post such summaries in a language known to the workers in conspicuous places.

Workers are also made aware of the various provisions of the ordinance through the medium of trade union seminars conducted by the Labour Department.

Paragraph (b). Section 2 of the ordinance defines the employer and the worker who are responsible for compliance with the ordinance.

Paragraph (c). Section 181 of the ordinance stipulates that any person found guilty of any offence against the ordinance and for which no penalty is prescribed is liable to a fine not exceeding \$250 or to imprisonment not exceeding six months.

Paragraph (d). Section 16 (1) of the ordinance requires the employer to prepare and keep one or more registers or other records as may be prescribed by regulations; section 16 (2) requires that every such register or record shall be preserved and made available for inspection for not less than two years after the recording thereof.

In reply to a request made by the Committee of Experts in 1960 the Government states that Article 5 of the Convention is fully applied by the provisions of section 95 of the Labour Ordinance, 1959; Article 8 (2) is applied by section 61 (1) and (2) of the ordinance; and Article 15 (d) is applied by section 16 (1) and (2) of the ordinance.

Brunei.

In reply to a request made in 1961 by the Committee of Experts the Government states that the legislative measures proposed with regard to Article 4, paragraph 1, Article 10 and Article 13, paragraph 1, of the Convention have now been submitted in the first stage of legislative procedure to the State Council for consideration.

Article 4 of the Convention. Section 116 of the Labour Enactment, 1954, as amended, would contain the following proviso: "... provided that such legal allowances are with the consent of the worker and approved by the Commissioner, both as to suitability for the personal use and benefit of the worker and his family and the monetary value attributed to such allowances."

Article 13. Section 109 of the Labour Enactment, as amended, would require the payment of wages, where made in cash, to be made on working days only and at or near the workplace except as may be otherwise prescribed or provided for by collective agreement, arbitration award or where other arrangements known to the workers concerned are considered more appropriate.

Dominica (First Report).

Labour (Minimum Wage) Act, No. 21, 1937 (*Acts and Ordinances of the Colony of the Leeward Islands*, 1937-38).

Labour (Minimum Wage) (Amendment) Act, 1944 (*ibid.*, 1943-44).

Labour (Minimum Wage) (Advisory Boards) Rules, 1944 (*Dominica Official Gazette*, 8 Aug. 1944).

Minimum Wage (Bakers) Proclamation, 1945 (*ibid.*, 17 Sep. 1945).

Minimum Wage (Agricultural Labourers) Proclamation, 1947 (*ibid.*, 12 Apr. 1947).

Wages Councils Ordinance, 1953 (*ibid.*, 9 July 1953).

Wages Regulation (Shop Assistants) Order, 1959 (*ibid.*, 24 Dec. 1959).

Collective Agreement respecting Waterfront Workers, concluded between the Dominica Employers' Union and the Dominica Trade Union on 9 January 1959.

Collective Agreement respecting Agricultural Workers, concluded between the Dominica Employers' Union and the Dominica Trade Union on 10 February 1960.

Articles 1 and 2 of the Convention. The provisions of the Convention apply to all categories of persons.

Article 3. Wages are paid in legal tender; the Government frequently uses bank cheques for the payment of persons in its employ.

Article 4. Neither the system of partial payment of wages in kind nor the practice of payment of wages in the form of liquor or noxious drugs obtains in Dominica.

Article 5. Wages are generally paid to the worker direct or, upon receipt of a duly signed authorisation, to his agent.

Articles 6 and 7. The provisions of these Articles are complied with.

Article 8. Deductions from wages may be made with the authorisation of the worker. There are no national laws or regulations prescribing deductions.

Article 9. The provisions of this Article are observed.

Article 10. The extent to which wages are assigned depends solely on the worker.

Article 12. The majority of daily-paid workers (e.g. Public Works Department employees) receive their wages fortnightly, while others receive them weekly. The interval between payments is regulated by contract between the parties.

Article 13. Wages are paid near the workplace.

Article 14. The provisions of this Article are observed. Workers are informed of wages and conditions of work prior to employment.

Article 15. The provisions of this Article are observed.

Gibraltar.

Consideration is being given to the consolidation of the Truck Ordinance with the Regulation of Wages and Conditions of Employment Ordinance in order to

clarify certain conflicting and overlapping provisions and definitions and to place all workers as far as possible on the same basis with regard to wage protection. Any draft amendment resulting from this consideration will be submitted in accordance with the usual practice to the Labour Advisory Board, which is equally representative of employers and workers, before it is considered by the Government.

Grenada.

In reply to the request made by the Committee of Experts in 1961 the Government has supplied the following information.

As regards Article 2, paragraph 2, of the Convention, no consultation has taken place, since there are no organisations of domestic helpers and other workers or employers in hotels, restaurants, clubs and similar institutions.

Recommendation has been made for the enactment of general legislation relating to wage protection which will cover the points raised in respect of Articles 3 (1), 4 (1), 6, 8 (2), 10, 13 and 15 (b), (c) and (d).

In the light of the view of the Committee that the provision of section 13 (2) and (3) of Ordinance No. 4 of 1951 which permits in certain circumstances the payment of wages in the form of "allowances or privileges" is not in conformity with Article 4, consideration is now being given to the repeal of this provision.

Jersey.

On 1 June 1961 the Social Security Committee presented to the States of Jersey a Bill to provide that workers receive the full benefit of their wages, to protect them from certain abuses and to provide for matters incidental thereto. This Bill is designed to implement the decision of the States of 15 September, 1953, to accept the obligations of the Convention. The Bill has not yet been debated.

The Government adds that full consultations were held, during the consideration of the draft of the Bill by the Social Security Committee, with all the employers' associations in the island and with the Transport and General Workers' Union, and that all the bodies consulted agreed with the terms of the Bill.

Kenya.

It has not yet proved possible to consider renouncing the modifications in respect of Article 2, paragraph 1, Article 6, and Article 7, paragraph 2, subject to which the Convention has been declared applicable, because this would involve a substantial revision of the Employment Ordinance, which unfortunately the Government has not been able to undertake because of other pressing commitments.

As for the hope expressed by the Committee of Experts in 1960 that the Government might find it possible to give statutory effect to Article 7, paragraph 1, and Article 13, paragraph 1, this again can be examined only in the context of a general revision of the Employment Ordinance.

Malta.

Article 4 of the Convention. In hotels, where employees partake of meals, the relevant Wage Regulation Order prescribes different wages to cover the contingencies where the employer supplies one main meal, two main meals or more. A similar provision is contemplated in the Private Schools Wages Council proposals. However, the suggestion to revise the relevant legislation to ensure full compliance with the Convention will be taken into consideration.

Articles 6, 10 and 13. The suggestions made by the Committee of Experts concerning the adoption of measures to meet the requirements of these Articles will similarly be taken into consideration.

Isle of Man.

There are very many cases in the Isle of Man where there is no statute law. The common law rests "in the breasts of the Deemsters". The decision of the Deemsters in the courts gives the common law in written form. The Government is satisfied that nothing has been done in the last 50 years which could be construed as in contradiction of the principles of the Truck Acts of the Imperial Parliament.

Mauritius.

Employment and Labour (Amendment) Ordinance, No. 21, 1961.

Article 2 of the Convention. The above-mentioned ordinance has widened the field of application of the Employment and Labour Ordinance to cover all employed persons whose salaries or wages do not exceed 6,000 rupees per annum, except domestic servants.

Article 4. Section 60 of the Employment and Labour Ordinance was amended by Ordinance No. 21, 1961, so as to ensure full conformity with the provisions of this Article.

Article 13. Section 54 of the Employment and Labour Ordinance was amended by section 18 of Ordinance No. 21 so as to ensure the full application of this Article.

North Borneo.

In order to comply more fully with Article 13 of the Convention, section 109 of the Labour Ordinance has been amended by the Labour (Amendment) Ordinance, No. 12, 1959, so as to prohibit the payment of wages to workers (a) through the agency of any overseer, (b) at or within any shop, store or place of amusement, except in the case of persons employed therein, and (c) at any place or premises where intoxicating liquors are sold, except with the prior approval of the Commissioner.

The report states that the Government has taken note of the general remarks made under United Kingdom by the Committee of Experts regarding the payment of wages or allowances in kind under Article 4 of the Convention. It repeats information given previously on this question, but indicates that the Government will nevertheless give consideration, on the occasion of the next revision of the relevant legislation, as to whether it may be necessary and practicable to amend section 116 of the Labour Ordinance, with a view to ruling out all possibility of abuses.

Nyasaland.

A declaration of "decision reserved" is made in respect of the application of this Convention. This has been necessary because of the revision of the Employment Ordinance, 1957, which is now being carried out and which has been delayed owing to the constitutional changes in this territory. The provisions of the new legislation will require a re-examination of its application to the various categories of workers concerned.

Northern Rhodesia.

Employment of Natives Ordinance (Cap. 171).

United Kingdom Truck Acts, 1831-96.

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).

Preferential Claims in Bankruptcy Ordinance (Cap. 19).

The Government states that although a declaration of "decision reserved" has been made in respect of the Convention in Northern Rhodesia, amending legislation which is at present under consideration may lead to an improved declaration.

Article 2, paragraph 2, of the Convention. Regarding the scope of the application of the Convention the Government states that it is proposed to exclude all persons not employed in manual labour.

Article 3 and Article 4, paragraph 1. The wages of African workers are paid in legal tender, and payment in any other form requires the previous written consent of the Labour Commissioner (Employment of Natives Ordinance, section 70 (4)). The Truck Act of 1887 makes similar provisions in respect of non-Africans, but it is customary to pay them by cheque. Therefore the payment of wages in the form of alcoholic liquor or noxious drugs is not permitted.

Articles 5, 6 and 7. The Government states that Article 5 is applied in virtue of section 70 (1) of the Employment of Natives Ordinance and section 3 of the Truck Act, 1831; Article 6 is made applicable to all workers by section 2 of the same Act; Article 7 (1) is made applicable to all workers by section 5 of the Truck Act, 1831, by section 6 of the Truck Act, 1887, and by section 70 (4) and (5) of the Employment of Natives Ordinance; with regard to paragraph 2 of Article 7, access to other stores or services is always possible.

Articles 8 and 9. Deductions from the wages of non-African workers are prohibited by the Truck Act, 1831 (sections 1 to 6) subject to the provisions of sections 1 to 3, 23 and 24 of the Truck Act, 1896. The Employment of Natives Ordinance lays down items in respect of which deductions from wages may be authorised with the consent of the worker; these are blankets and other approved articles (section 48) and housing (sections 45 (3) and 45 A (2)). Deferment of pay has the consent of the worker in being an arrangement agreed upon in the contract of service (section 70 (3)). Deductions in respect of food and housing are also provided for in an instrument made under the Minimum Wages, Wages Councils and Conditions of Employment Ordinance, which applies to all races.

Article 10. Claims in respect of an African servant's wages may be awarded by order of a court under section 72 (1) (a) and (c) of the Employment of Natives Ordinance. Section 79 prescribes the limit of assignment in the case of an award of compensation for loss of or damage to an employer's property, the limit being instalments not exceeding one-half of the servant's weekly or monthly wage.

Article 11. The Government refers to sections 3 and 4 of the Preferential Claims in Bankruptcy Ordinance as containing provisions which meet the requirements of this Article.

Article 12. Both paragraphs of this Article are applied under section 70 (2) of the Employment of Natives Ordinance. For non-Africans wage payments are regulated by determinations of wages boards or councils or by workers' collective or individual contracts, which are enforceable under common law.

Article 13. The provisions of paragraph 1 are customary practice; the requirement of paragraph 2 is provided for in the Employment of Natives Ordinance (section 70 (5)), and is respected in practice for non-African workers.

Article 14. The application of this Article is provided for in respect of African workers by sections 10 and 12 of the Employment of Natives Ordinance, and for non-African workers by the Posting of Notices Rules, 1960, concerning wage determinations and orders, or by normal practice in the case of workers covered by collective or individual contracts. Legislation is published in the Government Gazette, and copies of the laws are available from the government printer.

Article 15. The Government refers to the various sections of the legislation which provide for the application of paragraphs (c) and (d) of this Article.

St. Lucia.

Protection of Wages Ordinance, No. 30, 1959.

Article 4 of the Convention. The observation made by the Committee of Experts in 1960 is noted, and due consideration will be given to harmonising existing law with the Convention.

St. Vincent.

Wages Councils Ordinance, No. 1, 1953.
Department of Labour Ordinance, No. 14, 1942.

In reply to a direct request made by the Committee of Experts in 1960 the Government has supplied the following information.

Article 2 of the Convention. In practice no manual workers are excluded. The Labour Advisory Board, on which workers' and employers' organisations are represented, is consulted.

Article 3, paragraph 2. Wages are not paid by cheque.

Articles 5, 6, 12 and 13. Consideration will be given to the enactment of legislation relating to these Articles.

The only cases in which the pay office is not always in close proximity to the workplace relate to government employees; in such cases a pay clerk is sent to the workplace.

Article 10. Sections 13 and 14 of the Wages Councils Ordinance, No. 1, 1953, apply these provisions.

Article 14, paragraph (a). The Wages Councils (Wages Regulations) (Workers' Notification) Regulations, 1953, apply these provisions.

Paragraph *(b)*. Changes in the amount of wages generally take place before the commencement of a pay period. The workers are informed of the change by notice posted up and by word of mouth before the next pay day.

Article 15, paragraph (d). No records have yet been prescribed under section 13 of the Factories Ordinance. Section 6 of the Department of Labour Ordinance, No. 14, 1942, is applicable.

Singapore.

The Government states that a decision is reserved on this Convention because the Shop Assistants' Employment Ordinance and the Clerks' Employment Ordinance still have no provisions to satisfy Articles 3 to 7, 10 and 13 (2) of the Convention. New legislation is contemplated to bring these ordinances into line with the Labour Ordinance; as soon as this is done, there is every likelihood that the Convention may be fully applied, with the exception of Article 10.

Solomon Islands.

Labour Regulation No. 3 of 1960.
Companies Ordinance, 1959.

Labour Regulation No. 3 of 1960 repeals the 1947 regulation. A number of amendments introduced into the new legislation are in respect of provisions of the Convention which were the subject of a direct request by the Committee of Experts in 1959.

Article 2 of the Convention. A worker is defined as excluding apprentices, domestic servants and seamen, and consideration is being given to the application of the regulation to the latter two categories under section 117 (1) (u).

Article 3. The provisions for applying paragraph 1 of this Article are contained in section 16 of the 1960 Labour Regulation. Advantage has not been taken of the provision in paragraph 2.

Article 4. The new relevant sections (22 and 102) omit the words "other benefits" (thus restricting the permitted forms of wages in kind to the items specified in the regulation), and introduce the prohibition to provide intoxicating liquor or any noxious drug by way of remuneration. Section 22 also provides that the value of any remuneration in kind shall be expressed in the contract in monetary terms.

Articles 5 and 6. These are given effect to by sections 16 and 18 respectively.

Article 7. Section 23 (1) applies, and the Government states that the Commissioner of Labour requires all employers operating shops to make returns of prices.

Article 8. Deductions may now be made in respect of authorised advances of wages (section 9 (4)). The Government states that there is no evidence of large advances, but that should this come to light steps will be taken to limit the amount of deductions which may be made from wages. Deductions from wages of recruits for advances before taking up employment are subject to specified limits (section 52 (1)), and workers are informed of these provisions on the attestation of their contracts. Prohibited deductions still laid down in the legislation are those in respect of discount or similar charges on account of advances or fines (sections 20 and 21 (1)).

Article 9. Section 21 (2) is a new provision along the lines of this Article.

Article 10. The Government refers to section 16 of the regulation as preventing assignment of wages (the entire amount of wages shall be actually paid directly to the worker). There are as yet no provisions limiting attachment.

Article 11. Wages are safeguarded by the United Kingdom bankruptcy law and by the Companies Ordinance, 1959, governing companies incorporated in the protectorate.

Article 12. Wages are invariably paid monthly or fortnightly, and section 14 (2) of the labour regulation provides for the application of paragraph 2 of this Article.

Article 13. The Government states that the requirements of paragraph 1 are applied in practice and that an amendment to the legislation would be considered if warranted. Section 14 (2) of the regulation covers the requirement of paragraph 2.

Article 14, paragraph (a). Recruited workers are seen by the Commissioner of Labour before employment begins, and their contracts of employment are attested according to section 57 (informing workers of the terms of the contract, etc.). Generally, the conditions of employment are well known to workers.

Article 15. The definitions required under paragraph (b) are contained in section 2 of the regulation, and a number of sections prescribe penalties for contraventions of the regulation's provisions.

Swaziland.

Comprehensive provisions governing the protection of wages have been drafted as part of a new employment proclamation, which it is hoped to promulgate at an early date. Such provisions include restrictions on the possibilities of payment of wages in kind.

Trinidad and Tobago.

In reply to a direct request made by the Committee of Experts in 1960 the Government supplies the following information.

Article 12, paragraph 2, Article 13, paragraph 1, and Article 15, paragraph (d), of the Convention. Proposals submitted by an International Labour Office expert for the revision and consolidation of existing labour legislation include provisions which would give legislative effect to these provisions of the Convention.

Zanzibar.

Decree No. 8 of 1960 to amend the Labour Decree of 1946.
Minimum Wages Decree, 1935.

Decree No. 8 of 1960 has introduced a number of provisions into the principal decree that bring the legislation into conformity with a number of the Articles of the Convention which were the subject of direct requests by the Committee of Experts in 1959 and 1960.

The definition of "servant" has been amended to include shop assistants, who are thereby brought within the scope of the Convention. The section of the principal decree which simply prohibited the payment of wages other than in the currency of the protectorate has been replaced by provisions which provide fully for the application of Articles 3 (1), 5, 6, 7 (1), 9 and 13 (1) and (2) of the Convention.

The Government has drawn attention to the Minimum Wages Decree of 1935 which, in addition to the Labour Decree, provides for the protection laid down in Articles 5, 6 and 9, and to additional provisions of the Labour Decree which further ensure the application of Articles 12 and 14.

* * *

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

France (Comoro Islands), *Netherlands* (Netherlands Antilles), *United Kingdom* (Aden, Brunei, British Guiana, British Honduras, Mauritius, St. Vincent, Solomon Islands).

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

France (French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands New Guinea), *United Kingdom* (Antigua, Basutoland, Bechuanaland, Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Guernsey, Hong Kong, St. Helena, Sarawak, Seychelles, Southern Rhodesia, Uganda).

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.

NETHERLANDS

Netherlands Antilles.

Although all employment agencies are governmental, a provision has been lately inserted in the National Decree on Employment Agencies in order to prevent the establishment of fee-charging employment agencies in the future.

* * *

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), *Netherlands* (Netherlands New Guinea).

97. Migration for Employment Convention (Revised), 1949¹

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: 10 November 1950.
United Kingdom. Ratification: 22 January 1951.
Applicable without modification:
Guernsey², Jersey², Isle of Man²: 10 March 1956.
Gambia³, Mauritius³, North Borneo³, Zanzibar³: 16 December 1958.
Barbados^{4,5}, British Guiana⁴, Dominica^{4,5}, Grenada^{4,5}, Jamaica^{4,5}, St. Lucia^{4,5}, St. Vin-

cent^{4,5}, Trinidad and Tobago^{4,5}: 22 September 1960.

Bahamas²: 13 February 1961.

Applicable with modification:

Kenya², Uganda²: 16 December 1958.

Antigua^{4,5}, British Virgin Islands⁴, 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, Solomon Islands: 16 December 1958.

Basutoland, Bechuanaland, Swaziland: 23 February 1959.

British Honduras: 5 January 1961.

Northern Rhodesia, Nyasaland, Southern Rhodesia: 23 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

British Guiana (First Report).

Immigration Ordinance (*The Laws of British Guiana*, 1953, Vol. II, Cap. 98).

Employment Exchange Ordinance (*ibid.*, Cap. 105).

Recruiting of Workers Ordinance (*ibid.*, Cap. 106).

Article 1 of the Convention. The Immigration Ordinance and the Immigration Regulations made thereunder provide for the control of emigration and immigration. There is no legal provision concerning migration for employment, but special agreements have been concluded with the United States and Canada concerning the recruitment of farm labourers and domestic servants respectively for those countries; the employment, living and working conditions of persons so recruited are set out in contracts of agreement.

Article 2. Two employment exchanges, which provide free service to all unemployed persons, have been established under the provisions of the Employment Exchanges Ordinance.

Article 3. Circumstances have not yet made it necessary to take steps against misleading propaganda.

Article 4. There are no established measures to facilitate the departure, journey and reception of migrants, except in the case of group transfer such as mentioned under Article 1.

Article 5. Under Article 10 (1) of the Immigration Regulations a government medical officer may be required to examine persons entering or seeking to enter the

colony or found therein. Special arrangements relating to the above-mentioned group transfer provide for free medical examination of the persons concerned on departure, during the journey and on arrival in the territory of destination. Normal medical facilities and health services are available and good hygienic conditions observed in transport subject to the Government's jurisdiction.

Article 6. There is no discrimination between nationals and non-nationals except in respect of old-age pensions and public assistance, for which immigrants are eligible only when they become domiciled in British Guiana.

Article 7. The Employment Exchanges Ordinance provides for the establishment of free services for nationals and non-nationals alike. Except in respect of group transfers, no steps have been taken to co-operate with the appropriate services of other States Members.

Article 8. Under section 2 of the Immigration Ordinance a migrant for employment admitted on a permanent basis acquires domicile after two years' residence, and he and his family may not thereafter be returned to the territory of origin or of emigration except at their request.

Article 9. Under existing arrangements a migrant may transfer such part of his earnings and savings as he desires.

Article 10. See under Article 1.

ANNEX II

Article 3. The schemes mentioned in the reply concerning Article 1 of the Convention were undertaken by the Government. The Recruiting of Workers Ordinance makes provision for recruitment by a prospective employer or a person in his service and for supervision of such recruitment.

Article 4. The services rendered by the employment exchanges are free.

Article 6. It has not yet been necessary to adopt regulations regarding the documents to be given to the recruited worker by the licensee.

Articles 8 to 12. No immigrants under a group transfer scheme have been introduced into British Guiana since the large-scale introduction of immigrants from India over 30 years ago.

British Honduras (First Report).

Immigration Ordinance, No. 13, 1957.

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras, 1959*, pp. 119-179),

Article 2 of the Convention. The Labour Department performs, in a limited sense, the functions of a free public employment service, which has so far been found to be adequate. However, under Section 78 of the Labour Ordinance, 1959, employment offices operating in respect of all or any categories of workers may be established in any part of the country.

Article 3. There is no legislation providing for action against misleading propaganda relating to emigration or immigration. It is generally accepted that the Labour Department is the only agency responsible for the dissemination of information on such matters. Section 62 (4) of the Labour Ordinance, 1959, provides for the conclusion, between the Government of British Honduras and the governments of other territories, of agreements regulating matters of common concern arising in connection with application of the Convention.

Article 4. The volume of migration for employment is negligible but, in the event of increased migration, the Labour Department takes steps to facilitate the departure, journey and reception of migrants for employment.

Article 5. Emigrants for employment are afforded medical services at government institutions in order to satisfy the health requirements of the immigration country. The Medical Department has appropriate administrative arrangements concerning the medical examination of immigrants for employment and of their families. Under the Labour Ordinance, and subject to certain exceptions, every worker who enters into a contract of employment shall be medically examined.

Article 6. Immigrants receive treatment no less favourable than that applied to nationals and are equally entitled to the rights and protection specified in the labour legislation.

Article 7. Since the volume of migration to and from British Honduras is negligible it has not been necessary to seek co-operation with services in other countries.

Article 9. Existing administrative practice allows for the transfer of earnings and savings of migrants for employment.

Article 10. Agreements with governments of other territories will be sought when the volume of migration warrants such steps.

Article 11. The existing legislation does not include any definition of the term "migrant for employment".

Persons who may be regarded as "frontier workers" are emigrants normally recruited for work in the chicle and timber industries in neighbouring countries.

British Virgin Islands (First Report).

Emigrants Protection Act, No. 10, 1929 (Leeward Islands), as amended.

Immigration and Passport Act, No. 7, 1945 (Leeward Islands), as amended.

Labour (Minimum Wage) Act, No. 21, 1937 (Leeward Islands), as amended.

Labour Ordinance, 1950.

Article 1 of the Convention. No specific legislation has been enacted to give effect to the provisions of the Convention.

The provisions of the Emigrants Protection Act are applicable in the Dominican Republic, Cuba and Curaçao, but no migration of workers has taken place since 1939.

Immigrants may enter the colony on furnishing a deposit, or under a bond executed by a responsible citizen; they then reside and work in the colony without restriction. In a few cases visas may be required.

Article 3. No legislation gives effect to the provisions of this Article. Free information on all the immigration requirements is issued by the Government.

Article 4. No measures have been adopted to facilitate admission and departure of migrants. Subject to the requirements mentioned under Article 1, immigration formalities are kept to a minimum.

Article 5. All migrants leaving the colony under a government-approved scheme are medically examined before departure. There are no medical services for workers coming to the territory because there is practically no immigration.

Article 6. There is no discrimination between nationals and others, and it is not thought necessary to enact legislation in this respect.

Article 8. There is no statutory provision under which an immigrant may be deported on the grounds mentioned in paragraph 1 of this Article. No international agreement to which the colony is a party provides for the return of migrants and their families on these grounds. A British subject is ordinarily deemed to belong to the colony when he has been resident for a period of seven years at least.

Article 9. There is no restriction on the transfer to or from the colony of any part of the earnings of migrants.

Article 10. Many workers go to the United States Virgin Islands to undertake temporary employment for periods of up to a year at a time. There is no formal

agreement between the two territories, but the workers do not receive less favourable treatment than the nationals. Moreover, the Inter-Virgin Islands Conference regularly reviews conditions of admission and employment.

Article 11. No legal definition exists respecting persons regarded to be "frontier workers", in view of the fact that the colony consists of islands.

ANNEX II

Article 3. No recruitment takes place in the colony except in the form of a government-approved scheme, but no regulation exists in this respect. The provisions of the Emigrants Protection Act may be extended to the place for which recruitment is being made. The Labour Commissioner deals with labour recruitment.

Article 4. The service rendered by the Labour Commissioner is free, but placing and general welfare are facilitated by the employers and supported in part by the migrants concerned.

Article 6. Migrants to St. Croix under a government-sponsored scheme sign, before leaving the colony, a contract which stipulates the conditions of work and wages. The conditions of all workers are supervised by a liaison officer during the emigration period (approximately three months a year). Since living and working conditions in the receiving country are well known, there is no written contract as regards migration to St. Thomas and the United States Virgin Islands.

Articles 7 to 11. Though no legislation or regulation gives effect to the provisions of these Articles, the principles laid down are followed as closely as may be practicable in local circumstances.

Article 13. No legislation gives effect to these provisions.

Grenada (First Report).

Recruiting of Workers Ordinance, No. 17, 1939, and amending Ordinance, No. 5, 1941 (*Grenada Ordinances, Proclamations, Orders in Council, etc. (G.O.)*, 1939, pp. 79-87, and 1941, pp. 19-20). Recruiting of Workers Regulations, 1941 (*S.R. & O.*, 1941, No. 81), and amendments thereto (*S.R. & O.*, 1942, No. 58, and 1943, No. 25) (*G.O.*, 1941, pp. 449-453, and 1942, p. 669).

Immigration (Restriction) Ordinance, No. 16, 1936, and amending Ordinances, No. 21, 1937; No. 14, 1953; No. 13, 1954; No. 22, 1955; and No. 9, 1956 (*G.O.*, 1936, pp. 59-72; 1937, pp. 71-74; 1953, pp. 77-80; 1954, p. 41; 1955, pp. 115-116; and 1956, pp. 49-50).

Immigration (Restriction) Regulations, 1938 (*S.R. & O.*, 1938, No. 45), and amendments thereto (*S.R. & O.*, 1952, No. 11, and 1954, No. 11) (*G.O.*, 1938, pp. 203-218; 1952, pp. A.27-A.28; and 1954, p. A.23).

Article 1 of the Convention. There is no restriction on migration.

Articles 2 and 4. The Government advises applicants for passports for the United Kingdom of the employment situation and living and working conditions in that country and gives them a booklet containing information likely to facilitate their adjustment. The British West Indian Welfare Service in London is given advance information concerning arrivals of migrants from Grenada; the service makes reception arrangements, helps migrants to find temporary accommodation and provides other forms of initial assistance. Systematic immigration for employment is unknown in Grenada.

Article 3. There are no laws or regulations prohibiting steps against misleading propaganda. There has been no need to co-operate with other governments in this connection.

Article 5. The services mentioned in paragraphs (a) and (b) are provided for persons recruited for employment as farm workers in the United States and are available to other persons who may wish to take advantage of them before leaving the territory.

Article 6. Employment of immigrants is usually of a temporary nature and is restricted to skilled personnel not available locally. These immigrants enjoy equality of treatment with citizens.

Article 7. Liaison is maintained with the British West Indian Welfare Service in London, which is financed by the West Indian Governments and provides free assistance to migrants.

Article 8. The report quotes section 2 (4) of the Immigration (Restriction) (Amendment) Regulations, 1952.

Article 9. There is no specific provision for compliance with this Article, as immigration for permanent employment is practically unknown.

Article 10. No agreements have been concluded.

Article 11. This does not apply.

ANNEX II

Article 3. The only organised recruitment is that of farm workers for the United States and domestic workers for Canada; this is organised by the Labour Department.

Article 4. Recruitment is free to migrants; however, farm workers contribute to the maintenance of an organisation responsible for their welfare.

Article 5. There has been no collective transport of migrants in transit.

Article 6. Each worker receives before departure a copy of the employment contract, which contains information on wages and other working conditions, and a booklet containing information on the general conditions of life and work applicable to him in the immigration country. Explanatory talks concerning conditions in the area of employment are also given to workers before departure.

Article 7. Farm workers recruited for the United States are not accompanied by their families; they stay abroad for an average of one year and a maximum of three years. They travel to St. Lucia under the care of a government officer and from there by commercial aircraft to the United States. On arrival, they receive cash advances and are allowed credit for certain personal requirements. There is no organised permanent settlement of migrants from Grenada. Nine girls are recruited annually for domestic employment in Canada. Their journey and reception are facilitated by a government officer. After one year of domestic service they are free to remain in Canada and take up other employment.

Article 8. See under Article 2.

Article 9. See under Article 8.

Northern Rhodesia (First Report).

Federal Government Laws.

Immigration Act, No. 37, 1954, as amended (*The Statute Law of the Federation of Rhodesia and Nyasaland*, 1954, 1957, 1959, 1961).

Aliens (Registration and Status) Act, 1954 (*ibid.*, 1954).

Deportation Act, No. 36, 1954.

Exchange Control Act, No. 27, 1954.

Currency and Exchange Control (Temporary) Act, No. 1, 1961.

Northern Rhodesia Government Laws.

Employment of Natives Ordinance (Cap. 171) and the regulations made thereunder.

Alien Natives Registration Ordinance (Cap. 170) and the regulations made thereunder.

Article 1, paragraph (a), of the Convention. Immigration and emigration of non-Africans are controlled by the Federal Government. Immigration policy aims at encouraging the entry of persons essential to the country's development, subject to certain conditions designed to protect the interests of the indigenous population. Emigration is not facilitated, but the right to emigrate is not restricted.

Under the Alien Natives Registration Ordinance alien Africans must obtain a registration certificate in order to remain in the territory. Refusal to issue such certificates serves as a means of controlling the influx of alien Africans in times of unemployment.

Emigration of indigenous persons is controlled by the Employment of Natives Ordinance, under which foreign contracts of service are limited to a maximum of two years and must be in writing and duly attested.

Paragraph (b). Non-African immigrants entering the territory to take up guaranteed employment are admitted on temporary permits and may not change their employment without prior approval until they acquire permanent domicile.

Article 2. The Federal and Northern Rhodesia Governments maintain free information services. In addition free employment services are available to everyone (see under Convention No. 88).

Article 3. Measures against misleading propaganda would be taken by the Federal and Northern Rhodesia Government Information Services.

Article 4. There is no migration for employment as such in regard to non-Africans.

In the case of Africans, the recruiting organisation must provide free transport and all necessary welfare facilities during the journey.

Article 5, paragraph (a). All Africans recruited by a labour agent must be examined by a government medical officer and there are adequate facilities for this purpose at all assembly points. In certain circumstances, recruits must also be medically examined on arrival at their destination.

Under the Federal Immigration Act, British and other non-African immigrants must possess certain medical certificates.

Paragraph (b). In urban areas African and non-African migrants have access to government hospital facilities, and government medical services are available to African migrants. Some organisations provide free medical services and even hospital facilities for their employees. In rural areas, government medical services, hospitals and clinics, open to all, are supplemented by mission hospitals. Good hygienic conditions are ensured through regular inspection of transit depots for recruits, migrant labour camps, trains, aircraft and airports.

Article 6. Legislation regarding wages, hours of work and related matters, apprenticeship and employment of women and young persons applies to all workers without discrimination.

Article 7. Government employment services are rendered free to all persons seeking work.

Article 8, paragraph 1. Persons admitted on a permanent basis are not required to leave the territory or the Federation because of their inability to follow their occupations by reason of illness contracted or injury sustained subsequent to entry.

Paragraph 2. A non-African immigrant with less than two years' residence may be returned to his territory of origin or last residence if he becomes a charge on public funds.

Article 9. Migrants may transfer such part of their earnings and savings as they desire, subject to Federal currency restrictions.

Article 10. No agreements are in force at present.

Nyasaland (First Report).

African Emigration and Immigrant Workers Ordinance (*Laws of Nyasaland*, 1957, Vol. II, Cap. 79). African Employment Ordinance (*ibid.*, Cap. 85).

For details of relevant Federal legislation see under *Northern Rhodesia*.

Revision of both the above-mentioned ordinances and, in the case of the former, possible repeal, are being considered.

In view of constitutional changes in Nyasaland and the policy decisions which will arise therefrom, more time is needed to examine the requirements of the Convention in the light of changed conditions.

St. Lucia (First Report).

Recruiting of Workers Ordinance, No. 31, 1939 (*St. Lucia Ordinances and Statutory Rules and Orders*, 1939, pp. 175-183).

Recruiting of Workers (Amendment) Ordinance, No. 2, 1941 (*ibid.*, 1941, pp. 7-8).

Recruiting of Workers Regulations, No. 13, 1942 (*ibid.*, 1942, pp. 227-233).

Article 1 of the Convention. Agreements concluded with other governments and the above-mentioned texts contain all relevant information on national policy and practice.

Article 2. Labour Department services carry out all formalities connected with preparation for migration. Provisions of the employment contract are read to workers or, in certain cases, summarised in leaflets distributed to them.

Article 3. It has not been necessary to legislate against misleading propaganda. In order to give prospective migrants accurate information on conditions in the proposed territory of destination, official visits are paid to such territories and reports submitted to the Government before recruitment is undertaken. Further, in the United States, field officers are maintained in each area where large numbers of migrants are employed.

Article 4. The departure of migrant workers is supervised by the Labour Department, and their reception is ensured by government and employers' representatives. Reports are forwarded to governments about the settlement of the workers.

Article 5. Paragraph (a) is applied by section 10 of the Recruiting of Workers Regulations; paragraph (b) is covered by a clause in the contract of employment.

Article 6. As far as practicable, the provisions of this Article are set out in the contract of employment, and liaison officers ensure that migrant workers receive treatment not less favourable than that of nationals in respect of the points mentioned in this Article.

Article 7, paragraph 1. The Regional Labour Board (a consultative body comprising representatives of United States employers and of unit governments) promotes co-operation between participants in this scheme as regards migrants' health, safety and welfare.

Paragraph 2. The Labour Department renders free services to migrants.

Article 8. The provisions of this Article do not apply to St. Lucia.

Article 9. A percentage of the migrant's earnings is deducted; part of this is paid to a dependant designated by him in writing, and the balance is saved for him by the Treasury until his return to St. Lucia.

ANNEX II

Article 3. Migrant schemes are regulated through the provisions of the Recruiting of Workers Ordinances and Regulations. Paragraphs 6 and 7 of the Article do not apply, as there is no immigration into St. Lucia.

Article 4. Under certain schemes, recruitment and introduction are effected without charge to the migrant, but placing and general welfare are facilitated by an organisation financed partly by migrants' contributions.

Article 5. The Labour Department has taken steps to expedite the passage in transit through St. Lucia of migrant workers from other parts of the Windward Islands.

Article 6. Under certain schemes conditions of employment are made known in advance, but there is no written contract; no written information is given on living and working conditions in the territory of immigration when these conditions are well known.

Articles 7 and 8. Article 3 of the Convention applies in the case of migration to the United States. In the case of migration to other territories, "head men" selected from among the migrants, together with appointed liaison officers, are responsible for settlement of grievances and maintenance of good relations between employers and workers.

Article 10. Under certain schemes the work agreement provides that in the circumstances mentioned in this Article, the employer in the territory of immigration shall explore every possibility of retaining a migrant worker's services before considering his repatriation.

Article 11. Such a problem does not arise in the territory.

Article 13. See section 10 of the Recruiting of Workers Ordinance, 1939.

Southern Rhodesia (First Report).

For details of relevant Federal legislation see under *Northern Rhodesia*.

Article 1 of the Convention. Immigration and emigration are Federal matters. The Federal Government encourages selective immigration of persons considered likely to further economic development. It encourages people to remain in the country but does not restrict emigration.

Article 2. The Southern Rhodesia Government has set up in the main centres of the colony free, multiracial employment exchanges whose placement services are available to migrants for employment. Outside the Federation, wherever there is consular representation, there are arrangements to supply intending immigrants with free and accurate information on employment prospects.

Article 3. Prompt steps are taken to counter any misleading information.

Article 4. Adequate transport facilities operate between the border posts and the main centres.

Article 5. A full range of medical facilities is available to migrants for employment. In the case of Africans, government medical facilities are free.

Article 6. Migrants legally admitted receive treatment equal to that of nationals in regard to conditions of employment.

Article 7. The employment exchanges mentioned under Article 2 co-operate, where necessary, with similar services in other countries.

Article 9. During their first four years of residence migrants may transfer up to two-thirds of their earnings. After that period they are treated on an equal footing with nationals.

Trinidad and Tobago (First Report).

The Labour Bureau Ordinance (Cap. 22), No. 2.

The Recruiting of Workers Ordinance (Cap. 22), No. 7.

The Foreign Labour Contracts Ordinance (Cap. 22), No. 8.

The Immigration (Restriction) Ordinance (Cap. 20), No. 2.

The Immigration (Restriction) (Classes of Undesirable Immigrants) Orders, 1953 and 1955.

The Labour Bureau Regulations.

Article 1 of the Convention. Immigration policy lays down that only the following persons should be admitted to the territory: (1) persons who intend to establish substantial new enterprises and have obtained prior government approval; (2) persons who have sufficient unearned income to maintain themselves without taking up employment; (3) persons who have obtained prior approval to engage in employment.

Emigration policy is reflected in the Recruiting of Workers Ordinance and the Foreign Labour Contracts Ordinance.

The living and working conditions of immigrants are no different from those of nationals.

No general agreements or special arrangements have been concluded.

Article 2. There is no organised immigration for employment. Recruitment for employment abroad is subject to safeguards laid down in the Recruiting of Workers Ordinance and the Foreign Labour Contracts Ordinance and is carried out under the supervision of the Ministry of Labour, whose services are free.

Article 3. There is nothing in the territory's laws and regulations to prevent the taking of steps against misleading propaganda, but it has not so far been necessary to take such steps.

Article 4. The only regular schemes of emigration for employment relate to persons going to the United States as farm labourers and women going to Canada as domestic servants. The Ministry of Labour makes many of the arrangements under these schemes, including those relating to medical examination, preparation of the work contract and travel documents, transport to the embarkation point and booking of passages.

Article 5. Medical examination of emigrants for employment is part of the general health services. Emigrants under the schemes mentioned under Article 4 may not be accompanied or joined by their families.

Article 6. There are no legislative or administrative measures; in practice, however, there is no question of discrimination against immigrants in respect of any of the matters listed.

Article 7. Services connected with migration co-operate as necessary with corresponding services in other territories. Services rendered by the public employment service are free.

Articles 8 and 9. There is no organised immigration for employment.

Article 10. The average yearly number of emigrants is not more than 200.

Article 11. The considerations envisaged in paragraph 2 (a) and (b) do not apply.

ANNEX II

Article 3. The Recruiting of Workers Ordinance (sections 2, 4 and 6), the Foreign Labour Contracts Ordinance (sections 3 and 5) and the Immigration (Restriction) (Classes of Undesirable Immigrants) Orders, 1953 and 1955, are applicable.

Article 4, paragraph 1. The report refers to section 9 of the Labour Bureau Regulations.

Paragraph 2. Under the United States scheme recruitment and introduction are effected without charge to the migrant, but placing and general welfare are facilitated by an official central organisation supported by contributions from the migrants concerned.

Article 5. There have been no cases of collective transport of migrants in transit.

Article 6. The Recruiting of Workers Regulations (sections 6 and 7), the Recruiting of Workers Ordinance (section 10), the Foreign Labour Contracts Ordinance (section 7) and the Immigration (Restriction) Ordinance (sections 33 and 36 (6)) are applicable.

Under the Canadian scheme conditions of employment are made known in advance, but there is no written contract. Under this scheme and the United States scheme the migrant receives no written information regarding general conditions of life in the immigration country.

Article 7. These considerations do not arise.

Articles 8 to 11. There is no organised immigration for employment.

Article 13. The report refers to sections 26, 36 and 38 of the Immigration (Restriction) Ordinance.

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 modification¹:
Guernsey, Jersey, Isle of Man: 30 June 1950.
Applicable without modification:
Aden, British Guiana, Gibraltar, Trinidad and Tobago²: 19 June 1958.
British Honduras, Dominica², Grenada², Jamaica², Mauritius, North Borneo, St. Lucia², St. Vincent², Sarawak: 29 December 1958.

Uganda: 17 March 1959.
Zanzibar: 8 March 1960.
Nyasaland: 1 June 1960.
Malta: 8 March 1961.
Singapore: 13 March 1961.
Kenya: 29 March 1961.
Gambia: 24 January 1962.
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, Hong Kong, Seychelles: 29 December 1958.
Antigua², Bahamas, Barbados², Montserrat², St. Christopher-Nevis-Anguilla²: 13 March 1961.

¹ See footnote 1 to Convention No. 2.

² Federation of the West Indies.

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Bahamas.

See under Convention No. 87.

Malta (First Report).

Conciliation and Arbitration Act, No. XXXVIII, 1948.
Conditions of Employment (Regulation) Act, No. XI, 1952.
Malta Police Ordinance, No. II, 1961.

Article 1 of the Convention. Protection against acts of anti-union discrimination in respect of employment is ensured by the Conciliation and Arbitration Act, 1948, which provides for the settlement of differences between employers and workers. The Conditions of Employment (Regulation) Act, 1952, provides that no employer may set up as a good and sufficient cause for dismissal without notice "that the employee at the time of dismissal was a member of a trade union".

Article 2. Workers and employers are free to join their respective organisations. The law also allows the formation of mixed unions, in which all the members have equal rights. The acts of interference referred to in paragraph 2 do not exist.

Article 3. The prescribed machinery is provided for to some extent by the Conciliation and Arbitration Act.

Article 4. Appropriate measures are provided by the Conditions of Employment (Regulation) Act.

Article 5. The armed forces are subject to the law of the United Kingdom. The police may join their own association but may not belong to trade unions.

Singapore (First Report).

Trade Unions Ordinance (Cap. 154).

Trade Unions (Amendment) Ordinance, No. 53, 1959.

Labour Ordinance, No. 40, 1955.

Shop Assistants Employment Ordinance, No. 13, 1957.

Clerks Employment Ordinance, No. 14, 1957.

Industrial Relations Ordinance, No. 20, 1960.

Trade Unions (Government Officers—Exemption) Notification, 1959.

Article 1 of the Convention. The Trade Unions Ordinance permits employers and workers alike to exercise freely the right to organise. Trade unions are defined as associations having as their objects the regulation of industrial relations, or the imposing of restrictive conditions on the conduct of any trade or business, or the representation of workers or employers in trade disputes, or the promotion or organising or financing of strikes or lockouts. The term "trade union" includes a federation. Provisions in the Labour Ordinance, 1955 (section 20), the Shop Assistants Employment Ordinance, 1957 (section 16) and the Clerks Employment Ordinance, 1957 (section 16), state that contracts of service shall not restrict the rights of an employee to participate in or organise trade unions.

Section 75 of the Industrial Relations Ordinance, 1960, makes it an offence punishable by fine and/or imprisonment for any person, by conferring or procuring or offering to confer or procure any advantage on or for any person, to induce or attempt to induce a person not to become a member or officer of a trade union or an association that has applied for registration, or to cease to be a member or officer as aforesaid, except that it shall not be an offence for an employer to require as a condition of the appointment or promotion of a person to a managerial position that that person shall not continue to be an officer or member of a particular union. It is an offence under section 76 for any employer to discriminate, in the engagement of persons for employment, against any person because such person is or proposes to become an officer or member of a trade union or an association which has applied to be registered as a trade union. Section 77 (1) (a) prohibits an employer from dismissing or threatening to dismiss or injuring or threatening to injure an employee in his employment or altering or threatening to alter his position to his prejudice because the employee is or proposes to become an officer or member of a trade union or an association that has applied to be registered as a trade union. Section 78 makes it an offence for an employee to cease work because the employer is an officer or member of a trade union or of an association that has applied for registration as a trade union. In cases brought under sections 77 and 78 the onus is on the defendant to prove that he was not activated by the reasons alleged.

Article 2, paragraph 1. Sections 77 and 78 of the Industrial Relations Ordinance apply this paragraph.

Paragraph 2. Section 10 (d) of the Trade Unions Ordinance, as amended by Ordinance No. 53 of 1959, makes it one of the conditions precedent to registration as a trade union that an association or combination of workmen in a particular trade, occupation or industry, is not likely to be used against the interests of the workmen in that particular trade, occupation or industry. In the contrary case the Registrar may refuse registration (section 14 (d)), and may cancel registration if a union is being used or is likely so to be used (section 15 (c)).

Article 3. This Article is complied with.

Article 4. The Industrial Relations Ordinance provides for the regulation of employer-employee relations and the prevention and settlement of disputes by collective agreement. The Government also encourages establishment of joint consultative committees. The Singapore Civil Service Joint Council is a permanent negotiating body for all government servants, and other permanent joint consultative

committees have been formed in the three armed services, the Singapore Harbour Board, the Singapore Telephone Board and the lighterage industry.

Article 5. The armed services and the police are excluded from the scope of the Convention.

Article 6. The Trade Unions (Government Officers—Exemption) Notification, 1959, provides for the organising rights of government officers or servants.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Singapore).

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.

United Kingdom. Ratification: 9 June 1953.

Applicable without modification:

Isle of Man: 10 March 1956.

Jersey: 24 April 1956.

Nyasaland: 22 March 1958.

Mauritius: 29 December 1958.

Guernsey: 3 September 1959.

Decision reserved:

Northern Rhodesia, Southern Rhodesia: 22 March 1958.

Antigua¹, Barbados¹, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica¹, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada¹, Hong Kong, Jamaica¹, Kenya, Malta, Montserrat¹, North Borneo, St. Christopher-Nevis-Anguilla¹, St. Helena, St. Lucia¹, St. Vincent¹, Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago¹, Uganda, Zanzibar: 29 December 1958.

Bahamas: 13 March 1961.

Not applicable: Aden, Gibraltar: 29 December 1958.

¹ Federation of the West Indies.

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Bahamas (First Report).

The Government makes a declaration of "decision reserved". Minimum wage-fixing machinery is provided in Part V of the Trade Union and Industrial Conciliation Act, 1958. It is, however, impracticable to apply this machinery to the insignificant number of agricultural workers in the territory.

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: 24 July 1953.

Not applicable: Tokelau Islands: 24 July 1953.

United Kingdom. Ratification: 25 June 1956.
Applicable without modification:
Barbados¹: 9 February 1959.
St. Lucia¹, St. Vincent¹: 11 April 1960.
St. Christopher-Nevis-Anguilla¹: 5 January 1961.

Isle of Man: 29 March 1961.

British Honduras: 1 August 1961.

Applicable with modification: Singapore: 13 March 1961.

Decision reserved:

Northern Rhodesia, Nyasaland, Southern Rhodesia: 22 March 1958.

Basutoland, Bechuanaland, Swaziland: 19 January 1959.

Antigua¹, Bahamas, Bermuda, British Guiana, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Kenya, Montserrat¹, North Borneo, St. Helena, Sarawak, Seychelles, Solomon Islands, Uganda, Zanzibar: 9 February 1959.

Guernsey, Jersey: 8 March 1960.

Mauritius: 10 October 1960.

Malta: 25 November 1960.

Dominica¹, Trinidad and Tobago¹: 23 February 1961.

Grenada¹, Jamaica¹: 13 March 1961.

Not applicable: Aden, Gibraltar: 9 February 1959.

¹ Federation of the West Indies.

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British Honduras (First Report).

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras*, 1959, pp. 119-179).

Article 1 of the Convention. Under section 123 of the above ordinance, every worker is entitled to not less than six days' paid holidays after one year of continuous service with the same employer.

Article 2. Any decisions which might affect the condition of workers are subject to consultation with the Labour Advisory Board, which comprises representatives of the Administration, the employers and the workers.

Article 3. Workers are entitled to not less than six days' paid holiday after one year of service.

Article 4. Provisions regarding paid holidays apply to all workers.

Article 5, paragraph (a). There is no system of more favourable treatment for young workers.

Paragraph (b). Collective agreements applying to the sugar and lemon industries provide for a progressive increase in the duration of paid holidays as the length of service increases.

Paragraph (c). This paragraph of the Convention is applied through section 126 of the above ordinance.

Paragraph (d). Public holidays are excluded from annual paid holidays.

Article 6. Paid holidays are normally granted as a continuous period, but may also be divided subject to mutual agreement.

Article 7. Section 122 of the ordinance states how holiday remuneration should be calculated. Such remuneration takes the equivalent value of payment in kind into consideration.

Article 8. Section 127 of the ordinance renders void any agreements to relinquish the right to annual holiday.

Article 9. Under section 125 of the ordinance a worker whose contract expires before he has taken his holiday is entitled to cash compensation.

Article 10. The Labour Department is responsible for enforcing the provisions of the ordinance.

Grenada.

Workers employed in agricultural undertakings are granted an annual holiday with pay by an arbitration award. The Legal Department has prepared draft proposals for a general holidays with pay ordinance.

Hong Kong.

An Industrial Employment (Holidays with Pay and Sickness Allowance) Bill has been drafted. This legislation will, however, be restricted in the first instance to industrial workers.

Kenya.

There are at present no legislative provisions for annual paid holidays for agricultural workers. Nevertheless, organisations of workers in general agriculture and the plantation industries have concluded voluntary agreements with corresponding associations of employers regulating terms of employment in the larger (non-African) undertakings in general agriculture and in the tea, coffee and sugar industries. The effectiveness of these measures in ensuring, specifically, that agricultural workers get annual holidays with full pay has yet to be judged—and the problem of extending these provisions or making similar ones to cover agricultural workers generally still remains.

Malta.

Agriculture in Malta is mainly of the peasant type, a farmer cultivating his own small plot of land with the help of members of his family and possibly taking on casual workers on a daily basis occasionally.

The question of holidays with pay for agricultural workers does not therefore arise.

Isle of Man (First Report).

Agricultural Wages Act, 1952.

Agricultural Wages Board Order, 1961.

Article 1 of the Convention. Holidays with pay for agricultural workers are granted by Agricultural Wages Board orders.

Article 2, paragraphs 1 and 2. Holidays with pay for workers employed in agriculture are fixed by the Agricultural Wages Board for the Isle of Man.

Paragraph 3 (a) and (b). The Agricultural Wages Board for the Isle of Man consists of three persons representing employers, three persons representing workers, two impartial members and a chairman.

Article 3. The Board's orders provide that full-time agricultural workers shall be allowed holidays at the rate of 14 days (including two Sundays) during every complete year of service.

Article 4. The orders made by the Board cover all persons employed under a contract of service in agriculture, and there are no excepted occupations or categories within this definition.

Article 5, paragraph (a). No special provisions have been made for young workers.

Paragraph (b). No provisions are made for additional holidays to be allowed because of length of service.

Paragraph (c). Proportionate holidays or payments in lieu thereof are allowed for such proportion as is represented by the number of weeks of employment.

Paragraph (d). Public and customary holidays are excluded from the annual holiday with pay; the holiday must include two Sundays. The temporary interruptions of attendance at work due to sickness or accident in relation to holidays with pay are not dealt with by the Wages Board.

Article 6. The commencing date of holidays with pay for seven days is at the option of the employer, but must be consecutive. The remaining period of seven days is at the option of the employer as to the commencing date; he also decides whether such seven days shall be consecutive or otherwise.

Article 7. In accordance with the orders made by the Agricultural Wages Board the minimum weekly rate of pay is paid to full-time workers while on holiday.

Article 8. Under section 10 of the Agricultural Wages Act, 1952, any agreement to relinquish or forego an annual holiday is void.

Article 9. A worker is entitled to all holidays accrued and due to him before the termination of employment and, where the employment terminates before any holidays earned have been taken, he is entitled to holiday remuneration in respect of the outstanding days.

Article 10. The Agricultural Wages Board employs an inspector, who reports any circumstances which lead him to think that any of the provisions of the Agricultural Wages Act, 1952, or the Agricultural Wages Board orders are not being observed.

Mauritius.

At present there is no legislation giving effect to the provisions of the Convention, but collective agreements in the sugar industry and a minimum wage order applying to the tea industry provide for annual holidays with pay.

St. Vincent.

In reply to a direct request made by the Committee of Experts in 1961 the Government furnishes the following information.

Article 4 of the Convention. Workers employed by the government cotton-ginning concern, the Arrowroot Pool, are considered to be industrial workers, and their annual leave is governed by Order No. 34 of 1960.

Workers in the sugar industry are covered by a collective agreement.

Article 6. The Government will consider what measures may be taken with regard to the dividing of holidays with pay.

Article 8. The Union of Industrial and Agricultural Workers, the only trade union to have concluded a collective agreement with the employers, will never accept an agreement the terms of which are less favourable than those of the orders made by the wages councils. Furthermore, the law takes precedence over collective agreements.

Seychelles.

The only holidays with pay granted to workers in agriculture or any other activity are Sundays and the nine public holidays listed in Appendix 2 to Ordinance No. 17 of 1945 concerning public holidays. In practice only half a day is worked on Saturdays.

Singapore (First Report).

Labour Ordinance, No. 40, 1955 (*The Laws of the Colony of Singapore*, Vol. I, Supplement, 1956).

Article 1 of the Convention. All workers, including agricultural workers, are entitled to paid annual holidays in accordance with section 47 (1) of the Labour Ordinance.

Article 2. Legislation ensures that paid holidays are granted.

Article 3. The minimum duration of paid holidays is fixed at seven weekdays for each continuous period of 12 months' service with the same employer.

Article 4. The provisions concerning paid holidays apply to all workers.

Article 5. In view of the small number of agricultural workers, no provisions exist for the application of paragraphs (a), (b) or (c) of this Article. However, public holidays are excluded from paid holidays in accordance with section 47 (3) of the Labour Ordinance.

Under established practice, any absence due to sickness is excluded from paid holidays.

Article 6. The Labour Ordinance does not provide for paid annual holidays to be divided, but states that workers may take their holidays at any time during the year following the period of 12 months' continuous service.

Article 7. Workers receive their normal wage rate for each day of holiday.

Article 10. The labour inspection service is responsible for application of legislation both in industry and in agriculture.

Trinidad and Tobago.

The matter of holidays with pay for agricultural workers is still being examined by the Wages Council for Agricultural Undertakings. There are a number of voluntary collective agreements under which specified workers in agriculture and related occupations obtain holidays with pay.

* * *

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

France (Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon), *Netherlands* (Netherlands Antilles, Netherlands New Guinea), *New Zealand* (Cook Islands and Niue, Western Samoa¹), *United Kingdom* (Aden, Antigua, Basutoland, Bechuanaland, Bermuda, British Guiana, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland, Uganda, Zanzibar).

¹ This territory became independent on 1 January 1962.

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 Man¹: 22 September 1960.

Decision reserved:

Northern Rhodesia, Nyasaland, Southern Rhodesia: 28 July 1958.

Aden, Antigua², Bahamas, Barbados², Basu-

toland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Virgin Islands, Brunei, Dominica², Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada², Hong Kong, Jamaica², Kenya, Malta, Mauritius, Montserrat², North Borneo, St. Christopher-Nevis-Anguilla², St. Helena, St. Lucia², St. Vincent², Sarawak, Seychelles, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago², Uganda, Zanzibar: 16 December 1958.

Guernsey, Jersey: 8 March 1960.

¹ Parts II to V, VII and X.

² Federation of the West Indies.

Isle of Man (First Report).

National Health Service (Isle of Man) Act, 1948, as amended.

National Insurance (Isle of Man) Act, 1948, as amended.

National Assistance (Isle of Man) Act, 1951, as amended.

Medical Act, 1958.

Mental Diseases Acts, 1924-60.

Article 2 of the Convention. The Government has accepted the obligations of Parts II to V, VII, and X.

PART II. MEDICAL CARE

Articles 7 to 9. All persons ordinarily resident in the Isle of Man are entitled to medical care under the National Health Service (Isle of Man) Act, 1948.

Article 10, paragraph 1. All the benefits listed are included in this scheme.

Paragraph 2. Small charges are made in certain cases, notably for drugs, certain appliances and dental care. The Health Services Board may exempt and has exempted certain categories of persons, including children, persons in hospitals or old people's homes, or persons receiving non-contributory pensions or national assistance.

Medical care directly relating to pregnancy, confinement and their consequences does not involve cost-sharing; services incidentally required may involve charges.

Paragraph 3. The health service is designed to improve the physical and mental health of the population.

Paragraph 4. The Health Services Board and other government departments with health and publicity interests have general responsibility for publicity to promote the proper use of the services. The population at large is apparently aware of the services available.

Article 11. There is no qualifying period for entitlement to benefits.

Article 12, paragraph 1. The duration of medical benefits is not limited. The health services are provided only in the Isle of Man, except that patients needing advice and treatment not available in the island can be transferred to hospitals in England (Article 69 (a)). Health services are not diminished by reason of other social security benefits (Article 69 (b) and (c)). Article 69 (d) to (j) is inapplicable.

PART III. SICKNESS BENEFIT

Article 15. The provisions are the same as in Great Britain.

Economically active persons covered by national insurance constitute 36 per cent. of the resident population.

The provisions concerning the means test for national assistance are as in Great Britain, except that there is a residential qualification (with exemptions to avoid exceptional hardship) of five years for a person who receives no old-age pension or retirement pension or who was not born in the Isle of Man (Article 76, paragraph 1 (b) (iv)). No recourse is had to Article 6.

Article 16, paragraph 1. Recourse is had to Article 66. The rules for the calculation of the benefit are the same as in Great Britain.

Paragraph 2. The standard rates and conditions for receipt of national assistance are the same as in Great Britain.

Articles 17 and 18. Provisions are the same as in Great Britain.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. Provisions are the same as in Great Britain.

Article 21. Recourse is had to paragraph (a) for unemployment benefit and to paragraph (b) for national assistance. Provisions are the same as in Great Britain.

There are no special schemes of unemployment benefit. Protected persons constitute 92 per cent. of all employees. Married women employees are automatically protected.

Article 22. Recourse is had to Article 66. The rates and conditions for payment of benefit are the same as in Great Britain.

Articles 23 and 24. The rates and conditions for receipt of national assistance are the same as in Great Britain.

PART V. OLD-AGE BENEFIT

Articles 26 to 30. Provisions concerning retirement pensions and national assistance are the same as in Great Britain. There are no special schemes for retirement pensions.

PART VII. FAMILY BENEFIT

Article 40. Provisions concerning family allowances are the same as in Great Britain.

The Health Services Board may arrange for providing domestic help where it is needed, and it administers the welfare foods service.

Article 41. Recourse is had to paragraph (c) for national assistance. See under Article 15.

Article 42. Recourse is had to paragraph (c).

The benefit is 8s. a week for the second child and 10s. a week for each additional child. School meals, milk, housing at subsidised rents and domestic help are also provided.

Article 43. Provisions are the same as in Great Britain.

Article 44. Recourse is had to paragraph (b).

Article 45. Provisions are the same as in Great Britain.

PART X. SURVIVORS' BENEFIT

Article 60. Provisions are the same as in Great Britain.

Article 61. Recourse is had to paragraph (b) for the purposes of national insurance and to paragraph (c) for the purposes of national assistance. The wives and children of all classes of employees are protected by national insurance.

Article 62. Recourse is had to Article 66.

The rates and conditions for payment of benefit are the same as in Great Britain.

Articles 63 and 64. Provisions are the same as in Great Britain.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Residents who are not nationals have the same rights as nationals. Special residence conditions are, however, applied in the case of family allowances payable wholly out of public funds. The special rules covering non-nationals and nationals born abroad are the same as in Great Britain. As regards national assistance see under Article 15. Non-nationals automatically have the same rights as nationals.

PART XIII. COMMON PROVISIONS

Article 69. See under Article 12, paragraph 1.

Article 70. The Health Services Board receives complaints on any relevant matter, which are normally referred to the appropriate authority for investigation. Complaints against a practitioner in the National Health Service on the grounds of negligence or errors of judgment are a matter for judicial action. The Services Committees Regulations, 1954, prescribe a statutory procedure for dealing with complaints of breaches of terms of service by medical, dental and pharmaceutical practitioners.

Provisions concerning complaints in regard to national insurance and family allowances are substantially the same as in Great Britain.

Article 71. Provisions concerning national insurance are the same as in Great Britain. The contributions paid by insured persons for the year ended 31 March 1961 constituted 29 per cent. of the amount of benefits paid. The rates of contributions and benefits are the same as in Great Britain. The Exchequer supplements the National Insurance Fund as recommended by Her Majesty's Government Actuary.

National assistance is paid for out of moneys voted by Tynwald from the proceeds of general taxation, no insurance contributions being made. The scales are the same as in Great Britain. No actuarial studies are necessary.

The National Health Service is financed by the general revenue and by sums transferred from the National Insurance Fund. Provision of medical care bears no relation to contributions to this Fund since expenditure on the Health Service is based not on the Fund but on an estimate of requirements.

Article 72. National insurance and national assistance are administered by the Board of Social Services, which is responsible to the legislature. The National Health Service is administered by the Health Services Board, which is responsible to the legislature.

PART XIV. MISCELLANEOUS PROVISIONS

Article 77. No recourse is had to paragraph 2.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

New Zealand. Ratification: 28 June 1956.
Applicable without modification:

Cook Islands and Niue, Tokelau Islands:
28 June 1956.

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

New Zealand (Cook Islands and Niue, Tokelau Islands).

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Australia. Ratification: 7 June 1960.
Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 5 October 1961.

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.

United Kingdom. Ratification: 30 December 1957.

Applicable without modification: Aden, Antigua¹, Bermuda, British Guiana, Brunei, Dominica¹, Gibraltar, Grenada¹, Malta, Mauritius, Montserrat¹, North Borneo, St. Helena, St. Vincent¹, Sarawak, Singapore: 10 June 1958.

British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands: 8 July 1958.

Bahamas: 16 July 1958.

Seychelles: 28 July 1958.

Barbados¹, Jamaica¹, St. Christopher-Nevis-Anguilla¹, St. Lucia¹, Trinidad and Tobago¹: 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.

Nyasaland: 5 January 1961.

British Honduras: 27 April 1961.

Kenya, Uganda: 16 March 1962.

Applicable with modification: Basutoland, Bechuanaland, Swaziland: 31 October 1958.

Solomon Islands: 8 March 1960.

Northern Rhodesia: 24 October 1960.

No declaration: Fiji.

¹ Federation of the West Indies.

AUSTRALIA

Nauru (First Report).

No forms of forced or compulsory labour exist in Nauru, and it has not been necessary to enact any legislation relating to the provisions of the Convention.

Article 1, paragraph (a), of the Convention. No persons whatsoever may be subjected to forced labour as a means of political coercion, education or punishment.

Paragraph (b). Forced labour is not used for purposes of economic development.

Paragraph (c). Forced labour may not be used as a means of labour discipline.

Paragraph (d). Participation in a strike or in certain strikes may not be punished by forced labour.

Paragraph (e). No legislative provisions exist whereby members of racial, social, national or religious groups may be subjected to forced labour.

New Guinea (First Report).

See under *Papua*.

Papua (First Report).

Papua and New Guinea Act, 1949-60.

Section 71 of the above-mentioned Act prohibits slavery and forced labour and hence any form of forced labour except such as is permitted by Convention No. 29.

Article 1 of the Convention. No executive act or directive authorises forced labour, and there is no forced labour exacted contrary to any of the paragraphs of this Article.

NETHERLANDS

Netherlands Antilles (First Report).

Penal Code.

National Decrees of 12 February 1958 (*Publicatieblad*, 1958, Nos. 18 and 19), as amended by National Decree of 3 December, 1959 (*ibid.*, 1959, No. 185).

Article 1 of the Convention. Forced labour is possible only as an additional punishment when convicts are sentenced for criminal offences.

Paragraph (a). Forced labour cannot be imposed as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system, since the holding or expression of such views is not punishable.

Paragraphs (b) and (c). Forced labour for these purposes is impossible and inconceivable in the Netherlands Antilles.

Paragraph (d). Strike action is not punishable.

Paragraph (e). It is forbidden to make a distinction on these grounds.

Article 2. No particular steps have been required, with the exception of some minor measures concerning the labour of convicts.

Public officers are punishable under section 381 of the Penal Code; other persons are punishable under section 397. The supervision of the observance of these provisions has been entrusted to the judicial authorities and the police.

Forced labour imposed as an additional punishment on convicts consists in practice of work performed in the prison (mainly domestic tasks such as cleaning and laundering) and some bookbinding.

Netherlands New Guinea (First Report).

Forced or compulsory labour does not exist in New Guinea either among the natives or among those of European descent or in the areas under the influence of the latter.

UNITED KINGDOM

Basutoland.

Native Labour Proclamation (Cap. 57).

The direct request made by the Committee of Experts has been noted. A Basutoland court gave judgment in December 1958 that desertion from a place of employment in the Union (now the Republic) of South Africa was not a continuing offence in Basutoland, and that therefore the person concerned could not be correctly charged with desertion. This decision has rendered ineffective section 40 (1) (a) of the Native Labour Proclamation, and no prosecutions have since been made thereunder. It is the intention of the Government to abolish this penal sanction attached to the breach of a civil contract. A draft amendment to the law is being prepared and will be presented to the legislature in accordance with the approved legislation programme.

Bechuanaland (First Report).

Protection of African Labourers Proclamation (Cap. 72).
African Administration Proclamation (Cap. 67).

Article 1, paragraph (a), of the Convention. Persons may not be subjected to forced labour for holding such views.

Paragraph (b). Section 24 of the African Administration Proclamation empowers an African Authority (an office held by a chief) to issue orders to be obeyed by Africans within the local limits of its jurisdiction for certain purposes which may be included in the term "economic development". Important examples of these purposes are as follows: providing for the making, maintenance and protection of roads, exterminating or preventing the spread of tsetse fly, locusts, mosquitoes or any other pest, preventing soil erosion and the protection of anti-soil erosion workers. Such orders do not necessarily involve the use of labour, though they may do so in certain cases. The exercise of these powers is subject to the directions of the High Commissioner.

Paragraph (c). Use may not be made of forced or compulsory labour as a means of labour discipline.

Paragraph (d). Participation in a strike may not be punished by the exaction of forced or compulsory labour.

Paragraph (e). There are no provisions allowing the exaction of forced or compulsory labour from particular social, racial or religious groups, other than those mentioned in this report.

In terms of section 33 of the African Administration Proclamation the chief, sub-chief, headman or African Authority may, in accordance with Tswana law and custom, call upon the Africans in his area to perform certain specified services "without payment or remuneration in cash or in kind for a period not exceeding 60 days in any one period of 12 months, including the times spent in going to and from the place of work".

These services are specified under three main headings, the first two of which correspond with subparagraphs (d) and (e) of paragraph 2 of Article 2 of Convention No. 29. In terms of that Convention these services are excluded from the term "forced or compulsory labour", and it is therefore considered that they do not fall within the scope of Convention No. 105. The third group of services is defined as follows: "personal services to a chief or sub-chief which are recognised by Tswana law and custom (such as the ploughing of the chief's tribal lands) and are undertaken in order to enable such chief or sub-chief to maintain his position and discharge the duties of his office."

The same section of the African Administration Proclamation states that any African called upon to perform the services mentioned above "may be allowed to pay to the revenues of the Native Treasury a commutation fee instead of performing such service, at such rate and such manner as may be specified by the African Authority with the approval of the Resident Commissioner".

The section further provides that a chief shall not, except in the cases stated above, "exact any work or service from any African in his area under the menace of any penalty for its non-performance and shall not employ any African on personal or tribal work or service who has not offered himself voluntarily for such work or service".

Section 27 of the same proclamation empowers the Resident Commissioner or an administrative officer to revoke such orders where he is of opinion that this is necessary.

It will be seen therefore that the Proclamation makes provision to guard against abuse of the powers invested in the African Authority.

Article 2. Recommendations have been made to restrict the calls which may be made on members of tribes, particularly for services of a personal nature. These recommendations are receiving further detailed consideration and will be included in draft legislation which was to be presented to the Legislative Council early in 1962.

Section 30 of the African Administration Proclamation provides that the African Authority shall be guilty of an offence and liable to a fine not exceeding £50 (100 rands),

if it shall be " guilty of any abuse of authority conferred on it by this Proclamation or by any other law or by Tswana custom ".

The application of the above-mentioned legislation and administrative regulations is entrusted to the Government of the Protectorate.

There are no available records of any court of law decisions relating to the application of the Convention.

The question of forced labour does not arise other than in the cases mentioned above. It should be noted that the duties discussed are tribal obligations, which in some ways may be likened to military service which is compulsory in other countries.

As far as the personal services to the chief are concerned, there is today little or no demand for them. They tend in any case to be limited to the ploughing of the chief's lands, the ownership of which is, by Tswana law and custom, vested in the chief and tribe.

The services mentioned in Article 1 (b) above are for the most part included in the term " minor communal services ", which fall outside the scope of this Convention. More important services, such as the making of roads (which would be covered by the terms of the Convention), are without exception in the direct interest of the tribe or community.

Apart from the fact that they do not receive payment, workers engaged on all the services mentioned enjoy the same conditions as free workers. In some cases they are provided with free food.

In recent years there has been an increasing unwillingness, particularly amongst the younger members of tribes, to fulfil the tribal obligations discussed above without pay. The idea of unpaid communal labour is gradually losing its importance, but it should be realised that a sudden removal of this obligation would involve the tribes in considerable social and economic difficulties and expenditure. The legislation now being considered bears this in mind, also ensuring further restriction on the chiefs' rights to use such unpaid communal labour.

British Guiana.

In reply to a general observation by the Committee of Experts the Government indicates that a careful examination of the legislation has revealed that there are no provisions by virtue of which any form of forced or compulsory labour might be imposed for any of the purposes enumerated in the Convention.

British Honduras (First Report).

Labour Ordinance, No. 15, 1959, enacted on 31 December 1959 and made effective by proclamation on 1 August 1960 (*Ordinances of British Honduras, 1959*, pp. 119-179).

Article 1 of the Convention. The provisions of this Article are contained in section 151 (1), (2) and (3) of the Labour Ordinance. Section 151 (1) provides that no person shall impose or permit the imposition of forced labour. Paragraph 2 of section 151 provides that notwithstanding anything contained in paragraphs (b) and (c) of the proviso to section 150 of the ordinance, no person shall impose or permit the imposition of forced or compulsory labour in any of the cases listed under Article 1 of the Convention. Section 151 (3) provides that any person who imposes or permits the imposition of forced labour shall be guilty of an offence against the ordinance.

Article 2. Section 181 of the ordinance provides for penalties of fine or imprisonment in case of infractions.

The supervision and enforcement of the above provisions are carried out by the Labour Department, whose officers during the course of inspection of places of employment ensure that the requirements of the law are observed by employers.

There have been no practical difficulties regarding the application of the Convention.

No observations regarding it have been received from employers' and workers' organisations.

Brunei.

In reply to the request made in 1961 by the Committee of Experts the Government supplies the following information.

Until 1959 there had been no spontaneous movement to form labour unions within Brunei. Nevertheless, in order to give the workers the right to form trade unions of their choice draft trade union laws have been prepared and submitted to the Executive Council for consideration. At present, therefore, in the absence of appropriate legislation, participation in a strike by a worker would constitute conspiracy for acts in restraint of trade or breach of contract, for which the maximum penalty would be six months' imprisonment.

In addition the Government supplies information on the practical application of legislation, as requested by the Committee of Experts.

Dominica (First Report).

There is no legislation or administrative practice permitting the use of any form of forced or compulsory labour for the purposes enumerated in the Convention.

The legal remedy for the illegal exaction of forced or compulsory labour would be a prosecution or civil action for assault, battery, false imprisonment, etc.

Falkland Islands.

No legislative provision exists by virtue of which any form of forced or compulsory labour may be imposed for any of the purposes enumerated in the Convention.

Fiji (First Report).

Labour Ordinance (Cap. 92) (Part VII, sections 56 and 57).
Fijian Affairs Regulations 5, 6 and 13.

Under paragraph 16 of Fijian Affairs Regulation No. 5 and under paragraph 2 of Fijian Affairs Regulation No. 6, *tikina* councils may provide for the mobilising and using of Fijian labour for certain purposes of economic development, such as planting for profit or the making of unproclaimed roads for the common benefit and welfare of inhabitants. The fundamental reason for communal labour has been and will remain to ensure adequate subsistence crops for Fijians. A *roko* or chief might exercise this power under Fijian Regulation No. 13 and demand the personal services of his people for specific purposes, but this regulation has now been rescinded, and chiefs no longer have such powers.

Any person who exacts, procures or employs forced or compulsory labour is guilty of an offence under section 57 of the Labour Ordinance, and is liable on conviction to a fine of £50. The definition of forced labour excludes the services referred to above.

The revision of the regulations in question is closely connected with the whole future of the Fijian administration. Regulation No. 13 has already been repealed. Consideration will be given to the proposed amendments to Regulations Nos. 5 and 6 when the Provincial Council meets between the months of September and November.

Gambia.

In reply to the direct request made in 1961 by the Committee of Experts the Government supplies the following information.

It is no longer possible to exact compulsory labour under the District Authority Ordinance, though persons offending against orders of the District Authorities might suffer imprisonment with hard labour. The ordinance applies to persons of "African race" for the reason that the Authorities' powers relate to the indigenous population residing in the areas under their jurisdiction; no racial discrimination is intended, nor in the circumstances of this territory could it arise under the ordinance.

Should an infringement of a District Authority order be also an offence under the Criminal Code or any other ordinance, it is not possible for the offender to be punished twice for the same offence, as this is strictly prohibited by section 17 of the Criminal Code.

In addition the Government supplies information on the practical application of legislation, as requested by the Committee of Experts.

Grenada (First Report).

There is no legislation or administrative practice permitting the use of any form of forced or compulsory labour for the purposes enumerated in the Convention.

The legal remedy for the illegal exaction of forced or compulsory labour would be a prosecution or civil action for assault, battery, false imprisonment, etc.

Hong Kong.

Compulsory Service Ordinance, 1951.

Compulsory Service (Amendment) Ordinance, 1961.

Illegal Strikes and Lockouts Ordinance (Cap. 61).

Societies Ordinance (Cap. 151).

Prison Rules, 1954.

In reply to the general observation and direct request made by the Committee of Experts the Government supplies the following information.

Careful examination has been made of all laws and regulations to ensure that there are no provisions by virtue of which any form of forced or compulsory labour may be imposed for any of the purposes enumerated in the Convention.

The Compulsory Service Ordinance, 1951, provides that men and women up to the age of 60 are liable to be allocated to the essential services corps and to undertake training. In the event of an emergency the corps would be responsible for ensuring certain specified services (listed in the Government's report). Following the amendment to the ordinance in 1961 the Governor in Council suspended the ordinance with effect from 5 August 1961, and service became no longer compulsory.

Although industrial expansion and a high level of building activity have kept a large number of persons employed, there is evidence that a large surplus of unskilled labour exists in the urban area, which is underemployed and hence ready to offer services voluntarily. In these circumstances measures to ensure that no use is made of any form of forced or compulsory labour for purposes of economic development are considered unnecessary.

No conviction has yet been recorded for an offence under the Illegal Strikes and Lockouts Ordinance, but in the event of a sentence of imprisonment being imposed for any breach of this ordinance due regard would be paid to Article 1 (d) of the Convention. The question of providing adequate legal safeguards to give effect to this undertaking is now being considered.

The report contains information regarding societies which were refused registration under the Societies Ordinance, the dissolution of one society, the persons convicted of offences under the ordinance, etc.

There were no cases of sedition during the period under review.

The conditions subject to which prisoners should be employed in work of a public nature (mentioned in the Government's last report) were agreed by the Governor in Council when approval to employ prisoners on a specific project was sought under Rule 45 of the Prison Rules, 1954.

Kenya (First Report).

Penal Code, 1930 (*Laws of Kenya*, Cap. 24).

Compulsory National Service Ordinance, No. 19, 1951.

Native Authority Ordinance (Cap. 97), as amended by Ordinance No. 43 of 1952.

African District Councils Ordinance, No. 12, 1950 (revised edition, 1959).

African District Councils (Minor Communal Services) By-Laws.

Preservation of Public Security Ordinance, No. 2, 1960.

Article 1 of the Convention. Exaction of the various forms of forced or compulsory labour specified in this Article is, in general, both unlawful and effectively suppressed in Kenya. The exceptions still permitted by the legislation relate to (1) certain limited communal services which may be considered to involve "mobilising and using labour for purposes of economic development", and (2) the power reserved to the Governor to require persons to do work and render service in the event of an emergency which is of exceptional gravity but which does not warrant the conscription of persons for compulsory "national service" of a civil character.

In the case of exception (1) above, section 36 (1) of the African District Councils Ordinance empowers African district councils to make by-laws (subject to approval thereof by the Minister, under section 40 (1)) requiring compulsory labour on minor communal services (specified in the by-laws) of a kind which, being performed by the members of the community in the direct interest of such community, can be considered as normal civic obligations incumbent on the members of the community. The by-laws so made do, to a limited extent, specify minor communal services which connote economic development, such as construction of local roads, tracks, bridges, dams or irrigation works, improvement of pasture or bush clearing. The compulsory labour required by these African local authorities affects able-bodied adult male Africans between 18 and 45 years of age who are not specifically exempted on account of their having other employment. Not more than 24 days' compulsory labour may be required of any individual in any one year.

In the case of exception (2) above, section 4 (2) of the Preservation of Public Security Ordinance empowers the Governor to make regulations requiring persons to do work and render services. While this provision leaves the character of the work or services to the discretion of the Governor, the ordinance permits these special powers to be invoked only as an exceptional measure for the preservation of public security and to such extent as is strictly required by the exigencies of the situation in the country. Before making use of these powers, the Governor has to be satisfied that the situation is so grave that other security measures permitted by the ordinance are inadequate.

There has not yet been occasion to resort to the provisions of section 4 of the Preservation of Public Security Ordinance.

The other forms of work or service which may be exacted from any person under the menace of any penalty, and for which the said person has not offered himself voluntarily, are as follows: (1) Compulsory national service under the Compulsory National Service Ordinance may also include service of a civil character, in an essential undertaking, by declaration of the Governor in Council of Ministers.

Section 4 of the ordinance renders persons liable to national service in such essential undertakings pending, or in lieu of, conscription into the military or civil defence forces. (2) Compulsory work may be required by African "official" chiefs who are appointed by the Governor under section 4 of the Native Authority Ordinance. Section 10 B of the ordinance empowers the Governor, where he considers that it is necessary for any work or service in connection with the conservation of natural resources to be done or rendered, to authorise any chief by proclamation to issue orders accordingly to Africans within his jurisdiction; but the section stipulates that the Governor must be satisfied that the members of the community concerned, or their representatives, have been consulted in regard to the need for the work or service to be done or performed and that the same conditions as laid down for the exaction of compulsory labour in Article 9 of Convention No. 29 are fulfilled. Sections 10 C and 10 D require, further, that the workers shall be paid at not less than the prevailing rates, that no individual shall be required to work for more than 60 days in any one period of 12 months, that certificates of service shall be furnished to individuals, and that persons aged less than 18 years or more than 45 years or in other employment shall be exempt. Section 10 A of the ordinance empowers a provincial commissioner—where he considers it necessary for any work or service to be done or rendered in connection with an emergency or arising from circumstances which would endanger the existence of the whole or any part of the population—to authorise in writing any chief to issue orders accordingly to Africans within his jurisdiction. The section stipulates, further, that the provincial commissioner shall provide food, housing and transport for the workers, where necessary, and also remuneration. Section 15 of the Native Authority Ordinance deals with famine relief measures and empowers the provincial administration to direct chiefs to require, *inter alia*, the performance of labour by Africans on any public works, irrigation works, relief works, or in any other employment approved by the Governor and for such period as the Governor may decide. The compulsory labour which may be exacted under the Native Authority Ordinance affects only able-bodied adult males, and is also subject to such further limits and exemptions as have been indicated above.

Article 2. Subject to the exceptions indicated above in relation to the forms of forced or compulsory labour specified in Article 1, effective measures are in operation to prevent any exaction of such labour by any public official or body, or by any private individual or association—see sections 98, 101, 102 and 261 of the Penal Code.

Moreover, section 11 (2) of the Native Authority Ordinance enables the provincial administration to direct a chief to cancel an order made by him or to refrain from enforcing it, while section 14 makes it an offence for a chief to neglect so to cancel an order or so refrain from enforcing it. See also sections 17 (3) and 21 of the African District Councils Ordinance.

Modifications in national law and practice have not as yet been made in Kenya with a view specifically to giving effect to any of the provisions of this Convention. The current legislation and practice has regard to Convention No. 29 and to Recommendations Nos. 35 and 36. The difficulties which may prevent or delay full application of the Convention in Kenya arise from the exceptions indicated above in relation to Article 1. At the present juncture in Kenya's constitutional development it is impossible to say when there are likely to be further measures to give effect to those provisions of this Convention which are not yet covered by national legislation and practice.

Isle of Man (First Report).

There is in the Isle of Man no forced or compulsory labour as specified in this Convention. The liberties and rights of the subject are adequately protected by the

common law and by statute and, in general, the law as regards forced or compulsory labour and contracts of service is the same as in the United Kingdom.

Mauritius.

An ordinance which is at present at the draft stage will contain a provision to prohibit explicitly and without exception the exaction of forced labour.

North Borneo.

Local Government Bill, 1961.

In reply to the request made by the Committee of Experts in 1961 the Government provides the following information.

Out of approximately 65,000 acres of rice land in the colony, over 60,000 acres are farmed by natives. Rice cultivation is predominantly a native industry organised on a village basis. The nature of the crop and of the traditional methods of cultivation are such as to require careful organisation and co-operation among the planters in such matters as irrigation and measures to combat pests if the production of the village as a whole is not to suffer. The annual processes of planting and harvesting are an essential part of the traditional way of life of the native villages in the areas affected by the Native Rice Cultivation Ordinance, and are very much bound up with customary practices of a socio-religious nature. For these reasons it has been found necessary in the interest of social harmony and community development in the areas concerned to enforce the punctual observance of the various stages of planting by providing in the Native Rice Cultivation Ordinance for these matters to be controlled by the chiefs or native authorities concerned and for failure to comply with their orders to be punishable by fines on conviction by the native courts, in the same way as breaches of native law and custom. The same considerations do not apply to the Chinese, who cultivate rice on a much smaller scale and on an individual rather than a communal basis. However, clause 108 (2) (d) of the Local Government Bill, which has recently been passed by the Legislative Council, provides that where local authorities established under the ordinance are given the power to control the methods of husbandry in respect of any agricultural land under clause 49 (1) (4), the Native Rice Cultivation Ordinance shall cease to have effect in the local authority area. The Native Rice Cultivation Ordinance will therefore tend to die out as local government authorities are established throughout North Borneo.

The penalties under sections 5 and 7 of the Native Courts Ordinance may be applied in place of those provided for under the Penal Code. No person can be punished twice for the same offence under the common law doctrine of *autrefois convict*, which applies in North Borneo under the Application of Laws Ordinance.

In addition the Government supplies information on the practical application of legislation, as requested by the Committee of Experts.

St. Vincent (First Report).

No legislation has been enacted to give effect to the Convention since forced or compulsory labour does not exist in St. Vincent in any form.

Seychelles (First Report).

Forced or compulsory labour is not practised in the Seychelles. There is no legislation to enforce the provisions of the Convention, and the need for such legislation does not arise.

Singapore.

There is no provision in any of the laws and regulations by virtue of which any form of forced or compulsory labour could be imposed for any of the purposes enumerated in the Convention.

Solomon Islands.

A careful examination of the legislation has revealed that there are no provisions by virtue of which any form of forced or compulsory labour may be imposed except that covered by the declaration of application of the Convention with modification.

Swaziland.

See under Convention No. 29.

Uganda (First Report).

African Authority Ordinance (*Laws of Uganda*, 1951, Vol. II, Cap. 72) (sections 7B (8), (9), 10, 11 and 12) (by circular memorandum LG.C 1331 dated 29 September 1960 directions were given by the Government that the powers under section 7 B (8) "should never be invoked"). District Administration (District Councils) Ordinance, No. 1, 1955 (*By-Laws*, Part VII, section 36 (1)).

Article 1 of the Convention. Forced or compulsory labour may not be exacted for any of the purposes mentioned in Article 1, paragraphs (a), (c), (d) and (e), of the Convention.

Provision for the exaction of compulsory labour for certain economic purposes exists in the African Authority Ordinance, section 7, paragraph B (9). These provisions are, however, never applied now. In September 1960 the Legislative Council resolved that paragraph B (8) of section 7 of this ordinance, which had already become a dead letter, should be repealed, and administrative instructions were accordingly given that it should never be invoked.

Article 2. Penal provisions and sanctions applicable in cases of illegal exaction of forced or compulsory labour are as follows. (1) Public officials: the African Authority Ordinance provides that where any order has been wrongly given by a chief, an administrative officer may direct that it be cancelled, and any conviction arising from the order may be quashed and any fine refunded. If any chief fails so to cancel such an order when directed, or wrongly attempts to enforce it, he is liable on conviction to a fine or to imprisonment for not more than six months. (2) Private individuals: section 243 of the Penal Code provides that any person who unlawfully compels any person to labour against the will of that person is guilty of a misdemeanour.

The exaction of forced labour, either unpaid or paid, by the Government is no longer practised. Although legal provision still exists it is a dead letter.

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The following report supplies information on the practical effect given to the Convention:

United Kingdom (Hong Kong).

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

Denmark (Faroe Islands, Greenland), *United Kingdom* (Aden, Antigua, Bahamas, Bermuda, British Virgin Islands, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, St. Helena, St. Lucia, Sarawak, Trinidad and Tobago, Zanzibar).

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Denmark. Ratification: 17 January 1958.
Applicable without modification:

Faroe Islands: 2 June 1958.
Greenland: 17 January 1958.

DENMARK

Faroe Islands (First Report).

Act No. 442 of 21 November 1923 respecting closing hours in shops, etc.

Act No. 16 of 13 April 1955 to amend Act No. 442 and introduce a weekend arrangement for employees in commerce and offices.

The above-mentioned provisions relate to commerce and offices.

Article 3, paragraph 1 (a), of the Convention. The provisions of the Convention are fully complied with as regards establishments, institutions and administrative services providing personal services.

Paragraph 1 (b). As regards post and telecommunication services, the post services do not fall within the self-governing powers of the local authorities; the rules at present in force are more favourable than those laid down in the Convention. The Convention is also applied to persons employed in the telecommunication services; temporary exceptions are authorised, but full compensation for the loss of rest is granted in all cases.

Paragraph 1 (c). Persons employed in newspaper undertakings are fully covered; the local newspapers appear only twice a week, and none are published on Sundays or Mondays.

Paragraph 1 (d). The only establishments covered are cinemas; only one performance is given per day, cinemas are open every day, and the same personnel is employed for all the performances.

Greenland (First Report).

The provisions of the Convention are applied by means of collective agreements between workers' trade unions in Greenland and the State, which establish normal working hours of eight per day for six days per week.
